AN ACT CONCERNING THE CHARTER SCHOOL APPROVAL PROCESS.

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

Section 1. Section 10-66bb of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

(a) (1) On and after July 1, [1997, and prior to July 1, 2015] 2023, the State Board of Education may grant charters for local and state charter schools in accordance with this section. [On and after July 1, 2015, such state board may grant initial certificates of approval for charters for local and state charter schools in accordance with this section. Upon granting an initial certificate of approval for a charter, such state board shall submit a copy of the initial certificate of approval for the charter and a summary of the comments made at a public hearing conducted pursuant to subdivision (2) of subsection (e) of this section or subparagraph (B)(ii) of subdivision (1) of subsection (f) of this section, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to education and appropriations and the budgets of state agencies.]
(2) The General Assembly may appropriate funds to the [Department of Education] for the purposes of providing grants to local and state charter schools, pursuant to section 10-66ee. If such funds are appropriated, an initial certificate of approval for a charter for a local or state charter school shall be effective and deemed a charter as of July first of the first fiscal year for which such funds are appropriated] charter school approval grant account, pursuant to section 3 of this act, for the purposes of providing the initial funding for a local or state charter school that has been granted a new charter. The Commissioner of Education shall expend, in accordance with the provisions of section 10-66ee, as amended by this act, the funds appropriated to such account in the fiscal year immediately following the fiscal year in which such charter was granted.

(3) A charter [or initial certificate of approval for a charter] granted under this section shall not be considered a license, as defined in section 4-166, for the purposes of chapter 54.

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

(c) On and after July 1, [2015] 2023, the State Board of Education shall review, annually, all applications and grant [initial certificates of approval for] charters, in accordance with subsections (e) and (f) of this section, for a local or state charter school located in a town that has one or more schools that have been designated as a commissioner's network
school, pursuant to section 10-223h, at the time of such application, or a town that has been designated as a low achieving school district, pursuant to section 10-223e, at the time of such application. (1) Except as provided for in subdivision (2) of this subsection, no state charter school shall enroll (A) (i) more than two hundred fifty students, or (ii) in the case of a kindergarten to grade eight, inclusive, school, more than three hundred students, or (B) twenty-five per cent of the enrollment of the school district in which the state charter school is to be located, whichever is less. (2) In the case of a state charter school found by the State Board of Education to have a demonstrated record of achievement, said board shall, upon application by such school to said board, waive the provisions of subdivision (1) of this subsection for such school. (3) The State Board of Education shall give preference to applicants for charter schools (A) whose primary purpose is the establishment of education programs designed to serve one or more of the following student populations: (i) Students with a history of low academic performance, (ii) students who receive free or reduced priced lunches pursuant to federal law and regulations, (iii) students with a history of behavioral and social difficulties, (iv) students identified as requiring special education, (v) students who are English language learners, or (vi) students of a single gender; (B) whose primary purpose is to improve the academic performance of an existing school that has consistently demonstrated substandard academic performance, as determined by the Commissioner of Education; (C) that will serve students who reside in a priority school district pursuant to section 10-266p; (D) that will serve students who reside in a district in which seventy-five per cent or more of the enrolled students are members of racial or ethnic minorities; (E) that demonstrate highly credible and specific strategies to attract, enroll and retain students from among the populations described in subparagraph (A)(i) to (A)(vi), inclusive, of this subdivision; or (F) that, in the case of an applicant for a state charter school, such state charter school will be located at a work-site or such applicant is an institution of higher education. In determining whether to grant [an initial certificate of approval for] a charter, the State Board of Education shall consider (i) the effect of the proposed charter school
on (I) the reduction of racial, ethnic and economic isolation in the region in which it is to be located, (II) the regional distribution of charter schools in the state, (III) the potential of over-concentration of charter schools within a school district or in contiguous school districts, and (IV) the state's efforts to close achievement gaps, as defined in section 10-1600, and (ii) the comments made at a public hearing conducted pursuant to subdivision (2) of subsection (e) of this section or subparagraph (B)(ii) of subdivision (1) of subsection (f) of this section.

(d) Applications pursuant to this section shall include a description of: (1) The mission, purpose and any specialized focus of the proposed charter school; (2) the interest in the community for the establishment of the charter school; (3) the school governance and procedures for the establishment of a governing council that (A) includes (i) teachers and parents and guardians of students enrolled in the school, and (ii) the chairperson of the local or regional board of education of the town in which the charter school is located and which has jurisdiction over a school that resembles the approximate grade configuration of the charter school, or the designee of such chairperson, provided such designee is a member of the board of education or the superintendent of schools for the school district, or the superintendent's designee, and (B) is responsible for the oversight of charter school operations, provided no member or employee of the governing council may have a personal or financial interest in the assets, real or personal, of the school; (4) the financial plan for operation of the school, provided no application fees or other fees for attendance, except as provided in this section, may be charged; (5) the educational program, instructional methodology and services to be offered to students; (6) the number and qualifications of teachers and administrators to be employed in the school; (7) the organization of the school in terms of the ages or grades to be taught and the total estimated enrollment of the school; (8) the student admission criteria and procedures to (A) ensure effective public information, (B) ensure open access on a space available basis, including the enrollment of students during the school year if spaces become available in the charter school, (C) promote a diverse student body, and
(D) ensure that the school complies with the provisions of section 10-15c and that it does not discriminate on the basis of disability, athletic performance or proficiency in the English language, provided the school may limit enrollment to a particular grade level or specialized educational focus and, if there is not space available for all students seeking enrollment, the school may give preference to siblings but shall otherwise determine enrollment by a lottery, except the State Board of Education may waive the requirements for such enrollment lottery pursuant to subsection (j) of this section; (9) a means to assess student performance that includes participation in mastery examinations, pursuant to section 10-14n; (10) procedures for teacher evaluation and professional development for teachers and administrators; (11) the provision of school facilities, pupil transportation and student health and welfare services; (12) procedures to encourage involvement by parents and guardians of enrolled students in student learning, school activities and school decision-making; (13) procedures to document efforts to increase the racial and ethnic diversity of staff; (14) a five-year plan to sustain the maintenance and operation of the school; (15) a student recruitment and retention plan that shall include, but not be limited to, a clear description of a plan and the capacity of the school to attract, enroll and retain students from among the populations described in subparagraph (A)(i) to (A)(v), inclusive, of subdivision (3) of subsection (c) of this section; (16) a plan to share student learning practices and experiences with the local or regional board of education of the town in which the proposed charter school is to be located; and (17) in the case of an application in which the governing council of the proposed charter school intends to contract with a charter management organization for whole school management services: (A) Evidence of the charter management organization's ability to (i) serve student populations that are similar to the student population that will be served by the proposed charter school, (ii) create strong academic outcomes for students, and (iii) successfully manage nonacademic school functions, (B) a term sheet that sets forth (i) the length of the contract for whole school management services, (ii) the roles and responsibilities of the governing council of the proposed charter school, the staff of the
proposed charter school and the charter management organization, (iii) the scope of services and resources to be provided by the charter management organization, (iv) the performance evaluation measures and timelines, (v) the compensation structure, including a clear identification of all fees to be paid to the charter management organization, (vi) the methods of contract oversight and enforcement, and (vii) the conditions for renewal and termination of the contract, and (C) evidence of compliance with the provisions of section 10-66tt.

Subject to the provisions of subsection (b) of section 10-66dd, an application may include, or a charter school may file, requests to waive provisions of the general statutes and regulations not required under sections 10-66aa to 10-66nn, inclusive, and which are within the jurisdiction of the State Board of Education.

(e) An application for the establishment of a local charter school shall be submitted to the local or regional board of education of the school district in which the local charter school is to be located for approval pursuant to this subsection. The local or regional board of education shall: (1) Review the application; (2) hold a public hearing in the school district on such application; (3) survey teachers and parents in the school district to determine if there is sufficient interest in the establishment and operation of the local charter school; and (4) vote on a complete application not later than seventy-five days after the date of receipt of such application. Such board of education may approve the application by a majority vote of the members of the board present and voting at a regular or special meeting of the board called for such purpose. If the application is approved, the board shall forward the application to the State Board of Education. The State Board of Education shall vote on the application not later than sixty days after the date of receipt of such application. Subject to the provisions of subsection (c) of this section, the State Board of Education may approve the application and grant [the initial certificate of approval for the] a charter for the local charter school or reject such application by a majority vote of the members of the state board present and voting at a regular or special meeting of the state board called for such purpose. The State Board of Education may
condition [granting the initial certificate of approval for the charter for the local charter school on the applicant] the opening of such school on the school’s meeting certain conditions determined by the Commissioner of Education to be necessary and may authorize the commissioner to release [the initial certificate of approval for] the charter when the commissioner determines such conditions are met. [After an initial certificate of approval for a charter for a local charter school is deemed a charter pursuant to subdivision (2) of subsection (a) of this section, such charter may be valid] The state board may grant the charter for the local charter school for a period of time of up to five years. The state board may allow the applicant to delay its opening for a period of up to one school year in order for the applicant to fully prepare to provide appropriate instructional services. On and after July 1, [2015, any initial certificate of approval for a] 2023, a charter granted by the state board to a local charter school shall include academic and organizational performance goals, developed by the state board, that set forth the performance indicators, measures and metrics that will be used by the state board to evaluate the local charter school.

(f) (1) Except as otherwise provided in subdivision (2) of this subsection, an application for the establishment of a state charter school shall be (A) submitted to the State Board of Education for approval in accordance with the provisions of this subsection, and (B) filed with the local or regional board of education in the school district in which the charter school is to be located. The state board shall: (i) Review such application; (ii) hold a public hearing on such application in the school district in which such state charter school is to be located; (iii) solicit and review comments on the application from the local or regional board of education for the school district in which such charter school is to be located and from the local or regional boards of education for school districts that are contiguous to the district in which such school is to be located; and (iv) vote on a complete application not later than ninety days after the date of receipt of such application. The State Board of Education may approve an application and grant [the initial certificate of approval for] the charter for the state charter school by a majority vote
of the members of the state board present and voting at a regular or
special meeting of the state board called for such purpose. The State
Board of Education may condition [granting the initial certificate of
approval for the charter for the state charter school on the applicant] the
opening of such school on the school's meeting certain conditions
determined by the Commissioner of Education to be necessary and may
authorize the commissioner to release [the initial certificate of approval
for] the charter when the commissioner determines such conditions are
met. [After an initial certificate of approval for a charter for a state
charter school is deemed a charter pursuant to subdivision (2) of
subsection (a) of this section, such charter may be valid] Charters shall
be granted for a period of time of up to five years. The state board may
allow the applicant to delay its opening for a period of up to one school
year in order for the applicant to fully prepare to provide appropriate
instructional services. On and after July 1, 2015, any initial certificate of
approval for a] 2023, a charter granted by the state board to a state
charter school shall include academic and organizational performance
goals, developed by the state board, that set forth the performance
indicators, measures and metrics that will be used by the state board to
evaluate the state charter school.

(2) [On and after July 1, 2012, and before July 1, 2015, the State Board
of Education shall not approve more than four applications for the
establishment of new state charter schools unless two of the four such
applications are for the establishment of two new state charter schools
whose mission, purpose and specialized focus is to provide dual
language programs or other models focusing on language acquisition
for English language learners. Approval of applications under this
subdivision shall be in accordance with the provisions of this section.] For the fiscal year ending June 30, 2024, and each fiscal year thereafter,
the State Board of Education shall not approve more than two
applications for the establishment of a new state charter school in any
fiscal year.

(g) Charters may be renewed, upon application, in accordance with
the provisions of this section for the granting of such charters. Upon
application for such renewal, the State Board of Education may
commission an independent appraisal of the performance of the charter
school that includes, but is not limited to, an evaluation of the school’s
compliance with the provisions of this section and, on and after July 1,
2015, progress in meeting the academic and organizational performance
goals set forth in the charter granted to the charter school. The State
Board of Education shall consider the results of any such appraisal in
determining whether to renew such charter. The State Board of
Education may deny an application for the renewal of a charter if (1)
student progress has not been sufficiently demonstrated, as determined
by the commissioner, (2) the governing council has not been sufficiently
responsible for the operation of the school or has misused or spent
public funds in a manner that is detrimental to the educational interests
of the students attending the charter school, (3) the school has not been
in compliance with the terms of the charter, applicable laws and
regulations, (4) the efforts of the school have been insufficient to
effectively attract, enroll and retain students from among the following
populations: (A) Students with a history of low academic performance,
(B) students who receive free or reduced priced lunches pursuant to
federal law and regulations, (C) students with a history of behavioral
and social difficulties, (D) students identified as requiring special
education, or (E) students who are English language learners, or (5) the
governing council of the state or local charter school has not provided
evidence that such council has initiated substantive communication
with the local or regional board of education of the town in which the
state or local charter school is located to share student learning practices
and experiences. If the State Board of Education does not renew a
charter, it shall notify the governing council of the charter school of the
reasons for such nonrenewal. On and after July 1, 2015, any charter
renewed by the State Board of Education shall include academic and
organizational performance goals, developed by the state board, that set
forth the performance indicators, measures and metrics that will be used
by the state board to evaluate the charter school.

(h) The Commissioner of Education may at any time place a charter
school on probation if (1) the school has failed to (A) adequately
demonstrate student progress, as determined by the commissioner, (B)
comply with the terms of its charter or with applicable laws and
regulations, (C) achieve measurable progress in reducing racial, ethnic
and economic isolation, or (D) maintain its nonsectarian status, or (2) the
governing council has demonstrated an inability to provide effective
leadership to oversee the operation of the charter school or has not
ensured that public funds are expended prudently or in a manner
required by law. If a charter school is placed on probation, the
commissioner shall provide written notice to the charter school of the
reasons for such placement, not later than five days after the placement,
and shall require the charter school to file with the Department of
Education a corrective action plan acceptable to the commissioner not
later than thirty-five days from the date of such placement. The charter
school shall implement a corrective action plan accepted by the
commissioner not later than thirty days after the date of such
acceptance. The commissioner may impose any additional terms of
probation on the school that the commissioner deems necessary to
protect the educational or financial interests of the state. The charter
school shall comply with any such additional terms not later than thirty
days after the date of their imposition. The commissioner shall
determine the length of time of the probationary period, which may be
up to one year, provided the commissioner may extend such period, for
up to one additional year, if the commissioner deems it necessary. In the
event that the charter school does not file or implement the corrective
action plan within the required time period or does not comply with any
additional terms within the required time period, the Commissioner of
Education may withhold grant funds from the school until the plan is
fully implemented or the school complies with the terms of probation,
provided the commissioner may extend the time period for such
implementation and compliance for good cause shown. Whenever a
charter school is placed on probation, the commissioner shall notify the
parents or guardians of students attending the school of the
probationary status of the school and the reasons for such status. During
the term of probation, the commissioner may require the school to file
interim reports concerning any matter the commissioner deems relevant to the probationary status of the school, including financial reports or statements. No charter school on probation may increase its student enrollment or engage in the recruitment of new students without the consent of the commissioner.

(i) The State Board of Education may revoke a charter if a charter school has failed to: (1) Comply with the terms of probation, including the failure to file or implement a corrective action plan; (2) demonstrate satisfactory student progress, as determined by the commissioner; (3) comply with the terms of its charter or applicable laws and regulations; or (4) manage its public funds in a prudent or legal manner. Unless an emergency exists, prior to revoking a charter, the State Board of Education shall provide the governing council of the charter school with a written notice of the reasons for the revocation, including the identification of specific incidents of noncompliance with the law, regulation or charter or other matters warranting revocation of the charter. The State Board of Education shall also provide the governing council with the opportunity to demonstrate compliance with all requirements for the retention of its charter by providing the State Board of Education or a subcommittee of the board, as determined by the State Board of Education, with a written or oral presentation. Such presentation shall include an opportunity for the governing council to present documentary and testimonial evidence to refute the facts cited by the State Board of Education for the proposed revocation or in justification of its activities. Such opportunity shall not constitute a contested case within the meaning of chapter 54. The State Board of Education shall determine, not later than thirty days after the date of an oral presentation or receipt of a written presentation, whether and when the charter shall be revoked and notify the governing council of the decision and the reasons therefor. A decision to revoke a charter shall not constitute a final decision for purposes of chapter 54. In the event an emergency exists in which the commissioner finds that there is imminent harm to the students attending a charter school, the State Board of Education may immediately revoke the charter of the school,
provided the notice concerning the reasons for the revocation is sent to the governing council not later than ten days after the date of revocation and the governing council is provided an opportunity to make a presentation to the board not later than twenty days from the date of such notice.

(j) (1) The governing council of a state or local charter school may apply to the State Board of Education for a waiver of the requirements of the enrollment lottery described in subdivision (8) of subsection (d) of this section, provided such state or local charter school has as its primary purpose the establishment of education programs designed to serve one or more of the following populations: (A) Students with a history of behavioral and social difficulties, (B) students identified as requiring special education, (C) students who are English language learners, or (D) students of a single gender.

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

Sec. 2. Section 10-66rr of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

On and after July 1, 2015, the State Board of Education shall require members of the governing council of a state or local charter school and members of a charter management organization to submit to a records check of the Department of Children and Families child abuse and neglect registry, established pursuant to section 17a-101k, and to state and national criminal history records checks before the state board grants [initial certificates of approval for] charters pursuant to section 10-66bb, as amended by this act, or before such members may be hired by the governing council of a state or local charter school or charter management organization. The governing council of a state or local charter school shall require each contractor doing business with a state
or local charter school, who performs a service involving direct student
contact, to submit to a records check of the Department of Children and
Families child abuse and neglect registry, established pursuant to
section 17a-101k, and to state and national criminal history records
checks before such contractor begins to perform such service.

Sec. 3. (NEW) (Effective July 1, 2023) There is established an account
to be known as the charter school approval grant account which shall be
a separate, nonlapsing account within the General Fund. The account
shall contain any moneys required by law to be deposited in the account.
Moneys in the account shall be expended by the Commissioner of
Education, in accordance with the provisions of section 10-66ee of the
general statutes, as amended by this act, for the purpose of providing
the initial funding for a local or state charter school that has been
granted a new charter pursuant to section 10-66bb of the general
statutes, as amended by this act, in the fiscal year immediately following
the fiscal year in which such charter was granted.

Sec. 4. Section 10-66ee of the general statutes is amended by adding
subsection (o) as follows (Effective July 1, 2023):

(NEW) (o) Any unexpended funds appropriated for purposes of this
section shall not lapse at the end of the fiscal year but shall be deposited
in the charter school approval grant account, established pursuant to
section 3 of this act, and shall be available for expenditure during the
next fiscal year in accordance with the provisions of said section.

This act shall take effect as follows and shall amend the following
sections:

| Section 1 | July 1, 2023 | 10-66bb |
| Sec. 2 | July 1, 2023 | 10-66rr |
| Sec. 3 | July 1, 2023 | New section |
| Sec. 4 | July 1, 2023 | 10-66ee(o) |

**Statement of Purpose:**
To eliminate the process of the State Board of Education issuing an
initial certificate of approval for a new charter school and to establish a
charter school approval grant account for the purpose of funding new 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.]