



General Assembly

Substitute Bill No. 7245

January Session, 2019



AN ACT CONCERNING ADVANCE ENROLLMENT OF STUDENTS IN CHARTER SCHOOLS AND INTERDISTRICT MAGNET SCHOOLS BY MEMBERS OF THE ARMED FORCES.

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

1 Section 1. Section 10-66bb of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) (1) On and after July 1, 1997, and prior to July 1, 2015, the State
4 Board of Education may grant charters for local and state charter
5 schools in accordance with this section. On and after July 1, 2015, such
6 state board may grant initial certificates of approval for charters for
7 local and state charter schools in accordance with this section. Upon
8 granting an initial certificate of approval for a charter, such state board
9 shall submit a copy of the initial certificate of approval for the charter
10 and a summary of the comments made at a public hearing conducted
11 pursuant to subdivision (2) of subsection (e) of this section or
12 subparagraph (B)(ii) of subdivision (1) of subsection (f) of this section,
13 in accordance with section 11-4a, to the joint standing committees of
14 the General Assembly having cognizance of matters relating to
15 education and appropriations and the budgets of state agencies.

16 (2) The General Assembly may appropriate funds to the Department
17 of Education for the purposes of providing grants to local and state
18 charter schools, pursuant to section 10-66ee. If such funds are

19 appropriated, an initial certificate of approval for a charter for a local
20 or state charter school shall be effective and deemed a charter as of July
21 first of the first fiscal year for which such funds are appropriated.

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

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

37 (c) On and after July 1, 2015, the State Board of Education shall
38 review, annually, all applications and grant initial certificates of
39 approval for charters, in accordance with subsections (e) and (f) of this
40 section, for a local or state charter school located in a town that has one
41 or more schools that have been designated as a commissioner's
42 network school, pursuant to section 10-223h, at the time of such
43 application, or a town that has been designated as a low achieving
44 school district, pursuant to section 10-223e, at the time of such
45 application. (1) Except as provided for in subdivision (2) of this
46 subsection, no state charter school shall enroll (A) (i) more than two
47 hundred fifty students, or (ii) in the case of a kindergarten to grade
48 eight, inclusive, school, more than three hundred students, or (B)
49 twenty-five per cent of the enrollment of the school district in which
50 the state charter school is to be located, whichever is less. (2) In the
51 case of a state charter school found by the State Board of Education to

52 have a demonstrated record of achievement, said board shall, upon
53 application by such school to said board, waive the provisions of
54 subdivision (1) of this subsection for such school. (3) The State Board of
55 Education shall give preference to applicants for charter schools (A)
56 whose primary purpose is the establishment of education programs
57 designed to serve one or more of the following student populations: (i)
58 Students with a history of low academic performance, (ii) students
59 who receive free or reduced priced lunches pursuant to federal law
60 and regulations, (iii) students with a history of behavioral and social
61 difficulties, (iv) students identified as requiring special education, (v)
62 students who are English language learners, or (vi) students of a single
63 gender; (B) whose primary purpose is to improve the academic
64 performance of an existing school that has consistently demonstrated
65 substandard academic performance, as determined by the
66 Commissioner of Education; (C) that will serve students who reside in
67 a priority school district pursuant to section 10-266p; (D) that will serve
68 students who reside in a district in which seventy-five per cent or more
69 of the enrolled students are members of racial or ethnic minorities; (E)
70 that demonstrate highly credible and specific strategies to attract,
71 enroll and retain students from among the populations described in
72 subparagraph (A)(i) to (A)(vi), inclusive, of this subdivision; or (F) that,
73 in the case of an applicant for a state charter school, such state charter
74 school will be located at a work-site or such applicant is an institution
75 of higher education. In determining whether to grant an initial
76 certificate of approval for a charter, the State Board of Education shall
77 consider (i) the effect of the proposed charter school on (I) the
78 reduction of racial, ethnic and economic isolation in the region in
79 which it is to be located, (II) the regional distribution of charter schools
80 in the state, (III) the potential of over-concentration of charter schools
81 within a school district or in contiguous school districts, and (IV) the
82 state's efforts to close achievement gaps, as defined in section 10-1600,
83 and (ii) the comments made at a public hearing conducted pursuant to
84 subdivision (2) of subsection (e) of this section or subparagraph (B)(ii)
85 of subdivision (1) of subsection (f) of this section.

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, or the superintendent's designee, and
98 (B) is responsible for the oversight of charter school operations,
99 provided no member or employee of the governing council may have a
100 personal or financial interest in the assets, real or personal, of the
101 school; (4) the financial plan for operation of the school, provided no
102 application fees or other fees for attendance, except as provided in this
103 section, may be charged; (5) the educational program, instructional
104 methodology and services to be offered to students; (6) the number
105 and qualifications of teachers and administrators to be employed in the
106 school; (7) the organization of the school in terms of the ages or grades
107 to be taught and the total estimated enrollment of the school; (8) the
108 student admission criteria and procedures to (A) ensure effective
109 public information, (B) ensure open access on a space available basis,
110 including the enrollment of students during the school year if spaces
111 become available in the charter school, (C) promote a diverse student
112 body, and (D) ensure that the school complies with the provisions of
113 section 10-15c and that it does not discriminate on the basis of
114 disability, athletic performance or proficiency in the English language,
115 provided the school may limit enrollment to a particular grade level or
116 specialized educational focus and, if there is not space available for all
117 students seeking enrollment, the school may give preference to siblings
118 but shall otherwise determine enrollment by a lottery, except the State
119 Board of Education may waive the requirements for such enrollment
120 lottery pursuant to subsection [(j)] (k) of this section; (9) a means to

121 assess student performance that includes participation in mastery
122 examinations, pursuant to section 10-14n; (10) procedures for teacher
123 evaluation and professional development for teachers and
124 administrators; (11) the provision of school facilities, pupil
125 transportation and student health and welfare services; (12)
126 procedures to encourage involvement by parents and guardians of
127 enrolled students in student learning, school activities and school
128 decision-making; (13) procedures to document efforts to increase the
129 racial and ethnic diversity of staff; (14) a five-year plan to sustain the
130 maintenance and operation of the school; (15) a student recruitment
131 and retention plan that shall include, but not be limited to, a clear
132 description of a plan and the capacity of the school to attract, enroll
133 and retain students from among the populations described in
134 subparagraph (A)(i) to (A)(v), inclusive, of subdivision (3) of
135 subsection (c) of this section; (16) a plan to share student learning
136 practices and experiences with the local or regional board of education
137 of the town in which the proposed charter school is to be located; and
138 (17) in the case of an application in which the governing council of the
139 proposed charter school intends to contract with a charter
140 management organization for whole school management services: (A)
141 Evidence of the charter management organization's ability to (i) serve
142 student populations that are similar to the student population that will
143 be served by the proposed charter school, (ii) create strong academic
144 outcomes for students, and (iii) successfully manage nonacademic
145 school functions, (B) a term sheet that sets forth (i) the length of the
146 contract for whole school management services, (ii) the roles and
147 responsibilities of the governing council of the proposed charter
148 school, the staff of the proposed charter school and the charter
149 management organization, (iii) the scope of services and resources to
150 be provided by the charter management organization, (iv) the
151 performance evaluation measures and timelines, (v) the compensation
152 structure, including a clear identification of all fees to be paid to the
153 charter management organization, (vi) the methods of contract
154 oversight and enforcement, and (vii) the conditions for renewal and
155 termination of the contract, and (C) evidence of compliance with the

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

161 (e) An application for the establishment of a local charter school
162 shall be submitted to the local or regional board of education of the
163 school district in which the local charter school is to be located for
164 approval pursuant to this subsection. The local or regional board of
165 education shall: (1) Review the application; (2) hold a public hearing in
166 the school district on such application; (3) survey teachers and parents
167 in the school district to determine if there is sufficient interest in the
168 establishment and operation of the local charter school; and (4) vote on
169 a complete application not later than seventy-five days after the date of
170 receipt of such application. Such board of education may approve the
171 application by a majority vote of the members of the board present and
172 voting at a regular or special meeting of the board called for such
173 purpose. If the application is approved, the board shall forward the
174 application to the State Board of Education. The State Board of
175 Education shall vote on the application not later than sixty days after
176 the date of receipt of such application. Subject to the provisions of
177 subsection (c) of this section, the State Board of Education may
178 approve the application and grant the initial certificate of approval for
179 the charter for the local charter school or reject such application by a
180 majority vote of the members of the state board present and voting at a
181 regular or special meeting of the state board called for such purpose.
182 The State Board of Education may condition granting the initial
183 certificate of approval for the charter for the local charter school on the
184 applicant meeting certain conditions determined by the Commissioner
185 of Education to be necessary and may authorize the commissioner to
186 release the initial certificate of approval for the charter when the
187 commissioner determines such conditions are met. After an initial
188 certificate of approval for a charter for a local charter school is deemed
189 a charter pursuant to subdivision (2) of subsection (a) of this section,

190 such charter may be valid for a period of time of up to five years. The
191 state board may allow the applicant to delay its opening for a period of
192 up to one school year in order for the applicant to fully prepare to
193 provide appropriate instructional services. On and after July 1, 2015,
194 any initial certificate of approval for a charter granted by the state
195 board to a local charter school shall include academic and
196 organizational performance goals, developed by the state board, that
197 set forth the performance indicators, measures and metrics that will be
198 used by the state board to evaluate the local charter school.

199 (f) (1) Except as otherwise provided in subdivision (2) of this
200 subsection, an application for the establishment of a state charter
201 school shall be (A) submitted to the State Board of Education for
202 approval in accordance with the provisions of this subsection, and (B)
203 filed with the local or regional board of education in the school district
204 in which the charter school is to be located. The state board shall: (i)
205 Review such application; (ii) hold a public hearing on such application
206 in the school district in which such state charter school is to be located;
207 (iii) solicit and review comments on the application from the local or
208 regional board of education for the school district in which such
209 charter school is to be located and from the local or regional boards of
210 education for school districts that are contiguous to the district in
211 which such school is to be located; and (iv) vote on a complete
212 application not later than ninety days after the date of receipt of such
213 application. The State Board of Education may approve an application
214 and grant the initial certificate of approval for the charter for the state
215 charter school by a majority vote of the members of the state board
216 present and voting at a regular or special meeting of the state board
217 called for such purpose. The State Board of Education may condition
218 granting the initial certificate of approval for the charter for the state
219 charter school on the applicant meeting certain conditions determined
220 by the Commissioner of Education to be necessary and may authorize
221 the commissioner to release the initial certificate of approval for the
222 charter when the commissioner determines such conditions are met.
223 After an initial certificate of approval for a charter for a state charter

224 school is deemed a charter pursuant to subdivision (2) of subsection (a)
225 of this section, such charter may be valid for a period of time of up to
226 five years. The state board may allow the applicant to delay its
227 opening for a period of up to one school year in order for the applicant
228 to fully prepare to provide appropriate instructional services. On and
229 after July 1, 2015, any initial certificate of approval for a charter
230 granted by the state board to a state charter school shall include
231 academic and organizational performance goals, developed by the
232 state board, that set forth the performance indicators, measures and
233 metrics that will be used by the state board to evaluate the state charter
234 school.

235 (2) On and after July 1, 2012, and before July 1, 2015, the State Board
236 of Education shall not approve more than four applications for the
237 establishment of new state charter schools unless two of the four such
238 applications are for the establishment of two new state charter schools
239 whose mission, purpose and specialized focus is to provide dual
240 language programs or other models focusing on language acquisition
241 for English language learners. Approval of applications under this
242 subdivision shall be in accordance with the provisions of this section.

243 (g) Charters may be renewed, upon application, in accordance with
244 the provisions of this section for the granting of such charters. Upon
245 application for such renewal, the State Board of Education may
246 commission an independent appraisal of the performance of the
247 charter school that includes, but is not limited to, an evaluation of the
248 school's compliance with the provisions of this section and, on and
249 after July 1, 2015, progress in meeting the academic and organizational
250 performance goals set forth in the charter granted to the charter school.
251 The State Board of Education shall consider the results of any such
252 appraisal in determining whether to renew such charter. The State
253 Board of Education may deny an application for the renewal of a
254 charter if (1) student progress has not been sufficiently demonstrated,
255 as determined by the commissioner, (2) the governing council has not
256 been sufficiently responsible for the operation of the school or has

257 misused or spent public funds in a manner that is detrimental to the
258 educational interests of the students attending the charter school, (3)
259 the school has not been in compliance with the terms of the charter,
260 applicable laws and regulations, (4) the efforts of the school have been
261 insufficient to effectively attract, enroll and retain students from
262 among the following populations: (A) Students with a history of low
263 academic performance, (B) students who receive free or reduced
264 priced lunches pursuant to federal law and regulations, (C) students
265 with a history of behavioral and social difficulties, (D) students
266 identified as requiring special education, or (E) students who are
267 English language learners, or (5) the governing council of the state or
268 local charter school has not provided evidence that such council has
269 initiated substantive communication with the local or regional board of
270 education of the town in which the state or local charter school is
271 located to share student learning practices and experiences. If the State
272 Board of Education does not renew a charter, it shall notify the
273 governing council of the charter school of the reasons for such
274 nonrenewal. On and after July 1, 2015, any charter renewed by the
275 State Board of Education shall include academic and organizational
276 performance goals, developed by the state board, that set forth the
277 performance indicators, measures and metrics that will be used by the
278 state board to evaluate the charter school.

279 (h) The Commissioner of Education may at any time place a charter
280 school on probation if (1) the school has failed to (A) adequately
281 demonstrate student progress, as determined by the commissioner, (B)
282 comply with the terms of its charter or with applicable laws and
283 regulations, (C) achieve measurable progress in reducing racial, ethnic
284 and economic isolation, or (D) maintain its nonsectarian status, or (2)
285 the governing council has demonstrated an inability to provide
286 effective leadership to oversee the operation of the charter school or
287 has not ensured that public funds are expended prudently or in a
288 manner required by law. If a charter school is placed on probation, the
289 commissioner shall provide written notice to the charter school of the
290 reasons for such placement, not later than five days after the

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

321 (i) The State Board of Education may revoke a charter if a charter
322 school has failed to: (1) Comply with the terms of probation, including
323 the failure to file or implement a corrective action plan; (2)
324 demonstrate satisfactory student progress, as determined by the

325 commissioner; (3) comply with the terms of its charter or applicable
326 laws and regulations; or (4) manage its public funds in a prudent or
327 legal manner. Unless an emergency exists, prior to revoking a charter,
328 the State Board of Education shall provide the governing council of the
329 charter school with a written notice of the reasons for the revocation,
330 including the identification of specific incidents of noncompliance with
331 the law, regulation or charter or other matters warranting revocation
332 of the charter. The State Board of Education shall also provide the
333 governing council with the opportunity to demonstrate compliance
334 with all requirements for the retention of its charter by providing the
335 State Board of Education or a subcommittee of the board, as
336 determined by the State Board of Education, with a written or oral
337 presentation. Such presentation shall include an opportunity for the
338 governing council to present documentary and testimonial evidence to
339 refute the facts cited by the State Board of Education for the proposed
340 revocation or in justification of its activities. Such opportunity shall not
341 constitute a contested case within the meaning of chapter 54. The State
342 Board of Education shall determine, not later than thirty days after the
343 date of an oral presentation or receipt of a written presentation,
344 whether and when the charter shall be revoked and notify the
345 governing council of the decision and the reasons therefor. A decision
346 to revoke a charter shall not constitute a final decision for purposes of
347 chapter 54. In the event an emergency exists in which the
348 commissioner finds that there is imminent harm to the students
349 attending a charter school, the State Board of Education may
350 immediately revoke the charter of the school, provided the notice
351 concerning the reasons for the revocation is sent to the governing
352 council not later than ten days after the date of revocation and the
353 governing council is provided an opportunity to make a presentation
354 to the board not later than twenty days from the date of such notice.

355 (j) Any member of the armed forces, as defined in subsection (a) of
356 section 27-103, who is both a nonresident of this state and the parent or
357 guardian of a nonresident student, shall be allowed to participate in an
358 enrollment lottery described in subdivision (8) of subsection (d) of this

359 section for the purposes of enrolling such student in any charter school
360 in this state, provided (A) such member and such student will move to
361 and establish residence in this state prior to the beginning of the school
362 year for which enrollment is sought, as a result of such member's
363 service in the armed forces, and (B) such member gives such charter
364 school a copy of the member's military orders and written notice of his
365 or her intention to move to and reside in this state with such student.

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

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

380 Sec. 2. Section 10-264l of the general statutes is amended by adding
381 subsection (q) as follows (*Effective October 1, 2019*):

382 (NEW) (q) Any member of the armed forces, as defined in
383 subsection (a) of section 27-103, who is both a nonresident of this state
384 and the parent or guardian of a nonresident student, shall be allowed
385 to participate in an enrollment lottery described in subdivision (3) of
386 subsection (m) of this section and subsection (a) of section 10-264o for
387 the purpose of enrolling such student in any interdistrict magnet
388 school in this state, provided (1) such member and such student will
389 move to and establish residence in this state prior to the beginning of
390 the school year for which enrollment is sought, as a result of such

391 member's service in the armed forces, and (2) such member gives such
392 interdistrict magnet school a copy of the member's military orders and
393 written notice of his or her intention to move to and reside in this state
394 with such student.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	10-66bb
Sec. 2	<i>October 1, 2019</i>	10-264l

VA *Joint Favorable Subst.*

ED *Joint Favorable*