



General Assembly

Substitute Bill No. 1096

January Session, 2023



AN ACT CONCERNING THE CHARTER SCHOOL APPROVAL PROCESS.

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 Section 10-66bb of the general statutes is repealed and the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 July 1, 2023*):

3 (a) (1) On and after July 1, [1997, and prior to July 1, 2015] 2023, the
4 State 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 local
7 and state charter schools in accordance with this section. Upon granting
8 an initial certificate of approval for a charter, such state board shall
9 submit a copy of the initial certificate of approval for the charter and a
10 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 the
14 General Assembly having cognizance of matters relating to education
15 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 or
20 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 charter school approval grant account, established pursuant to section 3
23 of this act, for the purposes of providing the initial funding for a local or
24 state charter school that has been granted a new charter. The
25 Commissioner of Education shall expend, in accordance with the
26 provisions of section 10-66ee, as amended by this act, the funds
27 deposited in such account in the fiscal year immediately following the
28 fiscal year in which such charter was granted.

29 (3) A charter [or initial certificate of approval for a charter] granted
30 under this section shall not be considered a license, as defined in section
31 4-166, for the purposes of chapter 54.

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

44 (c) On and after July 1, [2015] 2023, the State Board of Education shall
45 review, annually, all applications and grant [initial certificates of
46 approval for] charters, in accordance with subsections (e) and (f) of this
47 section, for a local or state charter school located in a town that has one
48 or more schools that have been designated as a commissioner's network
49 school, pursuant to section 10-223h, at the time of such application, or a
50 town that has been designated as a low achieving school district,
51 pursuant to section 10-223e, at the time of such application. (1) Except

52 as provided for in subdivision (2) of this subsection, no state charter
53 school shall enroll (A) (i) more than two hundred fifty students, or (ii)
54 in the case of a kindergarten to grade eight, inclusive, school, more than
55 three hundred students, or (B) twenty-five per cent of the enrollment of
56 the school district in which the state charter school is to be located,
57 whichever is less. (2) In the case of a state charter school found by the
58 State Board of Education to have a demonstrated record of achievement,
59 said board shall, upon application by such school to said board, waive
60 the provisions of subdivision (1) of this subsection for such school. (3)
61 The State Board of Education shall give preference to applicants for
62 charter schools (A) whose primary purpose is the establishment of
63 education programs designed to serve one or more of the following
64 student populations: (i) Students with a history of low academic
65 performance, (ii) students who receive free or reduced priced lunches
66 pursuant to federal law and regulations, (iii) students with a history of
67 behavioral and social difficulties, (iv) students identified as requiring
68 special education, (v) students who are English language learners, or
69 (vi) students of a single gender; (B) whose primary purpose is to
70 improve the academic performance of an existing school that has
71 consistently demonstrated substandard academic performance, as
72 determined by the Commissioner of Education; (C) that will serve
73 students who reside in a priority school district pursuant to section 10-
74 266p; (D) that will serve students who reside in a district in which
75 seventy-five per cent or more of the enrolled students are members of
76 racial or ethnic minorities; (E) that demonstrate highly credible and
77 specific strategies to attract, enroll and retain students from among the
78 populations described in subparagraph (A)(i) to (A)(vi), inclusive, of
79 this subdivision; or (F) that, in the case of an applicant for a state charter
80 school, such state charter school will be located at a work-site or such
81 applicant is an institution of higher education. In determining whether
82 to grant [an initial certificate of approval for] a charter, the State Board
83 of Education shall consider (i) the effect of the proposed charter school
84 on (I) the reduction of racial, ethnic and economic isolation in the region
85 in which it is to be located, (II) the regional distribution of charter
86 schools in the state, (III) the potential of over-concentration of charter

87 schools within a school district or in contiguous school districts, and (IV)
88 the state's efforts to close achievement gaps, as defined in section 10-
89 1600, and (ii) the comments made at a public hearing conducted
90 pursuant to subdivision (2) of subsection (e) of this section or
91 subparagraph (B)(ii) of subdivision (1) of subsection (f) of this section.

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

121 may limit enrollment to a particular grade level or specialized
122 educational focus and, if there is not space available for all students
123 seeking enrollment, the school may give preference to siblings but shall
124 otherwise determine enrollment by a lottery, except the State Board of
125 Education may waive the requirements for such enrollment lottery
126 pursuant to subsection (j) of this section; (9) a means to assess student
127 performance that includes participation in mastery examinations,
128 pursuant to section 10-14n; (10) procedures for teacher evaluation and
129 professional development for teachers and administrators; (11) the
130 provision of school facilities, pupil transportation and student health
131 and welfare services; (12) procedures to encourage involvement by
132 parents and guardians of enrolled students in student learning, school
133 activities and school decision-making; (13) procedures to document
134 efforts to increase the racial and ethnic diversity of staff; (14) a five-year
135 plan to sustain the maintenance and operation of the school; (15) a
136 student recruitment and retention plan that shall include, but not be
137 limited to, a clear description of a plan and the capacity of the school to
138 attract, enroll and retain students from among the populations
139 described in subparagraph (A)(i) to (A)(v), inclusive, of subdivision (3)
140 of subsection (c) of this section; (16) a plan to share student learning
141 practices and experiences with the local or regional board of education
142 of the town in which the proposed charter school is to be located; and
143 (17) in the case of an application in which the governing council of the
144 proposed charter school intends to contract with a charter management
145 organization for whole school management services: (A) Evidence of the
146 charter management organization's ability to (i) serve student
147 populations that are similar to the student population that will be served
148 by the proposed charter school, (ii) create strong academic outcomes for
149 students, and (iii) successfully manage nonacademic school functions,
150 (B) a term sheet that sets forth (i) the length of the contract for whole
151 school management services, (ii) the roles and responsibilities of the
152 governing council of the proposed charter school, the staff of the
153 proposed charter school and the charter management organization, (iii)
154 the scope of services and resources to be provided by the charter
155 management organization, (iv) the performance evaluation measures

156 and timelines, (v) the compensation structure, including a clear
157 identification of all fees to be paid to the charter management
158 organization, (vi) the methods of contract oversight and enforcement,
159 and (vii) the conditions for renewal and termination of the contract, and
160 (C) evidence of compliance with the provisions of section 10-66tt.
161 Subject to the provisions of subsection (b) of section 10-66dd, an
162 application may include, or a charter school may file, requests to waive
163 provisions of the general statutes and regulations not required under
164 sections 10-66aa to 10-66nn, inclusive, and which are within the
165 jurisdiction of the State Board of Education.

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

190 of Education to be necessary and may authorize the commissioner to
191 release [the initial certificate of approval for] the charter when the
192 commissioner determines such conditions are met. [After an initial
193 certificate of approval for a charter for a local charter school is deemed
194 a charter pursuant to subdivision (2) of subsection (a) of this section,
195 such charter may be valid] The state board may grant the charter for the
196 local charter school for a period of time of up to five years. The state
197 board may allow the applicant to delay its opening for a period of up to
198 one school year in order for the applicant to fully prepare to provide
199 appropriate instructional services. On and after July 1, [2015, any initial
200 certificate of approval for a] 2023, a charter granted by the state board to
201 a local charter school shall include academic and organizational
202 performance goals, developed by the state board, that set forth the
203 performance indicators, measures and metrics that will be used by the
204 state board to evaluate the local charter school.

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

224 approval for the charter for the state charter school on the applicant] the
225 opening of such school on the school meeting certain conditions
226 determined by the Commissioner of Education to be necessary and may
227 authorize the commissioner to release [the initial certificate of approval
228 for] the charter when the commissioner determines such conditions are
229 met. [After an initial certificate of approval for a charter for a state
230 charter school is deemed a charter pursuant to subdivision (2) of
231 subsection (a) of this section, such charter may be valid] Charters shall
232 be granted for a period of time of up to five years. The state board may
233 allow the applicant to delay its opening for a period of up to one school
234 year in order for the applicant to fully prepare to provide appropriate
235 instructional services. On and after July 1, [2015, any initial certificate of
236 approval for a] 2023, a charter granted by the state board to a state
237 charter school shall include academic and organizational performance
238 goals, developed by the state board, that set forth the performance
239 indicators, measures and metrics that will be used by the state board to
240 evaluate the state charter school.

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

253 (g) Charters may be renewed, upon application, in accordance with
254 the provisions of this section for the granting of such charters. Upon
255 application for such renewal, the State Board of Education may
256 commission an independent appraisal of the performance of the charter

257 school that includes, but is not limited to, an evaluation of the school's
258 compliance with the provisions of this section and, on and after July 1,
259 2015, progress in meeting the academic and organizational performance
260 goals set forth in the charter granted to the charter school. The State
261 Board of Education shall consider the results of any such appraisal in
262 determining whether to renew such charter. The State Board of
263 Education may deny an application for the renewal of a charter if (1)
264 student progress has not been sufficiently demonstrated, as determined
265 by the commissioner, (2) the governing council has not been sufficiently
266 responsible for the operation of the school or has misused or spent
267 public funds in a manner that is detrimental to the educational interests
268 of the students attending the charter school, (3) the school has not been
269 in compliance with the terms of the charter, applicable laws and
270 regulations, (4) the efforts of the school have been insufficient to
271 effectively attract, enroll and retain students from among the following
272 populations: (A) Students with a history of low academic performance,
273 (B) students who receive free or reduced priced lunches pursuant to
274 federal law and regulations, (C) students with a history of behavioral
275 and social difficulties, (D) students identified as requiring special
276 education, or (E) students who are English language learners, or (5) the
277 governing council of the state or local charter school has not provided
278 evidence that such council has initiated substantive communication
279 with the local or regional board of education of the town in which the
280 state or local charter school is located to share student learning practices
281 and experiences. If the State Board of Education does not renew a
282 charter, it shall notify the governing council of the charter school of the
283 reasons for such nonrenewal. On and after July 1, 2015, any charter
284 renewed by the State Board of Education shall include academic and
285 organizational performance goals, developed by the state board, that set
286 forth the performance indicators, measures and metrics that will be used
287 by the state board to evaluate the charter school.

288 (h) The Commissioner of Education may at any time place a charter
289 school on probation if (1) the school has failed to (A) adequately
290 demonstrate student progress, as determined by the commissioner, (B)

291 comply with the terms of its charter or with applicable laws and
292 regulations, (C) achieve measurable progress in reducing racial, ethnic
293 and economic isolation, or (D) maintain its nonsectarian status, or (2) the
294 governing council has demonstrated an inability to provide effective
295 leadership to oversee the operation of the charter school or has not
296 ensured that public funds are expended prudently or in a manner
297 required by law. If a charter school is placed on probation, the
298 commissioner shall provide written notice to the charter school of the
299 reasons for such placement, not later than five days after the placement,
300 and shall require the charter school to file with the Department of
301 Education a corrective action plan acceptable to the commissioner not
302 later than thirty-five days from the date of such placement. The charter
303 school shall implement a corrective action plan accepted by the
304 commissioner not later than thirty days after the date of such
305 acceptance. The commissioner may impose any additional terms of
306 probation on the school that the commissioner deems necessary to
307 protect the educational or financial interests of the state. The charter
308 school shall comply with any such additional terms not later than thirty
309 days after the date of their imposition. The commissioner shall
310 determine the length of time of the probationary period, which may be
311 up to one year, provided the commissioner may extend such period, for
312 up to one additional year, if the commissioner deems it necessary. In the
313 event that the charter school does not file or implement the corrective
314 action plan within the required time period or does not comply with any
315 additional terms within the required time period, the Commissioner of
316 Education may withhold grant funds from the school until the plan is
317 fully implemented or the school complies with the terms of probation,
318 provided the commissioner may extend the time period for such
319 implementation and compliance for good cause shown. Whenever a
320 charter school is placed on probation, the commissioner shall notify the
321 parents or guardians of students attending the school of the
322 probationary status of the school and the reasons for such status. During
323 the term of probation, the commissioner may require the school to file
324 interim reports concerning any matter the commissioner deems relevant
325 to the probationary status of the school, including financial reports or

326 statements. No charter school on probation may increase its student
327 enrollment or engage in the recruitment of new students without the
328 consent of the commissioner.

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

360 and the governing council is provided an opportunity to make a
361 presentation to the board not later than twenty days from the date of
362 such notice.

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

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

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

379 On and after July 1, 2015, the State Board of Education shall require
380 members of the governing council of a state or local charter school and
381 members of a charter management organization to submit to a records
382 check of the Department of Children and Families child abuse and
383 neglect registry, established pursuant to section 17a-101k, and to state
384 and national criminal history records checks before the state board
385 grants [initial certificates of approval for] charters pursuant to section
386 10-66bb, as amended by this act, or before such members may be hired
387 by the governing council of a state or local charter school or charter
388 management organization. The governing council of a state or local
389 charter school shall require each contractor doing business with a state
390 or local charter school, who performs a service involving direct student
391 contact, to submit to a records check of the Department of Children and

392 Families child abuse and neglect registry, established pursuant to
393 section 17a-101k, and to state and national criminal history records
394 checks before such contractor begins to perform such service.

395 Sec. 3. (NEW) (*Effective from passage*) There is established an account
396 to be known as the charter school approval grant account which shall be
397 a separate, nonlapsing account within the General Fund. The account
398 shall contain any moneys required by law to be deposited in the account.
399 Moneys in the account shall be expended by the Commissioner of
400 Education, in accordance with the provisions of section 10-66ee of the
401 general statutes, as amended by this act, for the purpose of providing
402 the initial funding for any local or state charter school that has been
403 granted (1) an initial certificate of approval for a charter pursuant to
404 section 10-66bb of the general statutes, revision of 1958, revised to
405 January 1, 2023, on or after March 1, 2023, but prior to July 1, 2023, by
406 the State Board of Education, or (2) on and after July 1, 2023, a new
407 charter pursuant to section 10-66bb of the general statutes, as amended
408 by this act. The commissioner shall pay such funds to such local or state
409 charter school in the fiscal year immediately following the fiscal year in
410 which such initial certificate of approval for a charter or charter was
411 granted.

412 Sec. 4. Section 10-66ee of the general statutes is amended by adding
413 subsection (o) as follows (*Effective from passage*):

414 (NEW) (o) Any unexpended funds appropriated for purposes of this
415 section shall not lapse at the end of the fiscal year but shall be deposited
416 in the charter school approval grant account, established pursuant to
417 section 3 of this act, and shall be available for expenditure during the
418 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	<i>July 1, 2023</i>	10-66bb
Sec. 2	<i>July 1, 2023</i>	10-66rr
Sec. 3	<i>from passage</i>	New section

