



General Assembly

Substitute Bill No. 229

February Session, 2022



AN ACT CONCERNING THE PROCESS BY WHICH A CHARTER IS GRANTED AND FUNDING IS PROVIDED FOR A NEW CHARTER SCHOOL.

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

1 Section 1. (NEW) (*Effective July 1, 2022*) There is established an
2 account to be known as the charter school approval grant account which
3 shall be a separate, nonlapsing account within the General Fund. The
4 account shall contain any moneys required by law to be deposited in the
5 account. Moneys in the account shall be expended by the Commissioner
6 of Education, in accordance with the provisions of section 10-66ee of the
7 general statutes, as amended by this act, for the purpose of providing
8 the initial funding for a local or state charter school that has been
9 granted a new charter pursuant to section 10-66bb of the general
10 statutes, as amended by this act, in the fiscal year immediately following
11 the fiscal year in which such charter was granted.

12 Sec. 2. Section 10-66ee of the 2022 supplement to the general statutes
13 is amended by adding subsection (o) as follows (*Effective July 1, 2022*):

14 (NEW) (o) Any unexpended funds appropriated for purposes of this
15 section shall not lapse at the end of the fiscal year but shall be deposited
16 in the charter school approval grant account, established pursuant to
17 section 1 of this act, and shall be available for expenditure during the
18 next fiscal year in accordance with the provisions of said section.

19 Sec. 3. Section 10-66bb of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective July 1, 2022*):

21 (a) (1) On and after July 1, [1997, and prior to July 1, 2015] 2022, the
22 State Board of Education may grant charters for local and state charter
23 schools in accordance with this section. [On and after July 1, 2015, such
24 state board may grant initial certificates of approval for charters for local
25 and state charter schools in accordance with this section. Upon granting
26 an initial certificate of approval for a charter, such state board shall
27 submit a copy of the initial certificate of approval for the charter and a
28 summary of the comments made at a public hearing conducted
29 pursuant to subdivision (2) of subsection (e) of this section or
30 subparagraph (B)(ii) of subdivision (1) of subsection (f) of this section,
31 in accordance with section 11-4a, to the joint standing committees of the
32 General Assembly having cognizance of matters relating to education
33 and appropriations and the budgets of state agencies.]

34 (2) The General Assembly may appropriate funds to the [Department
35 of Education for the purposes of providing grants to local and state
36 charter schools, pursuant to section 10-66ee. If such funds are
37 appropriated, an initial certificate of approval for a charter for a local or
38 state charter school shall be effective and deemed a charter as of July
39 first of the first fiscal year for which such funds are appropriated]
40 charter school approval grant account, pursuant to section 1 of this act,
41 for the purposes of providing the initial funding for a local or state
42 charter school that has been granted a new charter. The Commissioner
43 of Education shall expend, in accordance with the provisions of section
44 10-66ee, as amended by this act, the funds appropriated to such account
45 in the fiscal year immediately following the fiscal year in which such
46 charter was granted.

47 (3) A charter [or initial certificate of approval for a charter] granted
48 under this section shall not be considered a license, as defined in section
49 4-166, for the purposes of chapter 54.

50 (b) Any not-for-profit organization that is exempt from taxation

51 under Section 501(c)(3) of the Internal Revenue Code of 1986, or any
52 subsequent corresponding internal revenue code of the United States,
53 as amended from time to time, public or independent institution of
54 higher education, local or regional board of education or two or more
55 boards of education cooperatively, or regional educational service
56 center may apply to the Commissioner of Education, at such time and
57 in such manner as the commissioner prescribes, to [obtain an initial
58 certificate of approval for a charter] establish a charter school, provided
59 no nonpublic elementary or secondary school may be established as a
60 charter school and no parent or group of parents providing home
61 instruction may establish a charter school for such instruction.

62 (c) On and after July 1, [2015] 2022, the State Board of Education shall
63 review, annually, all applications and grant [initial certificates of
64 approval for] charters, in accordance with subsections (e) and (f) of this
65 section, for a local or state charter school located in a town that has one
66 or more schools that have been designated as a commissioner's network
67 school, pursuant to section 10-223h, at the time of such application, or a
68 town that has been designated as a low achieving school district,
69 pursuant to section 10-223e, at the time of such application. (1) Except
70 as provided for in subdivision (2) of this subsection, no state charter
71 school shall enroll (A) (i) more than two hundred fifty students, or (ii)
72 in the case of a kindergarten to grade eight, inclusive, school, more than
73 three hundred students, or (B) twenty-five per cent of the enrollment of
74 the school district in which the state charter school is to be located,
75 whichever is less. (2) In the case of a state charter school found by the
76 State Board of Education to have a demonstrated record of achievement,
77 said board shall, upon application by such school to said board, waive
78 the provisions of subdivision (1) of this subsection for such school. (3)
79 The State Board of Education shall give preference to applicants for
80 charter schools (A) whose primary purpose is the establishment of
81 education programs designed to serve one or more of the following
82 student populations: (i) Students with a history of low academic
83 performance, (ii) students who receive free or reduced priced lunches
84 pursuant to federal law and regulations, (iii) students with a history of

85 behavioral and social difficulties, (iv) students identified as requiring
86 special education, (v) students who are English language learners, or
87 (vi) students of a single gender; (B) whose primary purpose is to
88 improve the academic performance of an existing school that has
89 consistently demonstrated substandard academic performance, as
90 determined by the Commissioner of Education; (C) that will serve
91 students who reside in a priority school district pursuant to section 10-
92 266p; (D) that will serve students who reside in a district in which
93 seventy-five per cent or more of the enrolled students are members of
94 racial or ethnic minorities; (E) that demonstrate highly credible and
95 specific strategies to attract, enroll and retain students from among the
96 populations described in subparagraph (A)(i) to (A)(vi), inclusive, of
97 this subdivision; or (F) that, in the case of an applicant for a state charter
98 school, such state charter school will be located at a work-site or such
99 applicant is an institution of higher education. In determining whether
100 to grant [an initial certificate of approval for] a charter, the State Board
101 of Education shall consider (i) the effect of the proposed charter school
102 on (I) the reduction of racial, ethnic and economic isolation in the region
103 in which it is to be located, (II) the regional distribution of charter
104 schools in the state, (III) the potential of over-concentration of charter
105 schools within a school district or in contiguous school districts, and (IV)
106 the state's efforts to close achievement gaps, as defined in section 10-
107 1600, and (ii) the comments made at a public hearing conducted
108 pursuant to subdivision (2) of subsection (e) of this section or
109 subparagraph (B)(ii) of subdivision (1) of subsection (f) of this section.

110 (d) Applications pursuant to this section shall include a description
111 of: (1) The mission, purpose and any specialized focus of the proposed
112 charter school; (2) the interest in the community for the establishment of
113 the charter school; (3) the school governance and procedures for the
114 establishment of a governing council that (A) includes (i) teachers and
115 parents and guardians of students enrolled in the school, and (ii) the
116 chairperson of the local or regional board of education of the town in
117 which the charter school is located and which has jurisdiction over a
118 school that resembles the approximate grade configuration of the

119 charter school, or the designee of such chairperson, provided such
120 designee is a member of the board of education or the superintendent of
121 schools for the school district, or the superintendent's designee, and (B)
122 is responsible for the oversight of charter school operations, provided
123 no member or employee of the governing council may have a personal
124 or financial interest in the assets, real or personal, of the school; (4) the
125 financial plan for operation of the school, provided no application fees
126 or other fees for attendance, except as provided in this section, may be
127 charged; (5) the educational program, instructional methodology and
128 services to be offered to students; (6) the number and qualifications of
129 teachers and administrators to be employed in the school; (7) the
130 organization of the school in terms of the ages or grades to be taught
131 and the total estimated enrollment of the school; (8) the student
132 admission criteria and procedures to (A) ensure effective public
133 information, (B) ensure open access on a space available basis, including
134 the enrollment of students during the school year if spaces become
135 available in the charter school, (C) promote a diverse student body, and
136 (D) ensure that the school complies with the provisions of section 10-15c
137 and that it does not discriminate on the basis of disability, athletic
138 performance or proficiency in the English language, provided the school
139 may limit enrollment to a particular grade level or specialized
140 educational focus and, if there is not space available for all students
141 seeking enrollment, the school may give preference to siblings but shall
142 otherwise determine enrollment by a lottery, except the State Board of
143 Education may waive the requirements for such enrollment lottery
144 pursuant to subsection (j) of this section; (9) a means to assess student
145 performance that includes participation in mastery examinations,
146 pursuant to section 10-14n; (10) procedures for teacher evaluation and
147 professional development for teachers and administrators; (11) the
148 provision of school facilities, pupil transportation and student health
149 and welfare services; (12) procedures to encourage involvement by
150 parents and guardians of enrolled students in student learning, school
151 activities and school decision-making; (13) procedures to document
152 efforts to increase the racial and ethnic diversity of staff; (14) a five-year
153 plan to sustain the maintenance and operation of the school; (15) a

154 student recruitment and retention plan that shall include, but not be
155 limited to, a clear description of a plan and the capacity of the school to
156 attract, enroll and retain students from among the populations
157 described in subparagraph (A)(i) to (A)(v), inclusive, of subdivision (3)
158 of subsection (c) of this section; (16) a plan to share student learning
159 practices and experiences with the local or regional board of education
160 of the town in which the proposed charter school is to be located; and
161 (17) in the case of an application in which the governing council of the
162 proposed charter school intends to contract with a charter management
163 organization for whole school management services: (A) Evidence of the
164 charter management organization's ability to (i) serve student
165 populations that are similar to the student population that will be served
166 by the proposed charter school, (ii) create strong academic outcomes for
167 students, and (iii) successfully manage nonacademic school functions,
168 (B) a term sheet that sets forth (i) the length of the contract for whole
169 school management services, (ii) the roles and responsibilities of the
170 governing council of the proposed charter school, the staff of the
171 proposed charter school and the charter management organization, (iii)
172 the scope of services and resources to be provided by the charter
173 management organization, (iv) the performance evaluation measures
174 and timelines, (v) the compensation structure, including a clear
175 identification of all fees to be paid to the charter management
176 organization, (vi) the methods of contract oversight and enforcement,
177 and (vii) the conditions for renewal and termination of the contract, and
178 (C) evidence of compliance with the provisions of section 10-66tt.
179 Subject to the provisions of subsection (b) of section 10-66dd, an
180 application may include, or a charter school may file, requests to waive
181 provisions of the general statutes and regulations not required under
182 sections 10-66aa to 10-66nn, inclusive, and which are within the
183 jurisdiction of the State Board of Education.

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

188 shall: (1) Review the application; (2) hold a public hearing in the school
189 district on such application; (3) survey teachers and parents in the school
190 district to determine if there is sufficient interest in the establishment
191 and operation of the local charter school; and (4) vote on a complete
192 application not later than seventy-five days after the date of receipt of
193 such application. Such board of education may approve the application
194 by a majority vote of the members of the board present and voting at a
195 regular or special meeting of the board called for such purpose. If the
196 application is approved, the board shall forward the application to the
197 State Board of Education. The State Board of Education shall vote on the
198 application not later than sixty days after the date of receipt of such
199 application. Subject to the provisions of subsection (c) of this section, the
200 State Board of Education may approve the application and grant [the
201 initial certificate of approval for the] a charter for the local charter school
202 or reject such application by a majority vote of the members of the state
203 board present and voting at a regular or special meeting of the state
204 board called for such purpose. The State Board of Education may
205 condition [granting the initial certificate of approval for the charter for
206 the local charter school on the applicant] the opening of such school on
207 the school's meeting certain conditions determined by the
208 Commissioner of Education to be necessary and may authorize the
209 commissioner to release [the initial certificate of approval for] the
210 charter when the commissioner determines such conditions are met.
211 [After an initial certificate of approval for a charter for a local charter
212 school is deemed a charter pursuant to subdivision (2) of subsection (a)
213 of this section, such charter may be valid] The state board may grant the
214 charter for the local charter school for a period of time of up to five years.
215 The state board may allow the applicant to delay its opening for a period
216 of up to one school year in order for the applicant to fully prepare to
217 provide appropriate instructional services. On and after July 1, [2015,
218 any initial certificate of approval for a] 2022, a charter granted by the
219 state board to a local charter school shall include academic and
220 organizational performance goals, developed by the state board, that set
221 forth the performance indicators, measures and metrics that will be used
222 by the state board to evaluate the local charter school.

223 (f) (1) Except as otherwise provided in subdivision (2) of this
224 subsection, an application for the establishment of a state charter school
225 shall be (A) submitted to the State Board of Education for approval in
226 accordance with the provisions of this subsection, and (B) filed with the
227 local or regional board of education in the school district in which the
228 charter school is to be located. The state board shall: (i) Review such
229 application; (ii) hold a public hearing on such application in the school
230 district in which such state charter school is to be located; (iii) solicit and
231 review comments on the application from the local or regional board of
232 education for the school district in which such charter school is to be
233 located and from the local or regional boards of education for school
234 districts that are contiguous to the district in which such school is to be
235 located; and (iv) vote on a complete application not later than ninety
236 days after the date of receipt of such application. The State Board of
237 Education may approve an application and grant [the initial certificate
238 of approval for] the charter for the state charter school by a majority vote
239 of the members of the state board present and voting at a regular or
240 special meeting of the state board called for such purpose. The State
241 Board of Education may condition [granting the initial certificate of
242 approval for the charter for the state charter school on the applicant] the
243 opening of such school on the school's meeting certain conditions
244 determined by the Commissioner of Education to be necessary and may
245 authorize the commissioner to release [the initial certificate of approval
246 for] the charter when the commissioner determines such conditions are
247 met. [After an initial certificate of approval for a charter for a state
248 charter school is deemed a charter pursuant to subdivision (2) of
249 subsection (a) of this section, such charter may be valid] Charters shall
250 be granted for a period of time of up to five years. The state board may
251 allow the applicant to delay its opening for a period of up to one school
252 year in order for the applicant to fully prepare to provide appropriate
253 instructional services. On and after July 1, [2015, any initial certificate of
254 approval for a] 2022, a charter granted by the state board to a state
255 charter school shall include academic and organizational performance
256 goals, developed by the state board, that set forth the performance
257 indicators, measures and metrics that will be used by the state board to

258 evaluate the state charter school.

259 (2) [On and after July 1, 2012, and before July 1, 2015, the State Board
260 of Education shall not approve more than four applications for the
261 establishment of new state charter schools unless two of the four such
262 applications are for the establishment of two new state charter schools
263 whose mission, purpose and specialized focus is to provide dual
264 language programs or other models focusing on language acquisition
265 for English language learners. Approval of applications under this
266 subdivision shall be in accordance with the provisions of this section.]
267 For the fiscal year ending June 30, 2023, and each fiscal year thereafter,
268 the State Board of Education shall not approve more than two
269 applications for the establishment of a new state charter school in any
270 fiscal year.

271 (g) Charters may be renewed, upon application, in accordance with
272 the provisions of this section for the granting of such charters. Upon
273 application for such renewal, the State Board of Education may
274 commission an independent appraisal of the performance of the charter
275 school that includes, but is not limited to, an evaluation of the school's
276 compliance with the provisions of this section and, on and after July 1,
277 2015, progress in meeting the academic and organizational performance
278 goals set forth in the charter granted to the charter school. The State
279 Board of Education shall consider the results of any such appraisal in
280 determining whether to renew such charter. The State Board of
281 Education may deny an application for the renewal of a charter if (1)
282 student progress has not been sufficiently demonstrated, as determined
283 by the commissioner, (2) the governing council has not been sufficiently
284 responsible for the operation of the school or has misused or spent
285 public funds in a manner that is detrimental to the educational interests
286 of the students attending the charter school, (3) the school has not been
287 in compliance with the terms of the charter, applicable laws and
288 regulations, (4) the efforts of the school have been insufficient to
289 effectively attract, enroll and retain students from among the following
290 populations: (A) Students with a history of low academic performance,

291 (B) students who receive free or reduced priced lunches pursuant to
292 federal law and regulations, (C) students with a history of behavioral
293 and social difficulties, (D) students identified as requiring special
294 education, or (E) students who are English language learners, or (5) the
295 governing council of the state or local charter school has not provided
296 evidence that such council has initiated substantive communication
297 with the local or regional board of education of the town in which the
298 state or local charter school is located to share student learning practices
299 and experiences. If the State Board of Education does not renew a
300 charter, it shall notify the governing council of the charter school of the
301 reasons for such nonrenewal. On and after July 1, 2015, any charter
302 renewed by the State Board of Education shall include academic and
303 organizational performance goals, developed by the state board, that set
304 forth the performance indicators, measures and metrics that will be used
305 by the state board to evaluate the charter school.

306 (h) The Commissioner of Education may at any time place a charter
307 school on probation if (1) the school has failed to (A) adequately
308 demonstrate student progress, as determined by the commissioner, (B)
309 comply with the terms of its charter or with applicable laws and
310 regulations, (C) achieve measurable progress in reducing racial, ethnic
311 and economic isolation, or (D) maintain its nonsectarian status, or (2) the
312 governing council has demonstrated an inability to provide effective
313 leadership to oversee the operation of the charter school or has not
314 ensured that public funds are expended prudently or in a manner
315 required by law. If a charter school is placed on probation, the
316 commissioner shall provide written notice to the charter school of the
317 reasons for such placement, not later than five days after the placement,
318 and shall require the charter school to file with the Department of
319 Education a corrective action plan acceptable to the commissioner not
320 later than thirty-five days from the date of such placement. The charter
321 school shall implement a corrective action plan accepted by the
322 commissioner not later than thirty days after the date of such
323 acceptance. The commissioner may impose any additional terms of
324 probation on the school that the commissioner deems necessary to

325 protect the educational or financial interests of the state. The charter
326 school shall comply with any such additional terms not later than thirty
327 days after the date of their imposition. The commissioner shall
328 determine the length of time of the probationary period, which may be
329 up to one year, provided the commissioner may extend such period, for
330 up to one additional year, if the commissioner deems it necessary. In the
331 event that the charter school does not file or implement the corrective
332 action plan within the required time period or does not comply with any
333 additional terms within the required time period, the Commissioner of
334 Education may withhold grant funds from the school until the plan is
335 fully implemented or the school complies with the terms of probation,
336 provided the commissioner may extend the time period for such
337 implementation and compliance for good cause shown. Whenever a
338 charter school is placed on probation, the commissioner shall notify the
339 parents or guardians of students attending the school of the
340 probationary status of the school and the reasons for such status. During
341 the term of probation, the commissioner may require the school to file
342 interim reports concerning any matter the commissioner deems relevant
343 to the probationary status of the school, including financial reports or
344 statements. No charter school on probation may increase its student
345 enrollment or engage in the recruitment of new students without the
346 consent of the commissioner.

347 (i) The State Board of Education may revoke a charter if a charter
348 school has failed to: (1) Comply with the terms of probation, including
349 the failure to file or implement a corrective action plan; (2) demonstrate
350 satisfactory student progress, as determined by the commissioner; (3)
351 comply with the terms of its charter or applicable laws and regulations;
352 or (4) manage its public funds in a prudent or legal manner. Unless an
353 emergency exists, prior to revoking a charter, the State Board of
354 Education shall provide the governing council of the charter school with
355 a written notice of the reasons for the revocation, including the
356 identification of specific incidents of noncompliance with the law,
357 regulation or charter or other matters warranting revocation of the
358 charter. The State Board of Education shall also provide the governing

359 council with the opportunity to demonstrate compliance with all
360 requirements for the retention of its charter by providing the State Board
361 of Education or a subcommittee of the board, as determined by the State
362 Board of Education, with a written or oral presentation. Such
363 presentation shall include an opportunity for the governing council to
364 present documentary and testimonial evidence to refute the facts cited
365 by the State Board of Education for the proposed revocation or in
366 justification of its activities. Such opportunity shall not constitute a
367 contested case within the meaning of chapter 54. The State Board of
368 Education shall determine, not later than thirty days after the date of an
369 oral presentation or receipt of a written presentation, whether and when
370 the charter shall be revoked and notify the governing council of the
371 decision and the reasons therefor. A decision to revoke a charter shall
372 not constitute a final decision for purposes of chapter 54. In the event an
373 emergency exists in which the commissioner finds that there is
374 imminent harm to the students attending a charter school, the State
375 Board of Education may immediately revoke the charter of the school,
376 provided the notice concerning the reasons for the revocation is sent to
377 the governing council not later than ten days after the date of revocation
378 and the governing council is provided an opportunity to make a
379 presentation to the board not later than twenty days from the date of
380 such notice.

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

390 (2) An enrollment lottery described in subdivision (8) of subsection
391 (d) of this section shall not be held for a local charter school that is

