



General Assembly

Amendment

February Session, 2022

LCO No. 6336



Offered by:

SEN. MCCRORY, 2nd Dist.

REP. FELIPE, 130th Dist.

To: Subst. Senate Bill No. 229

File No. 647

Cal. No. 460

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 10-66bb of the general statutes is repealed and the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

5 (a) (1) On and after July 1, [1997, and prior to July 1, 2015] 2022, the
6 State Board of Education may grant charters for local and state charter
7 schools in accordance with this section. [On and after July 1, 2015, such
8 state board may grant initial certificates of approval for charters for local
9 and state charter schools in accordance with this section. Upon granting
10 an initial certificate of approval for a charter, such state board shall
11 submit a copy of the initial certificate of approval for the charter and a
12 summary of the comments made at a public hearing conducted
13 pursuant to subdivision (2) of subsection (e) of this section or

14 subparagraph (B)(ii) of subdivision (1) of subsection (f) of this section,
15 in accordance with section 11-4a, to the joint standing committees of the
16 General Assembly having cognizance of matters relating to education
17 and appropriations and the budgets of state agencies] except the state
18 board shall not grant a charter if it has received, in writing, an objection
19 to the granting of such charter from a majority of the members of the
20 legislative delegation representing the school district in which the local
21 charter school or state charter school applying for such charter will be
22 located not later than sixty days after the notice provided to such
23 legislative delegation by the state board pursuant subsection (e) of this
24 section or subsection (f) of this section. As used in this subdivision,
25 "legislative delegation" means those state representatives and state
26 senators whose assembly district or senatorial district, as applicable, is
27 located in the school district in which a local charter school or state
28 charter applying for a charter will be located.

29 (2) The General Assembly may appropriate funds to the Department
30 of Education for the purposes of providing grants, pursuant to section
31 10-66ee, to local and state charter schools [, pursuant to section 10-66ee.
32 If] that have been granted a charter pursuant to this subsection. On and
33 after July 1, 2015, and prior to July 1, 2022, if such funds are
34 appropriated, an initial certificate of approval for a charter for a local or
35 state charter school shall be effective and deemed a charter as of July
36 first of the first fiscal year for which such funds are appropriated. On
37 and after July 1, 2022, any initial certificate of approval for a charter for
38 a local or state charter school granted by the state board that has not yet
39 been deemed a charter prior to July 1, 2022, shall remain an initial
40 certificate of approval and shall only be deemed a charter if funds are
41 specifically appropriated to the Department of Education for such local
42 or state charter school.

43 (3) A charter [or initial certificate of approval for a charter] granted
44 under this section shall not be considered a license, as defined in section
45 4-166, for the purposes of chapter 54.

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

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

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

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

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

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

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

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

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

219 any initial certificate of approval for a] 2022, a charter granted by the
220 state board to a local charter school shall include academic and
221 organizational performance goals, developed by the state board, that set
222 forth the performance indicators, measures and metrics that will be used
223 by the state board to evaluate the local charter school.

224 (f) (1) Except as otherwise provided in subdivision (2) of this
225 subsection, an application for the establishment of a state charter school
226 shall be (A) submitted to the State Board of Education for approval in
227 accordance with the provisions of this subsection, and (B) filed with the
228 local or regional board of education in the school district in which the
229 charter school is to be located. The state board shall: (i) Review such
230 application; (ii) hold a public hearing on such application in the school
231 district in which such state charter school is to be located; (iii) notify in
232 writing the legislative delegation, as defined in subdivision (1) of
233 subsection (a) of this section, on the day that such public is being held
234 that the state board will vote on the approval of such application not
235 earlier than sixty days from the date of such notification, (iv) solicit and
236 review comments on the application from the local or regional board of
237 education for the school district in which such charter school is to be
238 located and from the local or regional boards of education for school
239 districts that are contiguous to the district in which such school is to be
240 located; and [(iv)] (v) vote on a complete application not earlier than
241 sixty days and not later than ninety days after the date of [receipt of such
242 application] such public hearing. The State Board of Education may
243 approve an application and grant [the initial certificate of approval for]
244 the charter for the state charter school by a majority vote of the members
245 of the state board present and voting at a regular or special meeting of
246 the state board called for such purpose. The State Board of Education
247 may condition [granting the initial certificate of approval for the charter
248 for the state charter school on the applicant] the opening of such school
249 on the school's meeting certain conditions determined by the
250 Commissioner of Education to be necessary and may authorize the
251 commissioner to release [the initial certificate of approval for] the
252 charter when the commissioner determines such conditions are met.

253 [After an initial certificate of approval for a charter for a state charter
254 school is deemed a charter pursuant to subdivision (2) of subsection (a)
255 of this section, such charter may be valid] Charters shall be granted for
256 a period of time of up to five years. The state board may allow the
257 applicant to delay its opening for a period of up to one school year in
258 order for the applicant to fully prepare to provide appropriate
259 instructional services. On and after July 1, [2015, any initial certificate of
260 approval for a] 2022, a charter granted by the state board to a state
261 charter school shall include academic and organizational performance
262 goals, developed by the state board, that set forth the performance
263 indicators, measures and metrics that will be used by the state board to
264 evaluate the state charter school.

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

277 (g) Charters may be renewed, upon application, in accordance with
278 the provisions of this section for the granting of such charters. Upon
279 application for such renewal, the State Board of Education may
280 commission an independent appraisal of the performance of the charter
281 school that includes, but is not limited to, an evaluation of the school's
282 compliance with the provisions of this section and, on and after July 1,
283 2015, progress in meeting the academic and organizational performance
284 goals set forth in the charter granted to the charter school. The State
285 Board of Education shall consider the results of any such appraisal in
286 determining whether to renew such charter. The State Board of

287 Education may deny an application for the renewal of a charter if (1)
288 student progress has not been sufficiently demonstrated, as determined
289 by the commissioner, (2) the governing council has not been sufficiently
290 responsible for the operation of the school or has misused or spent
291 public funds in a manner that is detrimental to the educational interests
292 of the students attending the charter school, (3) the school has not been
293 in compliance with the terms of the charter, applicable laws and
294 regulations, (4) the efforts of the school have been insufficient to
295 effectively attract, enroll and retain students from among the following
296 populations: (A) Students with a history of low academic performance,
297 (B) students who receive free or reduced priced lunches pursuant to
298 federal law and regulations, (C) students with a history of behavioral
299 and social difficulties, (D) students identified as requiring special
300 education, or (E) students who are English language learners, or (5) the
301 governing council of the state or local charter school has not provided
302 evidence that such council has initiated substantive communication
303 with the local or regional board of education of the town in which the
304 state or local charter school is located to share student learning practices
305 and experiences. If the State Board of Education does not renew a
306 charter, it shall notify the governing council of the charter school of the
307 reasons for such nonrenewal. On and after July 1, 2015, any charter
308 renewed by the State Board of Education shall include academic and
309 organizational performance goals, developed by the state board, that set
310 forth the performance indicators, measures and metrics that will be used
311 by the state board to evaluate the charter school.

312 (h) The Commissioner of Education may at any time place a charter
313 school on probation if (1) the school has failed to (A) adequately
314 demonstrate student progress, as determined by the commissioner, (B)
315 comply with the terms of its charter or with applicable laws and
316 regulations, (C) achieve measurable progress in reducing racial, ethnic
317 and economic isolation, or (D) maintain its nonsectarian status, or (2) the
318 governing council has demonstrated an inability to provide effective
319 leadership to oversee the operation of the charter school or has not
320 ensured that public funds are expended prudently or in a manner

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

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

355 the failure to file or implement a corrective action plan; (2) demonstrate
356 satisfactory student progress, as determined by the commissioner; (3)
357 comply with the terms of its charter or applicable laws and regulations;
358 or (4) manage its public funds in a prudent or legal manner. Unless an
359 emergency exists, prior to revoking a charter, the State Board of
360 Education shall provide the governing council of the charter school with
361 a written notice of the reasons for the revocation, including the
362 identification of specific incidents of noncompliance with the law,
363 regulation or charter or other matters warranting revocation of the
364 charter. The State Board of Education shall also provide the governing
365 council with the opportunity to demonstrate compliance with all
366 requirements for the retention of its charter by providing the State Board
367 of Education or a subcommittee of the board, as determined by the State
368 Board of Education, with a written or oral presentation. Such
369 presentation shall include an opportunity for the governing council to
370 present documentary and testimonial evidence to refute the facts cited
371 by the State Board of Education for the proposed revocation or in
372 justification of its activities. Such opportunity shall not constitute a
373 contested case within the meaning of chapter 54. The State Board of
374 Education shall determine, not later than thirty days after the date of an
375 oral presentation or receipt of a written presentation, whether and when
376 the charter shall be revoked and notify the governing council of the
377 decision and the reasons therefor. A decision to revoke a charter shall
378 not constitute a final decision for purposes of chapter 54. In the event an
379 emergency exists in which the commissioner finds that there is
380 imminent harm to the students attending a charter school, the State
381 Board of Education may immediately revoke the charter of the school,
382 provided the notice concerning the reasons for the revocation is sent to
383 the governing council not later than ten days after the date of revocation
384 and the governing council is provided an opportunity to make a
385 presentation to the board not later than twenty days from the date of
386 such notice.

387 (j) (1) The governing council of a state or local charter school may
388 apply to the State Board of Education for a waiver of the requirements

389 of the enrollment lottery described in subdivision (8) of subsection (d)
390 of this section, provided such state or local charter school has as its
391 primary purpose the establishment of education programs designed to
392 serve one or more of the following populations: (A) Students with a
393 history of behavioral and social difficulties, (B) students identified as
394 requiring special education, (C) students who are English language
395 learners, or (D) students of a single gender.

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

401 Sec. 2. Section 10-66rr of the 2022 supplement to the general statutes
402 is repealed and the following is substituted in lieu thereof (*Effective July*
403 *1, 2022*):

404 On and after July 1, 2015, the State Board of Education shall require
405 members of the governing council of a state or local charter school and
406 members of a charter management organization to submit to a records
407 check of the Department of Children and Families child abuse and
408 neglect registry, established pursuant to section 17a-101k, and to state
409 and national criminal history records checks before the state board
410 grants [initial certificates of approval for] charters pursuant to section
411 10-66bb, as amended by this act, or before such members may be hired
412 by the governing council of a state or local charter school or charter
413 management organization. The governing council of a state or local
414 charter school shall require each contractor doing business with a state
415 or local charter school, who performs a service involving direct student
416 contact, to submit to a records check of the Department of Children and
417 Families child abuse and neglect registry, established pursuant to
418 section 17a-101k, and to state and national criminal history records
419 checks before such contractor begins to perform such service."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	10-66bb
Sec. 2	<i>July 1, 2022</i>	10-66rr