



General Assembly

Amendment

January Session, 2023

LCO No. 9883



Offered by:

REP. CARNEY, 23rd Dist.

REP. CHALESKI, 138th Dist.

To: Subst. Senate Bill No. 1

File No. 551

Cal. No. 620

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING TRANSPARENCY IN EDUCATION."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 10-66bb of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2023*):

5 (a) (1) On and after July 1, [1997, and prior to July 1, 2015] 2023, 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.]

18 (2) The General Assembly may appropriate funds to the [Department
19 of Education for the purposes of providing grants to local and state
20 charter schools, pursuant to section 10-66ee. If such funds are
21 appropriated, an initial certificate of approval for a charter for a local or
22 state charter school shall be effective and deemed a charter as of July
23 first of the first fiscal year for which such funds are appropriated]
24 charter school approval grant account, pursuant to section 3 of this act,
25 for the purposes of providing the initial funding for a local or state
26 charter school that has been granted a new charter. The Commissioner
27 of Education shall expend, in accordance with the provisions of section
28 10-66ee, as amended by this act, the funds appropriated to such account
29 in the fiscal year immediately following the fiscal year in which such
30 charter was granted.

31 (3) A charter [or initial certificate of approval for a charter] granted
32 under this section shall not be considered a license, as defined in section
33 4-166, for the purposes of chapter 54.

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

46 (c) On and after July 1, [2015] 2023, the State Board of Education shall
47 review, annually, all applications and grant [initial certificates of
48 approval for] charters, in accordance with subsections (e) and (f) of this
49 section, for a local or state charter school located in a town that has one
50 or more schools that have been designated as a commissioner's network
51 school, pursuant to section 10-223h, at the time of such application, or a
52 town that has been designated as a low achieving school district,
53 pursuant to section 10-223e, at the time of such application. (1) Except
54 as provided for in subdivision (2) of this subsection, no state charter
55 school shall enroll (A) (i) more than two hundred fifty students, or (ii)
56 in the case of a kindergarten to grade eight, inclusive, school, more than
57 three hundred students, or (B) twenty-five per cent of the enrollment of
58 the school district in which the state charter school is to be located,
59 whichever is less. (2) In the case of a state charter school found by the
60 State Board of Education to have a demonstrated record of achievement,
61 said board shall, upon application by such school to said board, waive
62 the provisions of subdivision (1) of this subsection for such school. (3)
63 The State Board of Education shall give preference to applicants for
64 charter schools (A) whose primary purpose is the establishment of
65 education programs designed to serve one or more of the following
66 student populations: (i) Students with a history of low academic
67 performance, (ii) students who receive free or reduced priced lunches
68 pursuant to federal law and regulations, (iii) students with a history of
69 behavioral and social difficulties, (iv) students identified as requiring
70 special education, (v) students who are English language learners, or
71 (vi) students of a single gender; (B) whose primary purpose is to
72 improve the academic performance of an existing school that has
73 consistently demonstrated substandard academic performance, as
74 determined by the Commissioner of Education; (C) that will serve
75 students who reside in a priority school district pursuant to section 10-
76 266p; (D) that will serve students who reside in a district in which
77 seventy-five per cent or more of the enrolled students are members of
78 racial or ethnic minorities; (E) that demonstrate highly credible and
79 specific strategies to attract, enroll and retain students from among the
80 populations described in subparagraph (A)(i) to (A)(vi), inclusive, of

81 this subdivision; or (F) that, in the case of an applicant for a state charter
82 school, such state charter school will be located at a work-site or such
83 applicant is an institution of higher education. In determining whether
84 to grant [an initial certificate of approval for] a charter, the State Board
85 of Education shall consider (i) the effect of the proposed charter school
86 on (I) the reduction of racial, ethnic and economic isolation in the region
87 in which it is to be located, (II) the regional distribution of charter
88 schools in the state, (III) the potential of over-concentration of charter
89 schools within a school district or in contiguous school districts, and (IV)
90 the state's efforts to close achievement gaps, as defined in section 10-
91 1600, and (ii) the comments made at a public hearing conducted
92 pursuant to subdivision (2) of subsection (e) of this section or
93 subparagraph (B)(ii) of subdivision (1) of subsection (f) of this section.

94 (d) Applications pursuant to this section shall include a description
95 of: (1) The mission, purpose and any specialized focus of the proposed
96 charter school; (2) the interest in the community for the establishment of
97 the charter school; (3) the school governance and procedures for the
98 establishment of a governing council that (A) includes (i) teachers and
99 parents and guardians of students enrolled in the school, and (ii) the
100 chairperson of the local or regional board of education of the town in
101 which the charter school is located and which has jurisdiction over a
102 school that resembles the approximate grade configuration of the
103 charter school, or the designee of such chairperson, provided such
104 designee is a member of the board of education or the superintendent of
105 schools for the school district, or the superintendent's designee, and (B)
106 is responsible for the oversight of charter school operations, provided
107 no member or employee of the governing council may have a personal
108 or financial interest in the assets, real or personal, of the school; (4) the
109 financial plan for operation of the school, provided no application fees
110 or other fees for attendance, except as provided in this section, may be
111 charged; (5) the educational program, instructional methodology and
112 services to be offered to students; (6) the number and qualifications of
113 teachers and administrators to be employed in the school; (7) the
114 organization of the school in terms of the ages or grades to be taught

115 and the total estimated enrollment of the school; (8) the student
116 admission criteria and procedures to (A) ensure effective public
117 information, (B) ensure open access on a space available basis, including
118 the enrollment of students during the school year if spaces become
119 available in the charter school, (C) promote a diverse student body, and
120 (D) ensure that the school complies with the provisions of section 10-15c
121 and that it does not discriminate on the basis of disability, athletic
122 performance or proficiency in the English language, provided the school
123 may limit enrollment to a particular grade level or specialized
124 educational focus and, if there is not space available for all students
125 seeking enrollment, the school may give preference to siblings but shall
126 otherwise determine enrollment by a lottery, except the State Board of
127 Education may waive the requirements for such enrollment lottery
128 pursuant to subsection (j) of this section; (9) a means to assess student
129 performance that includes participation in mastery examinations,
130 pursuant to section 10-14n; (10) procedures for teacher evaluation and
131 professional development for teachers and administrators; (11) the
132 provision of school facilities, pupil transportation and student health
133 and welfare services; (12) procedures to encourage involvement by
134 parents and guardians of enrolled students in student learning, school
135 activities and school decision-making; (13) procedures to document
136 efforts to increase the racial and ethnic diversity of staff; (14) a five-year
137 plan to sustain the maintenance and operation of the school; (15) a
138 student recruitment and retention plan that shall include, but not be
139 limited to, a clear description of a plan and the capacity of the school to
140 attract, enroll and retain students from among the populations
141 described in subparagraph (A)(i) to (A)(v), inclusive, of subdivision (3)
142 of subsection (c) of this section; (16) a plan to share student learning
143 practices and experiences with the local or regional board of education
144 of the town in which the proposed charter school is to be located; and
145 (17) in the case of an application in which the governing council of the
146 proposed charter school intends to contract with a charter management
147 organization for whole school management services: (A) Evidence of the
148 charter management organization's ability to (i) serve student
149 populations that are similar to the student population that will be served

150 by the proposed charter school, (ii) create strong academic outcomes for
151 students, and (iii) successfully manage nonacademic school functions,
152 (B) a term sheet that sets forth (i) the length of the contract for whole
153 school management services, (ii) the roles and responsibilities of the
154 governing council of the proposed charter school, the staff of the
155 proposed charter school and the charter management organization, (iii)
156 the scope of services and resources to be provided by the charter
157 management organization, (iv) the performance evaluation measures
158 and timelines, (v) the compensation structure, including a clear
159 identification of all fees to be paid to the charter management
160 organization, (vi) the methods of contract oversight and enforcement,
161 and (vii) the conditions for renewal and termination of the contract, and
162 (C) evidence of compliance with the provisions of section 10-66tt.
163 Subject to the provisions of subsection (b) of section 10-66dd, an
164 application may include, or a charter school may file, requests to waive
165 provisions of the general statutes and regulations not required under
166 sections 10-66aa to 10-66nn, inclusive, and which are within the
167 jurisdiction of the State Board of Education.

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

184 State Board of Education may approve the application and grant [the
185 initial certificate of approval for the] a charter for the local charter school
186 or reject such application by a majority vote of the members of the state
187 board present and voting at a regular or special meeting of the state
188 board called for such purpose. The State Board of Education may
189 condition [granting the initial certificate of approval for the charter for
190 the local charter school on the applicant] the opening of such school on
191 the school's meeting certain conditions determined by the
192 Commissioner of Education to be necessary and may authorize the
193 commissioner to release [the initial certificate of approval for] the
194 charter when the commissioner determines such conditions are met.
195 [After an initial certificate of approval for a charter for a local charter
196 school is deemed a charter pursuant to subdivision (2) of subsection (a)
197 of this section, such charter may be valid] The state board may grant the
198 charter for the local charter school for a period of time of up to five years.
199 The state board may allow the applicant to delay its opening for a period
200 of up to one school year in order for the applicant to fully prepare to
201 provide appropriate instructional services. On and after July 1, [2015,
202 any initial certificate of approval for a] 2023, a charter granted by the
203 state board to a local charter school shall include academic and
204 organizational performance goals, developed by the state board, that set
205 forth the performance indicators, measures and metrics that will be used
206 by the state board to evaluate the local charter school.

207 (f) (1) Except as otherwise provided in subdivision (2) of this
208 subsection, an application for the establishment of a state charter school
209 shall be (A) submitted to the State Board of Education for approval in
210 accordance with the provisions of this subsection, and (B) filed with the
211 local or regional board of education in the school district in which the
212 charter school is to be located. The state board shall: (i) Review such
213 application; (ii) hold a public hearing on such application in the school
214 district in which such state charter school is to be located; (iii) solicit and
215 review comments on the application from the local or regional board of
216 education for the school district in which such charter school is to be
217 located and from the local or regional boards of education for school

218 districts that are contiguous to the district in which such school is to be
219 located; and (iv) vote on a complete application not later than ninety
220 days after the date of receipt of such application. The State Board of
221 Education may approve an application and grant [the initial certificate
222 of approval for] the charter for the state charter school by a majority vote
223 of the members of the state board present and voting at a regular or
224 special meeting of the state board called for such purpose. The State
225 Board of Education may condition [granting the initial certificate of
226 approval for the charter for the state charter school on the applicant] the
227 opening of such school on the school's meeting certain conditions
228 determined by the Commissioner of Education to be necessary and may
229 authorize the commissioner to release [the initial certificate of approval
230 for] the charter when the commissioner determines such conditions are
231 met. [After an initial certificate of approval for a charter for a state
232 charter school is deemed a charter pursuant to subdivision (2) of
233 subsection (a) of this section, such charter may be valid] Charters shall
234 be granted for a period of time of up to five years. The state board may
235 allow the applicant to delay its opening for a period of up to one school
236 year in order for the applicant to fully prepare to provide appropriate
237 instructional services. On and after July 1, [2015, any initial certificate of
238 approval for a] 2023, a charter granted by the state board to a state
239 charter school shall include academic and organizational performance
240 goals, developed by the state board, that set forth the performance
241 indicators, measures and metrics that will be used by the state board to
242 evaluate the state charter school.

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

252 the State Board of Education shall not approve more than two
253 applications for the establishment of a new state charter school in any
254 fiscal year.

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

286 renewed by the State Board of Education shall include academic and
287 organizational performance goals, developed by the state board, that set
288 forth the performance indicators, measures and metrics that will be used
289 by the state board to evaluate the charter school.

290 (h) The Commissioner of Education may at any time place a charter
291 school on probation if (1) the school has failed to (A) adequately
292 demonstrate student progress, as determined by the commissioner, (B)
293 comply with the terms of its charter or with applicable laws and
294 regulations, (C) achieve measurable progress in reducing racial, ethnic
295 and economic isolation, or (D) maintain its nonsectarian status, or (2) the
296 governing council has demonstrated an inability to provide effective
297 leadership to oversee the operation of the charter school or has not
298 ensured that public funds are expended prudently or in a manner
299 required by law. If a charter school is placed on probation, the
300 commissioner shall provide written notice to the charter school of the
301 reasons for such placement, not later than five days after the placement,
302 and shall require the charter school to file with the Department of
303 Education a corrective action plan acceptable to the commissioner not
304 later than thirty-five days from the date of such placement. The charter
305 school shall implement a corrective action plan accepted by the
306 commissioner not later than thirty days after the date of such
307 acceptance. The commissioner may impose any additional terms of
308 probation on the school that the commissioner deems necessary to
309 protect the educational or financial interests of the state. The charter
310 school shall comply with any such additional terms not later than thirty
311 days after the date of their imposition. The commissioner shall
312 determine the length of time of the probationary period, which may be
313 up to one year, provided the commissioner may extend such period, for
314 up to one additional year, if the commissioner deems it necessary. In the
315 event that the charter school does not file or implement the corrective
316 action plan within the required time period or does not comply with any
317 additional terms within the required time period, the Commissioner of
318 Education may withhold grant funds from the school until the plan is
319 fully implemented or the school complies with the terms of probation,

320 provided the commissioner may extend the time period for such
321 implementation and compliance for good cause shown. Whenever a
322 charter school is placed on probation, the commissioner shall notify the
323 parents or guardians of students attending the school of the
324 probationary status of the school and the reasons for such status. During
325 the term of probation, the commissioner may require the school to file
326 interim reports concerning any matter the commissioner deems relevant
327 to the probationary status of the school, including financial reports or
328 statements. No charter school on probation may increase its student
329 enrollment or engage in the recruitment of new students without the
330 consent of the commissioner.

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

354 the charter shall be revoked and notify the governing council of the
355 decision and the reasons therefor. A decision to revoke a charter shall
356 not constitute a final decision for purposes of chapter 54. In the event an
357 emergency exists in which the commissioner finds that there is
358 imminent harm to the students attending a charter school, the State
359 Board of Education may immediately revoke the charter of the school,
360 provided the notice concerning the reasons for the revocation is sent to
361 the governing council not later than ten days after the date of revocation
362 and the governing council is provided an opportunity to make a
363 presentation to the board not later than twenty days from the date of
364 such notice.

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

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

379 Sec. 502. Section 10-66rr of the general statutes is repealed and the
380 following is substituted in lieu thereof (*Effective July 1, 2023*):

381 On and after July 1, 2015, the State Board of Education shall require
382 members of the governing council of a state or local charter school and
383 members of a charter management organization to submit to a records
384 check of the Department of Children and Families child abuse and
385 neglect registry, established pursuant to section 17a-101k, and to state

386 and national criminal history records checks before the state board
387 grants [initial certificates of approval for] charters pursuant to section
388 10-66bb, as amended by this act, or before such members may be hired
389 by the governing council of a state or local charter school or charter
390 management organization. The governing council of a state or local
391 charter school shall require each contractor doing business with a state
392 or local charter school, who performs a service involving direct student
393 contact, to submit to a records check of the Department of Children and
394 Families child abuse and neglect registry, established pursuant to
395 section 17a-101k, and to state and national criminal history records
396 checks before such contractor begins to perform such service.

397 Sec. 503. (NEW) (*Effective from passage*) There is established an account
398 to be known as the charter school approval grant account which shall be
399 a separate, nonlapsing account within the General Fund. The account
400 shall contain any moneys required by law to be deposited in the account.
401 Moneys in the account shall be expended by the Commissioner of
402 Education, in accordance with the provisions of section 10-66ee of the
403 general statutes, as amended by this act, for the purpose of providing
404 the initial funding for any local or state charter school that has been
405 granted (1) an initial certificate of approval for a charter pursuant to
406 section 10-66bb of the general statutes, revision of 1958, revised to
407 January 1, 2023, on or after July 1, 2018, but prior to July 1, 2023, by the
408 State Board of Education, or (2) on and after July 1, 2023, a new charter
409 pursuant to section 10-66bb of the general statutes, as amended by this
410 act. The commissioner shall pay such funds to such local or state charter
411 school in the fiscal year immediately following the fiscal year in which
412 such initial certificate of approval for a charter or charter was granted.

413 Sec. 504. Section 10-66ee of the general statutes is amended by adding
414 subsection (o) as follows (*Effective from passage*):

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

419 next fiscal year in accordance with the provisions of said section."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>July 1, 2023</i>	10-66bb
Sec. 502	<i>July 1, 2023</i>	10-66rr
Sec. 503	<i>from passage</i>	New section
Sec. 504	<i>from passage</i>	10-66ee(o)