

CHARTER SCHOOL QUESTIONS AND ANSWERS

The questions and answers are provided for general informational purposes. The reader is encouraged to review the language of the statutes and to obtain legal advice before making important decisions.

Q. What are charter schools?

A. Charter schools are public, nonsectarian, independent schools that operate independently of a local or regional board of education pursuant to a state or local charter. Each charter school is considered a public agency for purposes of the Freedom of Information law and must be organized as a nonprofit entity. Conceptually, the goal for charter schools is to serve as centers for innovation and educational leadership to improve student performance and as a vehicle to reduce racial, ethnic and economic isolation. Charter schools may also have a specialized educational focus.

Q. Are charter schools public schools?

A. Yes. Although charter schools may be created by nonprofit entities or individuals, they are public in function and character. They must provide free, nonsectarian education to students enrolled, and must be accessible to all children, regardless of race, color, national origin, gender, religion, sexual preference, proficiency in English, physical or mental disability, or athletic achievement.

Q. How are charter schools governed?

A. A charter school is governed by a governing council consistent with the terms of its charter and state law. The law provides that applications to start new charter schools contain a description of the procedures to be used for the establishment of a governing council that includes teachers, parents and guardians of students, and the chairperson of the local or regional board of education of the town in which the charter school is located, or the designee of such chairperson, provided the designee is a member of the board of education or the superintendent of schools for the district and is responsible for the oversight of charter school operations. This governing body will act in much the same manner as a local school board. It will have overall responsibility for the operation and management of the school, including, but not limited to, its curriculum, the development of staff and student policies, staffing and financial operations. No member or employee of a governing council may have a personal or financial interest in the assets, real or personal, of the school. No member of a governing council shall concurrently serve on the governing council of another charter school or affiliated charter management organization.

Q. What laws are applicable to charter schools? Can any laws be waived?

A. Connecticut General Statutes (C.G.S.) § 10-66dd(b)(1) provides that, subject to certain limited exceptions, charter schools are subject to all federal and state laws governing public schools. All state and federal laws and regulations are applicable to charter schools. The State Board of Education (SBE) may waive, upon application, any provisions of law that are under its jurisdiction, except for those laws concerning mastery testing, school health and sanitation, equal access and discrimination, teacher certification, and collective bargaining. An application for a waiver should demonstrate why the granting of the waiver is necessary to the successful achievement of the mission and how it would assist in enhancing student achievement.

Q. What laws apply to discipline in charter schools?

A. All laws that apply to local and regional boards of education apply to charter schools unless waived. Therefore, charter schools must adopt policies that provide for the fair and consistent application of disciplinary policies and procedures, afford annual notice of such policies to all students and parents or guardians, comply with due process requirements in imposing discipline, and provide an alternative educational opportunity to students who are expelled when required.

Q. What is the difference between a local and state charter school?

A. A local charter school is a public school or part of a public school that is converted into a charter school and is approved by the local or regional board of education of the school district in which it is located, as well as by the SBE. It is funded by the local school district. In addition, the SBE may approve, within available appropriations, a per-student grant not to exceed \$3,000 for each student enrolled in a local charter school. A state charter school is a new school approved by the SBE and funded by the state. All charter schools may receive and expend private or public funds, including funds from local or regional boards of education, for school purposes.

Q. How many charter schools are open?

A. Currently, there are 20 state charter schools and one local charter school operating.

Q. Are there limits on the number of charter schools that can be established?

A. No. In determining whether to grant a charter, the SBE must consider the effect of the proposed charter school on the reduction of racial, ethnic and economic isolation in the region in which it is to be located, the regional distribution of charter schools in the state, and the potential of over-concentration of charter schools within a school district or in contiguous school districts.

Q. Can a charter school have multiple sites?

A. Yes.

Q. Can charters be granted for preschool and early childhood education?

A. Yes.

Q. Who can apply for a charter school?

A. A not for profit tax-exempt organization, public or independent institution of higher education, local or regional board of education or two or more boards of education cooperatively, or regional education service center may apply to establish a charter school. The law provides that no nonpublic elementary or secondary school may be converted to a charter school and no group of parents providing home instruction may establish a charter school for such instruction.

Q. Who can attend a charter school?

A. Charter schools must allow open access to all students and may not discriminate on the basis of race, color, national origin, gender identity or expression, religion, national origin, sexual preference, disability, athletic performance or proficiency in the English language. However, enrollment may be limited to particular grade levels. If more students apply than there are seats available, students are admitted by lottery. Charter schools may only give preference to siblings enrolled in the school. The governing council of a state or local charter school may apply to the State Board of Education for a waiver of the requirements of the enrollment lottery, provided the state or local charter school has at its primary purpose an educational program designed to serve one or more of the following populations: students with a history of behavioral and social difficulties; students identified as requiring special education; students who are English language learners; or students of a single gender.

Q. Must the SBE give any preferences in granting charters?

A. Yes. The SBE must give preference to applicants:

- whose primary purpose is the establishment of education programs designed to serve one or more of the following student populations:
 - students with a history of low academic performance;
 - students who receive free or reduced-price lunches;
 - students with a history of behavioral and social difficulties;
 - students identified as requiring special education;
 - students who are English language learners;
 - students of a single gender;
- that demonstrate highly credible and specific strategies to attract, enroll and retain students from among the student populations described above;
- whose primary purpose is to improve the academic performance of an existing school that has consistently demonstrated substandard academic performance, as determined by the Commissioner;
- that will serve students who reside in a priority school district, pursuant to Section 10-266p of the C.G.S., or in a district in which 75 percent or more of the enrolled students are members of racial or ethnic minorities; or
- to applicants for state charter schools that will be located at a worksite or that are institutions of higher education.

In determining whether to grant a charter, the SBE must consider the effect of the proposed school on the reduction of racial, ethnic and economic isolation in the region in which it is to be located, the regional distribution of charter schools in the state, and the potential of over-concentration of charter schools within a school district or in contiguous school districts.

Q. If preference is given to an institution of higher education, must it be a Connecticut institution?

A. The law does not specify. Therefore, an application from any institution of higher education could be considered for a charter if all other requirements are met.

Q. Is it possible for an approved charter to take a year to plan?

A. Yes, the SBE shall grant charters for a period of up to five years and may allow the applicant to delay its opening for a period of up to one school year to allow for planning time. The five-year lifespan of the charter begins once the school opens.

Q. What assistance will be provided by the CSDE to charter school applicants?

A. The CSDE will provide technical assistance and answer questions concerning matters over which it has jurisdiction. To assist applicants in developing the charter school application, the CSDE recommends that all persons intending to submit an application attend the Bidders' Conference. For more information, please contact Robert Kelly, Charter School Program Manager, at robert.kelly@ct.gov or 860-713-6574.

Q. Are there limits on the number of students who can attend charter schools?

A. Yes. No more than 250 students or 25 percent of the enrollment of the school district in which the school is located may be enrolled in a state charter school, except that a kindergarten to Grade 8 school may enroll up to 300 students. The SBE may waive the enrollment requirements if the charter school applies to the SBE for an enrollment waiver and demonstrates a record of student achievement. The total student population in all state charter schools will be determined by the level of funding enacted by the General Assembly. There is no limit on the number of students who attend local charter schools.

Q. How selective can charter schools be as to admission?

A. Charter schools may not discriminate on the basis of race, color, national origin, gender, religion, sexual preference, disability, athletic performance or proficiency in the English language, but may limit enrollment to a particular grade level. If there is not space available for all students seeking enrollment, preference may be given to siblings, but, otherwise, charter schools must determine enrollment by a lottery. The governing council of a state or local charter school may apply to the State Board of Education for a waiver of the requirements of the enrollment lottery, provided the state or local charter school has at its primary purpose an educational program designed to serve one or more of the following populations: students with a history of behavioral and social difficulties; students identified as requiring special education; students who are English language learners; or students of a single gender.

Q. Does the *Sheff vs. O'Neill* desegregation case have any impact on charter schools?

A. Yes. Because of the *Sheff v. O'Neill* case, the charter school legislation was amended and charter schools are now a vehicle that may be specifically used to increase racial and ethnic diversity in the public schools. The applicant for a charter must now include, in its description of its admission criteria, procedures to promote a diverse student body and efforts to increase the racial and ethnic diversity of its staff. The SBE, in making its decision to grant a charter, must give preference to schools that will serve students who reside in a priority school district or in a district in which 75 percent or more of the enrolled students are members of racial or ethnic minorities. It must also consider the effect of a proposed charter school on the reduction of racial, ethnic and economic isolation in the region in which it is to be located.

Q. Must charters provide transportation for all students attending a charter school?

A. The local board of education of the school district in which the charter school is located must provide transportation services for the students of the charter school who reside in such school district, unless the charter school makes other arrangements for such transportation. A local board of education may provide transportation services to a student attending a charter school outside of the district in which the student resides, and, if it does so, may be reimbursed for a portion of its reasonable costs by way of its regular transportation grant.

Q. How is a charter school financed?

A. As the law is currently written, the state provides funding for state charter schools on a per pupil basis in the following amounts: \$11,525 for each student enrolled in the school per approved enrollment and additional support provided depending on student eligibility for free or reduced-priced meals and students identified as English learners.

The local or regional board of education of the school district in which the local charter school is located shall be responsible for the financial support of such local charter school at a level that is at least equal to the product of the per pupil cost for the fiscal year two years prior to the fiscal year for which support will be provided, multiplied by the number of students attending the local charter school in the current fiscal year. In addition, the State Board of Education may approve, within available appropriations, a per student grant to a local charter school in an amount not to exceed three thousand dollars for each student enrolled in such local charter school. Charter schools are eligible for competitive state grants administered by the CSDE and, in accordance with federal law, for any federal funds available for the education of pupils attending public schools.

Q. Is funding available to assist with school facility costs?

A. Competitively awarded grants are available to assist established state charter schools in financing school building projects and repayment of debt incurred for school building projects.

A local charter schools may receive grants of up to \$500,000 to assist with start-up costs. Such grants may be used to assist with school facility costs.

Q. Are charter schools eligible for Pre-K funding?

A. Yes.

Q. Can charter schools charge tuition?

A. No.

Q. Will charter schools be required to offer courses in all academic subjects, as required by C.G.S. § 10-16b?

A. Yes. The law requires that all state laws apply to charter schools unless a waiver is obtained. However, it also prohibits the granting of a waiver of the requirements of mastery testing. Therefore, even if the offering of a particular subject is waived, mastery test achievement in that area must be addressed.

Q. Who is responsible for providing services and paying the cost of educating special education students?

A. The local board of education in which the student attending a charter school resides must: hold the planning and placement team meeting for special education students; invite representatives from the charter school to participate; and pay the state charter school, on a quarterly basis, an amount equal to the difference between the reasonable cost of educating such student and the sum of the amount received by the state charter school from all sources. The charter school is ultimately responsible for implementing the student's individualized education program; however, since the local school district is responsible for paying the reasonable cost for the program, charter schools are encouraged to work closely with the local district in providing services.

Q. Can charter schools enter into agreements with local school districts to provide special education services?

A. Yes.

Q. Do all teachers have to be certified?

A. Current legislation requires that at least 50 percent of educators serving in a charter school must hold a valid certificate (Initial, Provisional, or Professional Certificate) and the remaining 50 percent may hold other interim certificates, temporary certificates, permits or authorizations. Of the 50 percent allowed to serve under other certificates, permits or authorizations, legislation also allows for the issuance of a Charter School Educator Permit (CSEP). The Commissioner of Education may waive these requirements for any administrator or person providing instruction or pupil services employed by a charter school who holds a charter school educator permit, provided not more than 30 percent of the total number of administrators and persons providing instruction or pupil services hold the charter school educator permit for the school year. However, charter applicants are not eligible for consideration of this waiver. The Commissioner may consider requests for waivers of the certifying requirements only after: the school governance council has been established in accordance with Section 10-66bb, as amended, of the C.G.S.; and teachers and administrators for whom the waivers are sought have been identified and are able to demonstrate evidence of effectiveness.

Q. Do administrators have to be certified, and, if so, what certification is required?

A. Yes. Administrators must be certified as such, in accordance with Sections 10-145d-572 et seq. of the Regulations of Connecticut State Agencies, if they serve in a capacity that the regulations describe as administrative.

Q. Can the requirements of law concerning collective bargaining be waived?

A. No.

Q. Can charter school employees participate in teacher's retirement?

A. C.G.S. § 10-66dd(d) (1) provides that, qualified school professionals hired by a charter school prior to July 1, 2010 and employed in a charter school may participate in the state teacher retirement system on the same basis as if such professional was employed by a local or regional board of education. The governing council of a charter school shall make the contributions to the teachers' retirement system, as required under C.G.S. § 10-183b.

C.G.S. § 10-66dd(d) (2) provides that, qualified school professionals hired by a charter school on or after July 1, 2010, and who have not previously been employed by a charter school in this state prior to July 1, 2010, must participate in the state teacher retirement system on the same basis as if such professionals were employed by a local or regional board of education. The governing council of a charter school is required to make contributions to the teachers' retirement system for such professionals.

C.G.S. § 10-66dd(d) (3) provides that, any administrator or person providing instruction or pupil services in a charter school who holds a charter school educator permit issued by the SBE pursuant to C.G.S. § 10-145q shall participate in the state teacher retirement system under chapter 167a pursuant to C.G.S. § 10-66dd(d)(2) when such administrator or person providing instruction or pupil services

obtains professional certification pursuant to C.G.S. § 10-145b.

Q. How will charter schools be evaluated?

A. The governing council of a charter school must annually submit to the Commissioner a report on the school's progress in meeting the academic and organizational performance goals set forth in the charter, including a description of the following: (a) the educational progress of students in the school; (b) the financial condition of the school, including a certified audit statement of all revenues and expenditures; (c) the accomplishment of the mission and any specialized focus of the charter school; (d) the racial and ethnic composition of the student body and efforts taken to increase the racial and ethnic diversity of the student body; and (e) best practices employed by the school that contribute significantly to the academic success of students. Local charter schools must submit this report to the local or regional board of education for the school district in which the school is located. Additionally, each charter school must comply with the provisions of its charter and applicable laws or face probation or revocation of its charter. Students attending charter schools must also take the state assessments including the Connecticut Smarter Balanced Assessment, Next Generation Science Standard Assessment, Connecticut SAT School Day, Connecticut Alternate Assessment System for students with significant cognitive disabilities, LAS Links Assessment for English learners, and the Connecticut Physical Fitness Assessment, the results of which are must be included in a school's assessment of its students' performance. In accordance with subsection (g) of Section 10-66bb of the Connecticut General Statutes (C.G.S.), charters may be renewed, upon application, in accordance with the provisions for the granting of new charters. The State Board of Education (SBE) may renew a charter for a period of up to five years. The SBE makes renewal decisions based on evidence of the following performance standards:

- 1. School Performance:** Is the school a successful model resulting in strong student outcomes and a positive school climate?
 - 2. Stewardship, Governance and Management:** Is the school financially and organizationally healthy and viable?
 - 3. Student Population:** Is the school promoting equity by effectively attracting, enrolling and retaining students, particularly among targeted populations?
 - 4. Legal Compliance:** Is the school acting in compliance with applicable laws and regulations?
- The Connecticut State Department of Education (CSDE) and the SBE carefully evaluate qualitative and quantitative evidence, and longitudinal data aligned to the four performance standards outlined above when making charter renewal decisions.

Q. Can a charter be revoked?

A. Yes. The law provides that the SBE may revoke a charter at any time for the reasons specified in the statute. The Commissioner can place a charter school on probation for the reasons specified in the statute.