



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Superintendents of Schools
Chairpersons of Local and Regional Boards of Education
Charter School Directors

FROM: Mike McKeon, Director, Division of Legal and Governmental Affairs

DATE: October 26, 2023

SUBJECT: Notice of Intention to Issue Declaratory Rulings

On September 6, 2023, the State Board of Education (State Board) voted to issue declaratory rulings on two of the issues posed in the Brass City Charter School Petition for a Declaratory Ruling ("Petition"). See Connecticut General Statutes (C.G.S.) § 4-176; Regulations of Connecticut State Agencies (R.C.S.A.) §§ 10-4-20 through 10-4-22. The Petition concerns the interpretation of C.G.S. § 10-66ee which addresses the payment by boards of education to charter schools for providing special education services. The Petition is posted on the Department of Education website on the Legal and Governmental Affairs webpage.

The State Board will issue declaratory rulings on the following two issues:

1. Does C.G.S. Section 10-66ee require a resident local or regional board of education ("Resident District") to reimburse a State Charter School for the actual cost of providing special education and related services based on the services and minutes enumerated in each resident student's Individualized Education Program ("IEP"), so long as the total amount of reimbursement requested by the State Charter School for all enrolled students with disabilities does not exceed the State Charter School's actual cost of providing special education and related services to all enrolled students?
2. Does the actual cost of providing special education and related services include the percentage of time charter school personnel spend on administrative and planning activities directly related to the provision of special education and related services to Resident Students, in addition to the time spent on direct instruction?

Interested persons may petition for party or intervenor status in this proceeding. Petitions will be reviewed in accordance with C.G.S. § 4-176(d). Persons seeking party or intervenor status should include, with their petitions, any data, facts, arguments, or opinions that they would like to have considered with respect to these issues. R.C.S.A. § 10-4-22(a). Petitions for party or intervenor status and accompanying materials should be sent electronically to Louis.Todisco@ct.gov **no later than December 4, 2023**. These petitions and accompanying materials will be distributed to the current parties to this matter -- Brass City Charter School and the Waterbury Board of Education -- and to others seeking party or intervenor status. Parties and intervenors shall be offered an opportunity to respond. We request that Superintendents send this Notice to the Chairperson of their Board of Education.

If you have any questions, please contact Attorney Louis Todisco, at Louis.Todisco@ct.gov or 860-713-6594.