

Charter School Law

Connecticut General Statutes § 10-66aa. Charter schools: As used in this section and sections 10-66bb to 10-66uu, inclusive:

- (1) "Charter school" means a public, nonsectarian school which is (A) established under a charter granted pursuant to section 10-66bb, (B) organized as a nonprofit entity under state law, (C) a public agency for the purposes of the Freedom of Information Act, as defined in section 1-200, and (D) operated independently of any local or regional board of education in accordance with the terms of its charter and the provisions of this section and sections 10-66bb to 10-66uu, inclusive, provided no member or employee of a governing council of a charter school shall have a personal or financial interest in the assets, real or personal, of the school;
- (2) "Local charter school" means 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 and by the State Board of Education pursuant to subsection (e) of section 10-66bb;
- (3) "State charter school" means a new public school approved by the State Board of Education pursuant to subsection (f) of section 10-66bb;
- (4) "Charter management organization" means any not-for-profit organization that (A) is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and (B) contracts with a charter school for educational design, implementation or whole school management services;
- (5) "Whole school management services" means the financial, business, operational and administrative functions for a school; and
- (6) "Charter" means a charter for a local or state charter school granted by the State Board of Education on or before June 30, 2015, and with respect to a charter granted or renewed on or after July 1, 2015, a contract between the governing council of a charter school and the State Board of Education that sets forth the roles, powers, responsibilities, and performance expectations of each party to the contract.

Connecticut General Statutes § 10-66bb. Application process and requirements. Initial certificate of approval for charter. Charter renewal. Probation. Revocation. Enrollment lottery; exceptions.

Sec. 10-66bb. Application process and requirements. Initial certificate of approval for charter. Charter renewal. Probation. Revocation. Enrollment lottery; exceptions. (a)(1) On and after July 1, 1997, and prior to July 1, 2015, the State Board of Education may grant charters for local and state charter schools in accordance with this section. On and after July 1, 2015, such state board may grant initial certificates of approval for charters for local and state charter schools in accordance with this section. Upon granting an initial certificate of approval for a charter, such state board shall submit a copy of the initial certificate of approval for the charter and a summary of the comments made at a public hearing conducted pursuant to subdivision (2) of subsection (e) of this section or subparagraph (B)(ii) of subdivision (1) of subsection (f) of this section, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to education and appropriations and the budgets of state agencies.

(2) The General Assembly may appropriate funds to the Department of Education for the purposes of providing grants to local and state charter schools, pursuant to section 10-66ee. If such funds are appropriated, an initial certificate of approval for a charter for a local or state charter school shall be effective and deemed a charter as of July first of the first fiscal year for which such funds are appropriated.

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

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

(c) On and after July 1, 2015, the State Board of Education shall review, annually, all applications and grant initial certificates of approval for charters, in accordance with subsections (e) and (f) of this section, for a local or state charter school located in a town that has one or more schools that have been designated as a commissioner's network school, pursuant to section 10-223h, at the time of such application, or a town that has been designated as a low achieving school district, pursuant to section 10-223e, at the time of such application. (1) Except as provided for in subdivision (2) of this subsection, no state charter school shall enroll (A) (i) more than two hundred fifty students, or (ii) in the case of a kindergarten to grade eight, inclusive, school, more than three hundred students, or (B) twenty-five per cent of the enrollment of the school district in which the state charter school is to be located, whichever is less. (2) In the case of a state charter school found by the State Board of Education to have a demonstrated record of achievement, said board shall, upon application by such school to said board, waive the provisions of subdivision (1) of this subsection for such school. (3) The State Board of Education shall give preference to applicants for charter schools (A) whose primary purpose is the establishment of education programs designed to serve one or more of the following student populations: (i) Students with a history of low academic performance, (ii) students who receive free or reduced priced lunches pursuant to federal law and regulations, (iii) students with a history of behavioral and social difficulties, (iv) students identified as requiring special education, (v) students who are English language learners, or (vi) students of a single gender; (B) 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 of Education; (C) that will serve students who reside in a priority school district pursuant to section 10-266p; (D) that will serve students who reside in a district in which seventy-five per cent or more of the enrolled students are members of racial or ethnic minorities; (E) that demonstrate highly credible and specific strategies to attract, enroll and retain students from among the populations described in subparagraph (A)(i) to (A)(vi), inclusive, of this subdivision; or (F) that, in the case of an applicant for a state charter school, such state charter school will be located at a work-site or such applicant is an institution of higher education. In determining whether to grant an initial certificate of approval for a charter, the State Board of Education shall consider (i) the effect of the proposed charter school on (I) the reduction of racial, ethnic and economic isolation in the region in which it is to be located, (II) the regional distribution of charter schools in the state, (III) the potential of over-concentration of charter schools within a school district or in contiguous school districts, and

(IV) the state's efforts to close achievement gaps, as defined in section 10-1600, and (ii) the comments made at a public hearing conducted pursuant to subdivision (2) of subsection (e) of this section or subparagraph (B)(ii) of subdivision (1) of subsection (f) of this section.

(d) Applications pursuant to this section shall include a description of: (1) The mission, purpose and any specialized focus of the proposed charter school; (2) the interest in the community for the establishment of the charter school; (3) the school governance and procedures for the establishment of a governing council that (A) includes (i) teachers and parents and guardians of students enrolled in the school, and (ii) the chairperson of the local or regional board of education of the town in which the charter school is located and which has jurisdiction over a school that resembles the approximate grade configuration of the charter school, or the designee of such chairperson, provided such designee is a member of the board of education or the superintendent of schools for the school district, or the superintendent's designee, and (B) is responsible for the oversight of charter school operations, provided no member or employee of the governing council may have a personal or financial interest in the assets, real or personal, of the school; (4) the financial plan for operation of the school, provided no application fees or other fees for attendance, except as provided in this section, may be charged; (5) the educational program, instructional methodology and services to be offered to students; (6) the number and qualifications of teachers and administrators to be employed in the school; (7) the organization of the school in terms of the ages or grades to be taught and the total estimated enrollment of the school; (8) the student admission criteria and procedures to (A) ensure effective public information, (B) ensure open access on a space available basis, including the enrollment of students during the school year if spaces become available in the charter school, (C) promote a diverse student body, and (D) ensure that the school complies with the provisions of section 10-15c and that it does not discriminate on the basis of disability, athletic performance or proficiency in the English language, provided the school may limit enrollment to a particular grade level or specialized educational focus and, if there is not space available for all students seeking enrollment, the school may give preference to siblings but shall otherwise determine enrollment by a lottery, except the State Board of Education may waive the requirements for such enrollment lottery pursuant to subsection (j) of this section; (9) a means to assess student performance that includes participation in mastery examinations, pursuant to section 10-14n; (10) procedures for teacher evaluation and professional development for teachers and administrators; (11) the provision of school facilities, pupil transportation and student health and welfare services; (12) procedures to encourage involvement by parents and guardians of enrolled students in student learning, school activities and school decision-making; (13) procedures to document efforts to increase the racial and ethnic diversity of staff; (14) a five-year plan to sustain the maintenance and operation of the school; (15) a student recruitment and retention plan that shall include, but not be limited to, a clear description of a plan and the capacity of the school to attract, enroll and retain students from among the populations described in subparagraph (A)(i) to (A)(v), inclusive, of subdivision (3) of subsection (c) of this section; (16) a plan to share student learning practices and experiences with the local or regional board of education of the town in which the proposed charter school is to be located; and (17) in the case of an application in which the governing council of the proposed charter school intends to contract with a charter management organization for whole school management services: (A) Evidence of the charter management organization's ability to (i) serve student populations that are similar to the student population that will be served by the proposed charter school, (ii) create strong academic outcomes for students, and (iii) successfully manage nonacademic school functions, (B) a term sheet that sets forth (i) the length of the contract for whole school management services, (ii) the roles and responsibilities of the governing council of the proposed charter school, the staff of the proposed

charter school and the charter management organization, (iii) the scope of services and resources to be provided by the charter management organization, (iv) the performance evaluation measures and timelines, (v) the compensation structure, including a clear identification of all fees to be paid to the charter management organization, (vi) the methods of contract oversight and enforcement, and (vii) the conditions for renewal and termination of the contract, and (C) evidence of compliance with the provisions of section 10-66tt. Subject to the provisions of subsection (b) of section 10-66dd, an application may include, or a charter school may file, requests to waive provisions of the general statutes and regulations not required under sections 10-66aa to 10-66nn, inclusive, and which are within the jurisdiction of the State Board of Education.

(e) An application for the establishment of a local charter school shall be submitted to the local or regional board of education of the school district in which the local charter school is to be located for approval pursuant to this subsection. The local or regional board of education shall: (1) Review the application; (2) hold a public hearing in the school district on such application; (3) survey teachers and parents in the school district to determine if there is sufficient interest in the establishment and operation of the local charter school; and (4) vote on a complete application not later than seventy-five days after the date of receipt of such application. Such board of education may approve the application by a majority vote of the members of the board present and voting at a regular or special meeting of the board called for such purpose. If the application is approved, the board shall forward the application to the State Board of Education. The State Board of Education shall vote on the application not later than sixty days after the date of receipt of such application. Subject to the provisions of subsection (c) of this section, the State Board of Education may approve the application and grant the initial certificate of approval for the charter for the local charter school or reject such application by a majority vote of the members of the state board present and voting at a regular or special meeting of the state board called for such purpose. The State Board of Education may condition granting the initial certificate of approval for the charter for the local charter school on the applicant meeting certain conditions determined by the Commissioner of Education to be necessary and may authorize the commissioner to release the initial certificate of approval for the charter when the commissioner determines such conditions are met. After an initial certificate of approval for a charter for a local charter school is deemed a charter pursuant to subdivision (2) of subsection (a) of this section, such charter may be valid for a period of up to five years. The state board may allow the applicant to delay its opening for a period of up to one school year for the applicant to fully prepare to provide appropriate instructional services. On and after July 1, 2015, any initial certificate of approval for a charter granted by the state board to a local charter school shall include academic and organizational performance goals, developed by the state board, that set forth the performance indicators, measures and metrics that will be used by the state board to evaluate the local charter school.

(f) (1) Except as otherwise provided in subdivision (2) of this subsection, an application for the establishment of a state charter school shall be (A) submitted to the State Board of Education for approval in accordance with the provisions of this subsection, and (B) filed with the local or regional board of education in the school district in which the charter school is to be located. The state board shall: (i) Review such application; (ii) hold a public hearing on such application in the school district in which such state charter school is to be located; (iii) solicit and review comments on the application from the local or regional board of education for the school district in which such charter school is to be located and from the local or regional boards of education for school districts that are contiguous to the district in which such school is to be located; and (iv) vote on a complete application not later than ninety days after the date of receipt of such application. The State Board of Education may approve an

application and grant the initial certificate of approval for the charter for the state charter school by a majority vote of the members of the state board present and voting at a regular or special meeting of the state board called for such purpose. The State Board of Education may condition granting the initial certificate of approval for the charter for the state charter school on the applicant meeting certain conditions determined by the Commissioner of Education to be necessary and may authorize the commissioner to release the initial certificate of approval for the charter when the commissioner determines such conditions are met. After an initial certificate of approval for a charter for a state charter school is deemed a charter pursuant to subdivision (2) of subsection (a) of this section, such charter may be valid for a period of time of up to five years. The state board may allow the applicant to delay its opening for a period of up to one school year in order for the applicant to fully prepare to provide appropriate instructional services. On and after July 1, 2015, any initial certificate of approval for a charter granted by the state board to a state charter school shall include academic and organizational performance goals, developed by the state board, that set forth the performance indicators, measures and metrics that will be used by the state board to evaluate the state charter school.

(2) On and after July 1, 2012, and before July 1, 2015, the State Board of Education shall not approve more than four applications for the establishment of new state charter schools unless two of the four such applications are for the establishment of two new state charter schools whose mission, purpose and specialized focus is to provide dual language programs or other models focusing on language acquisition for English language learners. Approval of applications under this subdivision shall be in accordance with the provisions of this section.

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

(h) The Commissioner of Education may at any time place a charter school on probation if (1) the school has failed to (A) adequately demonstrate student progress, as determined by the commissioner, (B) comply with the terms of its charter or with applicable laws and regulations, (C) achieve measurable progress in reducing racial, ethnic and economic isolation, or (D) maintain its nonsectarian status, or (2) the governing council has demonstrated an inability to provide effective leadership to oversee the operation of the charter school or has not ensured that public funds are expended prudently or in a manner required by law. If a charter school is placed on probation, the commissioner shall provide written notice to the charter school of the reasons for such placement, not later than five days after the placement, and shall require the charter school to file with the Department of Education a corrective action plan acceptable to the commissioner not later than thirty-five days from the date of such placement. The charter school shall implement a corrective action plan accepted by the commissioner not later than thirty days after the date of such acceptance. The commissioner may impose any additional terms of probation on the school that the commissioner deems necessary to protect the educational or financial interests of the state. The charter school shall comply with any such additional terms not later than thirty days after the date of their imposition. The commissioner shall determine the length of time of the probationary period, which may be up to one year, provided the commissioner may extend such period, for up to one additional year, if the commissioner deems it necessary. In the event that the charter school does not file or implement the corrective action plan within the required time period or does not comply with any additional terms within the required time period, the Commissioner of Education may withhold grant funds from the school until the plan is fully implemented or the school complies with the terms of probation, provided the commissioner may extend the time period for such implementation and compliance for good cause shown. Whenever a charter school is placed on probation, the commissioner shall notify the parents or guardians of students attending the school of the probationary status of the school and the reasons for such status. During the term of probation, the commissioner may require the school to file interim reports concerning any matter the commissioner deems relevant to the probationary status of the school, including financial reports or statements. No charter school on probation may increase its student enrollment or engage in the recruitment of new students without the consent of the commissioner.

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

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

(j) (1) 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 described in subdivision (8) of subsection (d) of this section, provided such state or local charter school has as its primary purpose the establishment of education programs designed to serve one or more of the following populations: (A) Students with a history of behavioral and social difficulties, (B) students identified as requiring special education, (C) students who are English language learners, or (D) students of a single gender.

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

Connecticut General Statutes § 10-66cc. Strategic school profile report. Report on school's progress.

(a) The governing council of a charter school shall submit annually, to the Commissioner of Education, a strategic school profile report as described in subsection (c) of section 10-220.

(b) The governing council of each charter school shall submit annually, to the Commissioner of Education, at such time and in such manner as the commissioner prescribes, and, in the case of a local charter school, to the local or regional board of education for the school district in which the school is located, a report on the school's progress in meeting the academic and organizational performance goals set forth in the charter, including a description of (1) the educational progress of students in the school, (2) the financial condition of the school, including a certified audit statement of all revenues from public and private sources and expenditures, (3) the school's accomplishment of the mission, purpose and any specialized focus of the charter school, (4) the racial and ethnic composition of the student body and efforts taken to increase the racial and ethnic diversity of the student body, and (5) best practices employed by the school that contribute significantly to the academic success of students.

§ 10-66dd. School professionals and persons holding charter school educator permits employed in charter schools. Charter schools subject to laws governing public schools; exceptions; waivers. Participation in the state teacher retirement system

(a) For purposes of this section, "school professional" means any school teacher, administrator or other personnel certified by the State Board of Education pursuant to section 10-145b.

(b) (1) Subject to the provisions of this subsection and except as may be waived pursuant to subsection (d) of section 10-66bb, charter schools shall be subject to all federal and state laws governing public schools.

(2) Subject to the provisions of subdivision (5) of this subsection, at least one-half of the persons providing instruction or pupil services in a charter school shall possess the proper certificate other than (A) a certificate issued pursuant to subdivision (1) of subsection (c) of section 10-145b, or (B) a temporary certificate issued pursuant to subsection (c) of section 10-145f on the day the school begins operation and the remaining persons shall possess a certificate issued pursuant to said subdivision (1) or such temporary certificate on such day.

(3) The commissioner may not waive the provisions of chapters 163c and 169 and sections 10-15c, 10-153a to 10-153g, inclusive, 10-153i, 10-153j, 10-153m and 10-292.

(4) The state charter school governing council shall act as a board of education for purposes of collective bargaining. The school professionals and persons holding a charter school educator permit, issued by the State Board of Education pursuant to section 10-145q, employed by a local charter school shall be members of the appropriate bargaining unit for the local or regional school district in which the local charter school is located and shall be subject to the same collective bargaining agreement as the school professionals employed by such district. A majority of those employed or to be employed in the local charter school and a majority of the members of the governing council of the local charter school may modify, in writing, such collective bargaining agreement, consistent with the terms and conditions of the approved charter, for purposes of employment in the charter school.

(5) For the school year commencing July 1, 2011, and each school year thereafter, the Commissioner of Education may waive the requirements of subdivision (2) of this subsection for any administrator or person providing instruction or pupil services employed by a charter school who holds a charter school educator permit, issued pursuant to section 10-145q, provided not more than thirty per cent of the total number of administrators and persons providing instruction or pupil services employed by a charter school hold the charter school educator permit for the school year.

(6) For the school year commencing July 1, 2011, and each school year thereafter, any administrator holding a charter school educator permit, issued pursuant to section 10-145q, shall be authorized to supervise and conduct performance evaluations of any person providing instruction or pupil services in the charter school that such administrator is employed.

(c) School professionals employed by a local or regional board of education shall be entitled to a two-year leave of absence, without compensation, to be employed in a charter school provided such leave shall be extended upon request for an additional two years. At any time during or upon the completion of such a leave of absence, a school professional may return to work in the school district in the position in which he was previously employed or a comparable position. Such leave of absence shall not be deemed to be an interruption of service for purposes of seniority and teachers' retirement, except that time may not be accrued for purposes of attaining tenure. A school professional who is not on such a leave of absence and is employed for forty school months of full-time continuous employment by the charter school and is subsequently employed by a local or regional board of education shall attain tenure after the completion of twenty school months of full-time continuous employment by such board of education in accordance with section 10-151.

(d) (1) An otherwise qualified school professional hired by a charter school prior to July 1, 2010 and employed in a charter school may participate in the state teachers' retirement system under chapter 167a on the same basis as if such professional were employed by a local or regional board of education. The governing council of a charter school shall make the contributions, as defined in subdivision (7) of section 10-183b, for such professional.

(2) An otherwise qualified school professional hired by a charter school on or after July 1, 2010, and who has not previously been employed by a charter school in this state prior to July 1, 2010, shall participate in the state teachers' retirement system under chapter 167a on the same basis as if such professional were employed by a local or regional board of education. The governing council of a charter school shall make the contributions, as defined in subdivision (7) of section 10-183b, for such professional.

(3) Any administrator or person providing instruction or pupil services in a charter school who holds a charter school educator permit issued by the State Board of Education pursuant to section 10-145q shall participate in the state teachers' retirement system under chapter 167a pursuant to subdivision (2) of this section when such administrator or person providing instruction or pupil services obtains professional certification pursuant to section 10-145b.

§ 10-66ee. Charter school funding. Special education students. Transportation. Contracts. Cooperative arrangements

(a) For the purposes of equalization aid under section 10-262h a student enrolled (1) in a local charter school shall be considered a student enrolled in the school district in which such student resides, and (2) in a state charter school shall not be considered a student enrolled in the school district in which such student resides.

(b) (1) The local board of education of the school district in which a student enrolled in a local charter school resides shall pay, annually, in accordance with its charter, to the fiscal authority for the charter school for each such student the amount specified in its charter, including the reasonable special education costs of students requiring special education. The board of education shall be eligible for reimbursement for such special education costs pursuant to section 10-76g.

(2) 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 (A) the per pupil cost for the fiscal year two years prior to the fiscal year for which support will be provided, and (B) the number of students attending such local charter school in the current fiscal year. As used in this subdivision, "per pupil cost" means, for a local or regional board of education, the quotient of the current program expenditures, as defined in section 10-262f, divided by the number of resident students, as defined in section 10-262f, of such local or regional board of education.

(c) For the fiscal year ending June 30, 2014, and each fiscal year thereafter, 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, provided the local or regional board of education for such local charter school and the representatives of the exclusive bargaining unit for certified employees, chosen pursuant to section 10-153b, mutually agree on staffing flexibility in such local charter school, and such agreement is approved by the State Board of Education. The state shall make such payments, in accordance with this subsection, to the fiscal authority for a local charter school for each student enrolled in such school as follows: Twenty-five per cent of the amount not later than July fifteenth and September first based on estimated student enrollment on May first, and twenty-five per cent of the amount not later than January first and the remaining amount not later than April first, each based on student enrollment on October first.

(d) (1) As used in this subsection: (A) "Total charter need students" means the sum of (i) the number of students enrolled in state charter schools under the control of the governing authority for such state charter schools for the school year, and (ii) for the school year commencing July 1, 2021, and each school year thereafter, (I) thirty per cent of the number of children enrolled in such state charter schools eligible for free or reduced price meals or free milk, (II) fifteen per cent of the number of such children eligible for free or reduced price meals or free milk in excess of the number of such children eligible for free or reduced price meals or free milk that is equal to sixty per cent of the total number of children enrolled in such state charter schools, and (III) twenty-five per cent of the number of students enrolled in such state charter schools who are English language learners, as defined in [section 10-76kk](#).

(B) "Foundation" has the same meaning as provided in [section 10-262f](#).

(C) "Charter full weighted funding per student" means the quotient of (i) the product of the total charter need students and the foundation, and (ii) the number of students enrolled in state charter schools under the control of the governing authority for such state charter schools for the school year.

(D) "Charter grant adjustment" means the absolute value of the difference between the foundation and charter full weighted funding per student for state charter schools under the control of the governing authority for such state charter schools for the school year.

(2) For the fiscal year ending July 1, 2022, the state shall pay in accordance with this subsection, to the fiscal authority for a state charter school for each student enrolled in such school, the foundation plus four and one-tenth per cent of its charter grant adjustment.

(3) For the fiscal year ending June 30, 2023, the state shall pay in accordance with this subsection, to the fiscal authority for a state charter school for each student enrolled in such school, the foundation plus fourteen and seventy-six-one-hundredths per cent of its charter grant adjustment.

(4) Payments under subdivisions (2) and (3) of this subsection shall be paid as follows: Twenty-five per cent of the amount not later than July fifteenth and September first based on estimated student enrollment on May first, and twenty-five per cent of the amount not later than January first and the remaining amount not later than April first, each based on student enrollment on October first.

(5) In the case of a student identified as requiring special education, the school district in which the student resides shall: (A) Hold the planning and placement team meeting for such student and shall invite representatives from the charter school to participate in such meeting; and (B) 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 for such student pursuant to subdivision (1) of this subsection and amounts received from other state, federal, local or private sources calculated on a per pupil basis. Such school district shall be eligible for reimbursement pursuant to [section 10-76g](#). The charter school a student requiring special education attends shall be responsible for ensuring that such student receives the services mandated by the student's individualized education program whether such services are provided by the charter school or by the school district in which the student resides.

(e) Notwithstanding any provision of the general statutes, if at the end of a fiscal year amounts received by a state charter school, pursuant to subdivision (1) of subsection (d) of this section, are unexpended, the charter school (1) may use, for the expenses of the charter school for the following fiscal year, up to ten per cent of such amounts, and (2) may (A) create a reserve fund to finance a specific capital or equipment purchase or another specified project as may be approved by the commissioner, and (B) deposit into such fund up to five per cent of such amounts.

(f) The local or regional board of education of the school district in which the charter school is located shall provide transportation services for students of the charter school who reside in such school district pursuant to section 10-273a unless the charter school makes other arrangements for such transportation. Any local or regional 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 elects to provide such transportation, shall be reimbursed pursuant to section 10-266m for the reasonable costs of such transportation. Any local or regional board of education providing transportation services under this subsection may suspend such services in accordance with the provisions of section 10-233c. The parent or guardian of any student denied the transportation services required to be provided pursuant to this subsection may appeal such denial in the manner provided in sections 10-186 and 10-187.

(g) Charter schools shall be eligible to the same extent as boards of education for any grant for special education, competitive state grants and grants pursuant to sections 10-17g and 10-266w.

(h) If the commissioner finds that any charter school uses a grant under this section for a purpose that is inconsistent with the provisions of this part, the commissioner may require repayment of such grant to the state.

(i) Charter schools shall receive, in accordance with federal law and regulations, any federal funds available for the education of any pupils attending public schools.

(j) The governing council of a charter school may (1) contract or enter into other agreements for purposes of administrative or other support services, transportation, plant services or leasing facilities or equipment, and (2) receive and expend private funds or public funds, including funds from local or regional boards of education and funds received by local charter schools for out-of-district students, for school purposes.

(k) If in any fiscal year, more than one new state or local charter school is approved pursuant to section 10-66bb and is awaiting funding pursuant to the provisions of this section, the State Board of Education shall determine which school is funded first based on a consideration of the following factors in order of importance as follows: (1) The quality of the proposed program as measured against the criteria required in the charter school application process pursuant to section 10-66bb, (2) whether the applicant has a demonstrated record of academic success by students, (3) whether the school is located in a school district with a demonstrated need for student improvement, and (4) whether the applicant has plans concerning the preparedness of facilities, staffing and outreach to students.

(l) Within available appropriations, the state may provide a grant in an amount not to exceed seventy-five thousand dollars to any newly approved state charter school that assists the state in meeting its obligations pursuant to the decision in [Sheff v. O'Neill, 238 Conn. 1 \(1996\)](#), or any related stipulation or order in effect, as determined by the Commissioner of Education, for start-up costs associated with the new charter school program.

(m) Charter schools may, to the same extent as local and regional boards of education, enter into cooperative arrangements as described in section 10-158a, provided such arrangements are approved by the Commissioner of Education. Any state charter school participating in a cooperative arrangement under this subsection shall maintain its status as a state charter school and not be excused from any obligations pursuant to sections 10-66aa to 10-66ll, inclusive.

(n) The Commissioner of Education shall provide any town receiving aid pursuant to subsection (c) or (d) of this section with the amount of such aid to be paid to each state or local charter school located in such town.

Connecticut General Statutes § 10-66ff. Powers. Liability limited. Participation in Short-Term Investment Fund

(a) Each charter school may (1) sue and be sued, (2) purchase, receive, hold and convey real and personal property for school purposes, and (3) borrow money for such purposes.

(b) The state, a local or regional board of education or the applicant for a charter school shall have no liability for the acts, omissions, debts or other obligations of such charter school, except as may be provided in an agreement or contract with such charter school.

(c) Charter schools established pursuant to sections 10-66aa to 10-66gg, inclusive, shall be eligible to invest in participation certificates of the Short-Term Investment Fund administered by the State Treasurer pursuant to sections 3-27a to 3-27f, inclusive.

Connecticut General Statutes § 10-66gg. Report to General Assembly

Not later than January 1, 2012, and biennially thereafter, within available appropriations, the Commissioner of Education shall review and report, in accordance with the provisions of section 11-4a, on the operation of such charter schools as may be established pursuant to sections 10-66aa to 10-66ff, inclusive, to the joint standing committee of the General Assembly having cognizance of matters relating to education. Such report shall include: (1) Recommendations for any statutory changes that would facilitate expansion in the number of charter schools; (2) a compilation of school profiles pursuant to section 10-66cc; (3) an assessment of the adequacy of funding pursuant to section 10-66ee; and (4) the adequacy and availability of suitable facilities for such schools.

Connecticut General Statutes § 10-66hh. Program to assist charter schools with capital expenses

(a) For the fiscal year ending June 30, 2008, and each fiscal year thereafter, the Commissioner of Education shall establish, within available bond authorizations, a grant program to assist state charter schools in financing (1) school building projects, as defined in section 10-282, (2) general improvements to school buildings, as defined in subsection (a) of section 10-265h, and (3) repayment of debt incurred for school building projects. The governing authorities of such state charter schools may apply for such grants to the Department of Education at such time and in such manner as the commissioner prescribes. The commissioner shall give preference to applications that provide for matching funds from nonstate sources.

(b) All final calculations for grant awards pursuant to this section in an amount equal to or greater than two hundred fifty thousand dollars shall include a computation of the state grant amount amortized on a straight-line basis over a ten-year period. Any state charter school which abandons, sells, leases, demolishes, or otherwise redirects the use of a school building which benefited from such a grant award during such amortization period, including repayment of debt for the purchase, renovation or improvement of the building, shall refund to the state the unamortized balance of the state grant remaining as of the date that the abandonment, sale, lease, demolition or redirection occurred. The amortization period shall begin on the date the grant award is paid. A state charter school required to make a refund to the state pursuant to this subsection may request forgiveness of such refund if the building is redirected for public use.

Connecticut General Statutes § 10-66ii. Report on best practices employed by charter schools

The Department of Education shall, annually, publish a report on all of the best practices reported by governing councils of charter schools pursuant to subdivision (5) of subsection (b) of section 10-66cc and distribute a copy of such report to each public school superintendent and the governing council of each charter school.

Connecticut General Statutes § 10-66jj. Bond authorization for program to assist charter schools with capital expenses

(a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power, from time to time, to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate forty-five million dollars, provided five million dollars of said authorization shall be effective July 1, 2018.

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Department of Education for the purpose of grants pursuant to section 10-66hh.

(c) All provisions of section 3-20, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

Connecticut General Statutes § 10-66kk. Governing council. Internet posting of meeting schedules, agendas and minutes. Membership

(a) The governing council of each state charter school shall post on any Internet web site that the council operates the (1) schedule, (2) agenda, and (3) minutes of each meeting, including any meeting of subcommittees of the governing council.

(b) The membership of the governing council of each state charter school shall meet the requirements concerning such membership set forth in the provisions of subdivision (3) of subsection (d) of section 10-66bb at the time of application for a state charter and at all other times

Connecticut General Statutes § 10-66ll. Random audits of charter schools

Annually, the Commissioner of Education shall randomly select one state charter school, as defined in subdivision (3) of section 10-66aa, to be subject to a comprehensive financial audit conducted by an independent auditor selected and monitored by the commissioner. Except as provided in subsection (d) of section 10-66ee, the charter school shall be responsible for all costs associated with the audit conducted pursuant to the provisions of this section.

Connecticut General Statutes § 10-66mm. Regulations concerning management of charter schools

On or before July 1, 2011, the State Board of Education shall adopt regulations, in accordance with the provisions of chapter 54, to (1) prohibit a charter school and any affiliated charter management organization operating such charter school from sharing board members with other charter schools and such charter management organizations; (2) require the disclosure of sharing management personnel; (3) prohibit unsecured, noninterest bearing transfers of state and federal funds between charter schools and from charter schools to charter management organizations; (4) define allowable direct or indirect costs and the methodology to be used by charter management organizations to calculate per pupil service fees; and (5) permit charter management organizations to collect private donations for purposes of distributing to charter schools.

Connecticut General Statutes § 10-66nn. Grant to assist with start-up costs for new local charter school. Eligibility. Applications. Unexpended funds. Guidelines

(a) For the fiscal year ending June 30, 2014, and each fiscal year thereafter, the Department of Education may award, within available appropriations, a grant of up to five hundred thousand dollars to any town in which a newly established local charter school is located, to be paid to the fiscal authority for such local charter school not later than July fifteenth to assist with the start-up costs associated with the establishment of such local charter school pursuant to subsection (b) of this section, provided the local or regional board of education for such local charter school and the representatives of the exclusive bargaining unit for certified employees, chosen pursuant to section 10-153b, mutually agree on staffing flexibility in such local charter school, and such agreement is approved by the State Board of Education.

(b) In order to be eligible for a grant under this section, an applicant for a grant shall submit an application to the Commissioner of Education, pursuant to section 10-66bb, for the establishment of a local charter school to be established on or after July 1, 2012, and such application shall satisfy one of the following conditions: (1) Such applicant has high quality, feasible strategies or a record of success in serving students from among the following populations: (A) Students with histories of low academic performance, (B) students who receive free or reduced price school lunches, (C) students with histories of behavioral and social difficulties, (D) students eligible for special education services, (E) students who are English language learners, or (F) students of a single gender; or (2) such applicant has a high quality, feasible plan for turning around existing schools that have demonstrated consistently substandard student performance, or a record of success in turning around such schools. The department shall determine whether such applicant satisfies the provisions of subdivision (1) or (2) of this subsection.

(c) Grant applications shall be submitted to the department at such time and in such manner as the department prescribes. Each applicant receiving a grant award under this section shall submit, at such time and in such form as the department prescribes, any reports and financial statements required by the department. If the department finds that any grant awarded pursuant to this section is being used for purposes that are not in conformity with the purposes of this section, the department may require the repayment of the grant to the state.

(d) Any unexpended funds appropriated to the Department of Education for purposes of this section shall be available for redistribution as a grant in the next fiscal year.

(e) The department may develop guidelines and grant criteria as it deems necessary to administer the grant program under this section.

Connecticut General Statutes § 10-66oo. Governing council. Training re responsibilities and best practices. Adoption of policies re anti-nepotism and conflict of interests

(a) On and after October 1, 2015, each member of a governing council of a state or local charter school shall complete training related to charter school governing council responsibilities and best practices at least once during the term of the charter.

(b) On and after October 1, 2015, each governing council of state and local charter schools shall adopt anti-nepotism and conflict of interest policies consistent with state law and best practices in nonprofit corporate governance.

Connecticut General Statutes § 10-66pp. Annual submission of certified audit statement and Internal Revenue Service form 990

Each charter management organization of a state or local charter school or, if there is no charter management organization associated with a state or local charter school, the governing council of such charter school, shall submit annually, to the Commissioner of Education, (1) a certified audit statement of all revenues from public and private sources and expenditures related to such organization's function as a charter management organization in this state or to such council's function as a governing council of a state or local charter school in this state, and (2) a complete copy of such organization's or council's most recently completed Internal Revenue Service form 990, including all parts and schedules, other than Schedule B of such form.

Connecticut General Statutes § 10-66qq. Internet website posting re reports, certified audit statements and forms

The Commissioner of Education shall post any reports, certified audit statements and forms submitted to the Department of Education pursuant to sections 10-66cc and 10-66pp on the department's Internet web site not later than thirty days after receiving such reports, statements, or forms. The commissioner shall identify any charter management organization or governing council of a charter school that did not submit a report, certified audit statement or form for the current reporting period and post such information on the department's Internet web site not later than thirty days after failing to receive such reports, statements, or forms.

Connecticut General Statutes § 10-66rr. Child abuse and neglect registry and criminal history records checks of governing council members, charter management organization members, charter school personnel and contractors

On and after July 1, 2015, the State Board of Education shall require members of the governing council of a state or local charter school and members of a charter management organization to submit to a records check of the Department of Children and Families child abuse and neglect registry, established pursuant to section 17a-101k, and to state and national criminal history records checks before the state board grants initial certificates of approval for charters pursuant to section 10-66bb, or before such members may be hired by the governing council of a state or local charter school or charter management organization. The governing council of a state or local charter school shall require each contractor doing business with a state or local charter school, who performs a service involving direct student contact, to submit to a record check of the Department of Children and Families child abuse and neglect registry, established pursuant to section 17a-101k, and to state and national criminal history records checks before such contractor begins to perform such service.

Connecticut General Statutes § 10-66ss. Amendment to charter

(a) If a governing council of a state or local charter school plans to make a material change in the school's operations, such governing council of such charter school shall submit, in writing, a request to amend the school's charter to the State Board of Education. For purposes of this section, "material change" means a change that fundamentally alters a charter school's mission, organizational structure or educational program, including, but not limited to, (1) altering the educational model in a fundamental way, (2) opening an additional school building, (3) contracting for or discontinuing a contract for whole school management services with a charter management organization, (4) renaming the charter school, (5) changing the grade configurations of the charter school, or (6) increasing or decreasing the total student enrollment capacity of the charter school by twenty per cent or more.

(b) In determining whether to grant a request by a state or local charter school to amend its charter to make a material change in the school's operations, the Department of Education shall review the written request of the charter school, and solicit and review comments on such request from the local or regional board of education of the town in which such charter school is located. Upon a recommendation by the department to approve such request, the State Board of Education shall vote on such request not later than sixty days after the date of receipt of such request or as part of the charter renewal process for such charter school. The state board may approve such request by a majority vote of the members of the state board present and voting at a regular or special meeting of the state board called for such purpose, or for the purpose of considering whether to renew the charter of the charter school, pursuant to subsection (g) of section 10-66bb.

(c) If the material change requested by a state or local charter school is to increase the total student enrollment capacity of the charter school by twenty per cent or more, such charter school shall submit the request for such material change to the department not later than April first of the fiscal year two years prior to the fiscal year in which such material change would take effect. In determining whether to recommend approval of such request, the department shall consider (1) the financial feasibility of such increased enrollment, (2) such charter school's performance, stewardship, governance and management, student population and legal compliance, and (3) any other factors the department deems relevant to such request.

Connecticut General Statutes § 10-66tt. Contract for whole school management services with a charter management organization

(a) The governing council of a state or local charter school may only enter into a contract for whole school management services with a charter management organization.

(b) The governing council of a state or local charter school shall not enter into any contract for whole school management services that is contrary to state or federal law or regulations, which entails any financial or other conflicts of interest, or which amends, alters or modifies any provision of the charter. To the extent that there is a conflict between the terms of the charter of the school and a contract for whole school management services, the terms of the charter shall govern.

(c) The governing council of a state or local charter school shall submit any contract for whole school management services between such governing council and charter management organization to the State Board of Education for approval. The state board, in determining whether to approve such contract, shall (1) review such contract, (2) solicit and review comments on such contract from the local or regional board of education of the town in which the charter school is located or in which the proposed charter school is to be located, and (3) vote on such contract not later than sixty days after the date of receipt of such contract. The state board may approve such contract by a majority vote of the members of the state board present and voting at a regular or special meeting of the state board called for such purpose. Any contract for whole school management services between the governing council of a state or local charter school and a charter management organization shall not take effect unless such contract has been approved by the State Board of Education.

(d) The governing council of a state or local charter school shall not enter into any contract for whole school management services that would have the effect of reducing the governing council's responsibility for the operation of the charter school, or which would hinder the governing council in exercising effective supervision of the charter school.

(e) Any governing council of a state or local charter school that enters into a contract for whole school management services shall directly select, retain and compensate the attorney, accountant or audit firm representing the governing council.

(f) A contract for whole school management services shall include, but need not be limited to: (1) The roles and responsibilities of the governing council of the charter school and the charter management organization, including all services to be provided under the contract, (2) the performance measures, mechanisms and consequences by which the governing council will hold the charter management organization accountable for performance, (3) the compensation to be paid to the charter management organization, including all fees, bonuses and what such compensation includes or requires, (4) financial reporting requirements and provisions for the governing council's financial oversight, (5) a choice of law provision that states that Connecticut state law shall be the controlling law for the contract, (6) a statement that the governing council of the charter school and the charter management organization shall ensure compliance with the provisions of section 10-66uu, and (7) any such information required by the Commissioner of Education to ensure compliance with the provisions of this chapter.

Connecticut General Statutes § 10-66uu. Applicability of Freedom of Information Act to records and files related to administration of charter school by charter management organization

Each contract for whole school management services between the governing council of a state or local charter school and a charter management organization shall (1) provide that such governing council is entitled to receive a copy of all records and files related to the administration of the charter school, including the compensation paid to the charter management organization and any expenditures of such compensation by the charter management organization, and (2) indicate that such records and files are subject to the Freedom of Information Act and may be disclosed by such governing council pursuant to the Freedom of Information Act, as defined in section 1-200, except that such governing council may redact such records and files to remove personally identifiable information of a contributor of a bona fide and lawful contribution, pursuant to a written request from such contributor. No request to inspect or copy such records or files shall be valid unless the request is made to such governing council in accordance with the Freedom of Information Act. Any complaint by a person who is denied the right to inspect or copy such records or files shall be brought to the Freedom of Information Commission in accordance with the provisions of sections 1-205 and 1-206.

Sec. 10-15c. Discrimination in public schools prohibited. School attendance by five-year-olds.

(a) The public schools shall be open to all children five years of age and over who reach age five on or before the first day of January of any school year, and each such child shall have, and shall be so advised by the appropriate school authorities, an equal opportunity to participate in the activities, programs and courses of study offered in such public schools, at such time as the child becomes eligible to participate in such activities, programs and courses of study, without discrimination on account of race, as defined in section 46a-51, color, sex, gender identity or expression, religion, national origin, [or] sexual orientation or disability; provided boards of education may, by vote at a meeting duly called, admit to any school children under five years of age.

(b) Nothing in subsection (a) of this section shall be deemed to amend other provisions of the general statutes with respect to curricula, facilities or extracurricular activities.

Sec. 10-145q. Issuance of charter school educator permit.

Subject to the provisions of subdivision (5) of subsection (b) of section 10-66dd, the State Board of Education, upon the request of the state charter school governing council, may issue a charter school educator permit to a person who is employed by a charter school as a teacher or administrator and does not hold the initial educator, provisional educator or professional educator certificate if such person (1) achieves satisfactory scores on the state reading, writing and mathematics competency examination prescribed by and administered under the direction of the State Board of Education, or qualifies for a waiver of such test based on criteria approved by the State Board of Education, (2) achieves a satisfactory evaluation on the appropriate State Board of Education approved subject area assessment, and (3) demonstrates evidence of effectiveness. Such permit shall authorize a person to serve as an administrator or teacher in the charter school employing such person. Each such charter school educator permit may be renewed by the Commissioner of Education for good cause upon the request of the state charter school governing council employing such person at the time the charter for the school is renewed.

Sec. 10-232a. Criminal history and child abuse and neglect registry records checks of applicants and employees of nongovernmental school operators. Termination or dismissal. Fingerprinting. Availability of information re applicant's history.

(a) As used in this section and [sections 10-232b](#) and [10-232c](#), “nongovernmental school operator” means an operator of an interdistrict magnet school that is a third-party not-for-profit corporation approved by the Commissioner of Education, the governing council of a state or local charter school, an endowed or incorporated academy approved by the State Board of Education pursuant to [section 10-34](#), a special education facility approved by the State Board of Education pursuant to [section 10-76d](#), the supervisory agent of a nonpublic school or a cooperative arrangement pursuant to [section 10-158a](#).

(b) Each nongovernmental school operator shall, subject to the provisions of [section 31-51i, \(1\)](#) require each applicant for a position with such nongovernmental school operator to state, in writing, whether such applicant has ever been convicted of a crime or whether criminal charges are pending against such applicant at the time of such application and, if charges are pending, to state the charges and the court in which such charges are pending, (2) require each applicant to submit to a records check of the Department of Children and Families child abuse and neglect registry established pursuant to [section 17a-101k](#), before such applicant may be hired by such nongovernmental school operator, and (3) on and after July 1, 2019, require, subject to the provisions of subsection (e) of this section, each applicant for a position with such nongovernmental school operator to submit to state and national criminal history records checks within thirty days from the date of employment and may require, subject to the provisions of subsection (e) of this section, any person hired prior to said date to submit to state and national criminal history records checks. The criminal history records checks required by this subsection shall be conducted in accordance with [section 29-17a](#), the federal National Child Protection Act of 1993 and the federal Volunteers for Children Act of 1998. If the nongovernmental school operator receives notice of a conviction of a crime which has not previously been disclosed by such person to the nongovernmental school operator, the nongovernmental school operator may (A) terminate the contract of a certified employee, in accordance with the provisions of [section 10-151](#), if applicable, and (B) dismiss a noncertified employee, provided such employee is notified of the reason for such dismissal. If the nongovernmental school operator receives notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Board of Education, the nongovernmental school operator shall send such notice to the State Board of Education. The provisions of this subsection shall not be construed to cause a nongovernmental school operator to disseminate the results of any national criminal history records check.

(c) If a nongovernmental school operator requests, a regional educational service center shall arrange for the fingerprinting of any person required to submit to state and national criminal history records checks pursuant to this section or for conducting any other method of positive identification required by the State Police Bureau of Identification or the Federal Bureau of Investigation and shall forward such fingerprints or other positive identifying information to the State Police Bureau of Identification which shall conduct criminal history records checks in accordance with [section 29-17a](#), the federal National Child Protection Act of 1993¹ and the federal Volunteers for Children Act of 1998. Such regional educational service center shall maintain such

fingerprints or other positive identifying information, which may be in an electronic format, for a period of four years, at the end of which such fingerprints and positive identifying information shall be destroyed. The State Police Bureau of Identification shall provide the results of such checks to such nongovernmental school operator. No regional educational service center shall charge a fee for services under this subsection that exceeds any fee that the center may charge any applicant for a position with such center.

(d) State and national criminal history records checks for substitute teachers completed within one year prior to the date of employment with a nongovernmental school operator and submitted to the employing nongovernmental school operator shall meet the requirements of subsection (b) of this section. A nongovernmental school operator shall not require substitute teachers to submit to state and national criminal history records checks pursuant to subsection (b) of this section if they are continuously employed by such nongovernmental school operator, provided a substitute teacher is subjected to such checks at least once every five years. For purposes of this section, substitute teachers shall be deemed to be continuously employed by a nongovernmental school operator if they are employed at least one day of each school year by such nongovernmental school operator.

(e) The provisions of this section shall not apply to (1) a student employed by the nongovernmental school operator that operates a school which the student attends, or (2) a person employed by a nongovernmental school operator as a teacher for a noncredit adult class or adult education activity, as defined in [section 10-67](#), who is not required to hold a teaching certificate pursuant to [section 10-145b](#) for his or her position.

(f) Notwithstanding the provisions of subsection (g) of [section 31-51i](#), and to the extent permissible under state and federal laws regarding the dissemination of criminal history records, the State Board of Education shall, upon request of a nongovernmental school operator, make available to such nongovernmental school operator requesting information concerning an applicant for a position with such nongovernmental school operator, (1) any information concerning the applicant's eligibility for employment in a position with such nongovernmental school operator requiring a certificate, authorization or permit issued pursuant to chapter 166,² (2) whether the department has knowledge that the applicant has been disciplined for a finding of abuse or neglect or sexual misconduct, as defined in [section 10-222c](#), and any information concerning such a finding, and (3) whether the department has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges. The provisions of this subsection shall not be construed to cause the state board to investigate any such request or disseminate the results of any national criminal history records check.

§ 10-232d. Criminal history and child abuse and neglect registry records checks of certified school personnel. Denial of application for and revocation of certification

(a) The State Board of Education shall submit, periodically, to the State Police Bureau of Identification a database providing identification information of each applicant to the board for an initial issuance of certificate, authorization or permit pursuant to [sections 10-144o](#) to [10-149](#), inclusive. The State Police Bureau of Identification shall conduct a state criminal history records check in accordance with [section 29-17a](#) against such database and notify the State Board of Education of any such applicant who has a criminal conviction. The State Board of Education shall not issue a certificate, authorization or permit until the board receives and evaluates the results of such check and may deny an application in accordance with the provisions of subsection (i) of [section 10-145b](#).

(b) The State Board of Education shall submit, periodically, to the State Police Bureau of Identification a database providing identification information of each person who holds a certificate, authorization or permit. The State Police Bureau of Identification shall conduct a state criminal history records check in accordance with [section 29-17a](#) against such database and shall notify the State Board of Education of any such person who has a criminal conviction. The State Board of Education may revoke the certificate, authorization or permit of such person in accordance with the provisions of subsection (i) of [section 10-145b](#).

(c) The State Board of Education shall require each applicant seeking an initial issuance or renewal of a certificate, authorization or permit pursuant to [sections 10-144o](#) to [10-149](#), inclusive, to submit to a records check of the Department of Children and Families child abuse and neglect registry established pursuant to [section 17a-101k](#). If notification is received that the applicant is listed as a perpetrator of abuse or neglect on the Department of Children and Families child abuse and neglect registry, the board shall deny an application for the certificate, authorization or permit in accordance with the provisions of subsection (i) of [section 10-145b](#), or may revoke the certificate, authorization or permit in accordance with the provisions of said subsection (i).

§ 10-222c. Hiring policy

Hiring policy. Applicant's employment history; requirement to disclose and check upon. Immunity from civil and criminal liability. (a) No local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator or supervisory agent of a nonpublic school shall offer employment to an applicant for a position, including any position which is contracted for, if such applicant would have direct student contact, prior to such board, council, operator or supervisory agent:

(1) Requiring of such applicant:

(A) To list the name, address and telephone number of each current or former employer of the applicant, if such current or former employer was a local or regional board of education, council, operator or supervisory agent or if such employment otherwise caused the applicant to have contact with children;

(B) A written authorization that (i) consents to and authorizes disclosure by the employers listed under subparagraph (A) of this subdivision of the information requested under subdivision (2) of this subsection and the release of related records by such employers, (ii) consents to and authorizes disclosure by the Department of Education of the information requested under subdivision (3) of this subsection and the release of related records by the department, and (iii) releases those employers and the department from liability that may arise from such disclosure or release of records pursuant to subdivision (2) or (3) of this subsection; and

(C) A written statement of whether the applicant (i) has been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated, (ii) has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by the Department of Children and Families, or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to section 17a-101g of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or (iii) has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by the department or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by the department of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;

(2) Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under subdivision (1) of this subsection. Such review shall be conducted using a form developed by the Department of Education in accordance with section 3 of public act 16-67* that shall request (A) the dates of employment of the applicant, and (B) a statement as to whether the employer has knowledge that the applicant (i) was the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency or municipal police department or which has been substantiated; (ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct; or (iii) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct. Such review may be conducted telephonically or through written communication. Notwithstanding the provisions of subsection (g) of section 31-51i, not later than five business days after any such current or former employer of the applicant receives a request for such information, such employer shall respond with such information. A local or regional board of education, council, operator or supervisory agent may request more information concerning any response made by a current or former employer, and, notwithstanding the provisions of said subsection (g), such employer shall respond not later than five business days after receiving such request; and (3) Requesting information from the Department of Education concerning (A) the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit issued pursuant to chapter 166, (B) whether the department has knowledge that a finding has been substantiated by the Department of Children and Families pursuant to section 17a-101g of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding, and (C) whether the department has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.

(b) Notwithstanding the provisions of subsection (g) of section 31-51i, any local or regional board of education, council, operator or supervisory agent that receives information that an applicant for a position with or an employee of the board has been disciplined for a finding of abuse or neglect or sexual misconduct shall notify the Department of Education of such information.

(c) No local or regional board of education, council, operator or supervisory agent shall employ an applicant for a position involving direct student contact who does not comply with the provisions of subdivision (1) of subsection (a) of this section.

(d) A local or regional board of education, council, operator or supervisory agent may employ or contract with an applicant on a temporary basis for a period not to exceed ninety days, pending the review of information received under this section by such board, council, operator or supervisory agent, provided:

(1) The applicant complied with subdivision (1) of subsection (a) of this section;

(2) The board, council, operator or supervisory agent has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the board, council, operator or supervisory agent; and

(3) The applicant affirms that the applicant is not disqualified from employment with such board, council, operator or supervisory agent.

(e) No local or regional board of education, council, operator or supervisory agent shall enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any other contract or agreement or take any action that:

(1) Has the effect of suppressing information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;

(2) Affects the ability of the local or regional board of education, council, operator or supervisory agent to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or

(3) Requires the local or regional board of education, council, operator or supervisory agent to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the board, unless after investigation such allegation is dismissed or found to be false.

(f) No local or regional board of education, council, operator or supervisory agent shall offer employment to a person as a substitute teacher, unless such person and such board, council, operator or supervisory agent comply with the provisions of subsection (a) of this section. The board, council, operator or supervisory agent shall determine which such persons are employable as substitute teachers and maintain a list of such persons. No board, council, operator or supervisory agent shall hire any person as a substitute teacher who is not on such list. Such person shall remain on such list as long as such person is continuously employed by the board, council, operator or supervisory agent as a substitute teacher, as described in subsection (c) of section 10-221d, provided the board, council, operator or supervisory agent does not have any knowledge of a reason that such person should be removed from such list.

(g) In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to such contractor all information required of an applicant under subparagraphs (A) and (C) of subdivision (1) of subsection (a) of this section and a written authorization under subparagraph (B) of said subdivision. Such contractor shall contact any current or former employer of such employee that was a local or regional board of education, council, operator or supervisory agent or if such employment caused the employee to have contact with children, and request, either telephonically or through written communication, any information concerning whether there was a finding of abuse or neglect or sexual misconduct against such employee. Notwithstanding the provisions of subsection (g) of section 31-51i, such employer shall report to the contractor any such finding, either telephonically or through written communication. If the contractor receives any information indicating such a finding or otherwise has knowledge of such a finding, the contractor shall, notwithstanding the provisions of said subsection (g), immediately forward such information to any local or regional board of education, council, operator or supervisory agent with which the contractor is under contract, either telephonically or through written communication. Any local or regional board of education, council, operator or supervisory agent that receives such information shall determine whether such employee may work in a position involving direct student contact at any school under the jurisdiction or control of such board, council, operator or supervisory agent. No determination by a local or regional board of education, council, operator or supervisory agent that any such employee shall not work under any such contract in any such position shall constitute a breach of such contract.

(h) Any applicant who knowingly provides false information or knowingly fails to disclose information required in subdivision (1) of subsection (a) of this section shall be subject to discipline by the employing local or regional board of education, council, operator or supervisory agent that may include (1) denial of employment, or (2) termination of the contract of a certified employee, in accordance with the provisions of section 10-151.

(i) Any employer who provides information in accordance with subdivision (2) of subsection (a) of this section or subsection (g) of this section and the Department of Education for the provision of information requested in accordance with subdivision (3) of said subsection (a) shall be immune from criminal and civil liability, provided the employer or department did not knowingly supply false information.

(j) Notwithstanding the provisions of section 10-151c and subsection (g) of section 31-51i, a local or regional board of education, council, operator or supervisory agent shall provide upon request by any other local or regional board of education, council, operator or supervisory agent for the purposes of an inquiry pursuant to subdivision (2) of subsection (a) of this section or subsection (g) of this section or to the Commissioner of Education pursuant to subsection (b) of this section any information that the board, council, operator or supervisory agent has concerning a finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.

(k) For purposes of this section and section 10-221d, (1) "sexual misconduct" means any verbal, nonverbal, written or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature and any other sexual, indecent or erotic contact with a student; (2) "abuse or neglect" means abuse or neglect as described in section 46b-120, and includes any violation of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; and (3) "former employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty years prior to applying for a position with a local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator.

(l) Prior to offering employment to an applicant, a local or regional board of education, council, operator or supervisory agent shall make a documented good faith effort to contact each current and any former employer that was a local or regional board of education, council, operator or supervisory agent or if such employment otherwise caused the applicant to have contact with children of the applicant in order to obtain information and recommendations which may be relevant to the applicant's fitness for employment, provided such effort shall not be construed to require more than three telephonic requests made on three separate days.

(m) No local or regional board of education, council, operator or supervisory agent shall offer employment to any applicant who had any previous employment contract terminated by a board, council, operator or supervisory agent or who resigned from such employment, if such person has been convicted of a violation of section 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated.

Sec. 10-262s. Authority of Commissioner of Education to transfer funds appropriated for Sheff settlement to certain grant programs.

The Commissioner of Education may, to assist the state in meeting its obligations pursuant to the decision in Sheff v. O'Neill, 238 Conn. 1 (1996), or any related stipulation or order in effect, as determined by the Commissioner of Education, transfer funds appropriated for the Sheff settlement to the following: (1) Grants for interdistrict cooperative programs pursuant to section 10-74d, (2) grants for state charter schools pursuant to section 10-66ee, (3) grants for the interdistrict public school attendance program pursuant to section 10-266aa, (4) grants for interdistrict magnet schools pursuant to section 10-264j, and (5) to the Technical Education and Career System for programming.

Sec. 10-223f Use of charter school student performance data in the calculation of accountability index scores for alliance districts

(a) For the school year commencing July 1, 2015, and each school year thereafter, the Department of Education shall calculate the accountability index, as defined in section 10-223e, for an alliance district, as defined in section 10-262u, with data from each school under the jurisdiction of the board of education for such alliance district and data from any state or local charter school, as defined in section 10-66aa, located in such alliance district, provided the local board of education for such alliance district and the state or local charter school reach mutual agreement for the inclusion of the data from the state or local charter schools and the terms of such agreement are approved by the State Board of Education.

(b) Not later than October 1, 2014, the Department of Education shall report, in accordance with the provisions of section 11-4a, the district performance indices results, calculated in accordance with the provisions of subsection (a) of this section, to the joint standing committee of the General Assembly having cognizance of matters relating to education.