



Substitute Senate Bill No. 1096

Public Act No. 15-239

AN ACT CONCERNING CHARTER SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-66aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

As used in [sections 10-66aa to 10-66ff] this section, sections 10-66bb to 10-66nn, inclusive, as amended by this act, and [sections 10-66hh to 10-66kk, inclusive] sections 5 to 11, inclusive, of this act:

(1) "Charter school" means a public, nonsectarian school which is (A) established under a charter granted pursuant to section 10-66bb, as amended by this act, (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 [sections 10-66aa to 10-66ff] this section and sections 10-66bb to 10-66nn, inclusive, as amended by this act, and sections 5 to 11, inclusive, of this act, 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;

Substitute Senate Bill No. 1096

(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, as amended by this act;

(3) "State charter school" means a new public school approved by the State Board of Education pursuant to subsection (f) of section 10-66bb, as amended by this act;

(4) "Charter management organization" means any [entity that] 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 [contracts with] for educational design, implementation or whole school management services; [and]

(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.

Sec. 2. Section 10-66bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(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

Substitute Senate Bill No. 1096

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 [person, association, corporation, organization or other entity] 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 [establish] obtain an initial certificate of approval for a charter, [school,] provided no nonpublic elementary or secondary school may be established as a charter school and no parent or group of parents providing home

Substitute Senate Bill No. 1096

instruction may establish a charter school for such instruction.

(c) On and after July 1, [2012] 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

Substitute Senate Bill No. 1096

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, [and] (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

Substitute Senate Bill No. 1096

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; [and] (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,

Substitute Senate Bill No. 1096

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 of this act. 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 [by] under sections 10-66aa to [10-66ff] 10-66nn, inclusive, as amended by this act, 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

Substitute Senate Bill No. 1096

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 ~~[sixty]~~ 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 ~~[seventy-five]~~ 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 ~~[the opening of such school on the school's]~~ 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. ~~[The state board may grant the charter for the local charter school]~~ 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 time of up to five years. ~~[and]~~ 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

Substitute Senate Bill No. 1096

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 [the opening of such school on the school's] 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. [Charters shall be granted] After an initial certificate of approval for a charter for a state charter school is deemed a charter pursuant to subdivision (2) of

Substitute Senate Bill No. 1096

subsection (a) of this section, such charter may be valid for a period of time of up to five years. [and] 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, [2017] 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,

Substitute Senate Bill No. 1096

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, [or] (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

Substitute Senate Bill No. 1096

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

Substitute Senate Bill No. 1096

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. [It] 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

Substitute Senate Bill No. 1096

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 school performance index scores, as defined in section 10-223e.

Sec. 3. Section 10-66cc of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(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 [condition of the school] school's progress in meeting the academic and organizational

Substitute Senate Bill No. 1096

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.

Sec. 4. Section 10-66ll of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

Annually, the [commissioner] Commissioner of Education shall randomly select one state charter school, as defined in subdivision (3) of section 10-66aa, as amended by this act, to be subject to a comprehensive financial audit conducted by an independent auditor selected and monitored by the [Commissioner of Education] commissioner. Except as provided [for] 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.

Sec. 5. (NEW) (*Effective July 1, 2015*) (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.

Sec. 6. (NEW) (*Effective July 1, 2015*) Each charter management

Substitute Senate Bill No. 1096

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.

Sec. 7. (NEW) (*Effective July 1, 2015*) The Commissioner of Education shall post any reports, certified audit statements and forms submitted to the Department of Education pursuant to section 10-66cc of the general statutes, as amended by this act, and section 6 of this act 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.

Sec. 8. (NEW) (*Effective July 1, 2015*) (a) 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 of the general statutes, 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 of the general statutes, as amended by this act, or

Substitute Senate Bill No. 1096

before such members may be hired by the governing council of a state or local charter school or charter management organization. The criminal history records checks required under this subsection shall be conducted in accordance with section 29-17a of the general statutes.

(b) On and after July 1, 2015, the governing council of a state or local charter school shall require each applicant for a position in a state or local charter school and each contractor doing business with a state or local charter school, who performs a service involving direct student contact, to submit to a records check of the Department of Children and Families child abuse and neglect registry, established pursuant to section 17a-101k of the general statutes, and to state and national criminal history records checks before such applicant may be hired or such contractor begins to perform such service. The criminal history records checks required under this subsection shall be conducted in accordance with section 29-17a of the general statutes.

Sec. 9. (NEW) (*Effective July 1, 2015*) (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, the State Board of Education shall

Substitute Senate Bill No. 1096

(1) review the written request of the charter school, (2) solicit and review comments on the request from the local or regional board of education of the town in which the charter school is located, and (3) vote on the request not later than sixty days after the date of receipt of such request or as part of the charter renewal process. The state board may approve the material change 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 of the general statutes, as amended by this act.

Sec. 10. (NEW) (*Effective July 1, 2015*) (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

Substitute Senate Bill No. 1096

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

Substitute Senate Bill No. 1096

provisions of section 11 of this act, and (7) any such information required by the Commissioner of Education to ensure compliance with the provisions of chapter 164 of the general statutes.

Sec. 11. (NEW) (*Effective from passage*) 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 of the general statutes, 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 of the general statutes.