

## **Testimony Regarding the Release of New Charter School Applications**

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Connecticut State Board of Education

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Members of the State Board of Education and Commissioner Pryor,

I am testifying today on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families.

Last month, the State Department of Education released the names, brief descriptions, and locations of new charter school applicants, but has not released or posted these applications online. Because such applications are public documents subject to disclosure under Connecticut's Freedom of Information Act (Conn. Gen. Stat. §§1-200(5), 1-210(a), (b)),<sup>1</sup> and state law requires that new charter schools meet certain important public educational goals, the applications should be made available to the public well before the State Board of Education takes any action to provide opportunity for public review and comment.

Specifically, applications for new charter schools to the State Board of Education must describe plans regarding their proposed academic program, operations, evaluation, and enrollment of children.<sup>2</sup> In addition, in deciding whether to grant a charter, the State Board of Education must consider:

- The effect of the proposed charter school on the reduction of racial, ethnic and economic isolation in the region in which it is to be located.<sup>3</sup>
- The school's intent to serve specific demographic groups of children, such as children from low-income families or students with disabilities.<sup>4</sup>
- The regional distribution of charter schools in the state and the potential of over-concentration of charter schools within a school district or in contiguous school districts.<sup>5</sup>

These statutory requirements serve important state goals. For example, the criteria about over-concentration helps ensure that charter schools are not located in just a few communities. Hence, the applications for three new charter schools in New Haven and another in Bridgeport must be viewed in the context of the geographic distribution of existing charter schools. Specifically, in academic year 2011-2012, 4,619 of all 6,097 children enrolled in charter schools (75.8%) attended schools in just four cities: Bridgeport, Hartford, New Haven, and Stamford.<sup>6</sup> Compliance with other statutory requirements is also essential, and can benefit from pre-approval comment.

Yet, without access to the application documents, the public will not be able to review these aspects of the charter school applications. We request that the State Department of Education release the applications for new charter schools and/or post the applications online in sufficient time for the public to review and evaluate the applications before the State Board of Education takes action to grant charters to non-profit entities to operate new charter schools.

Please contact me should you have any questions.

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<sup>1</sup> The Freedom of Information Act does not exempt such applications from disclosure. Specifically, these applications are not “responses to any request for proposal or bid solicitation” which Conn. Gen. Stat. 1-210(b)(24) allows a state agency to withhold from the public but only if, “the chief executive officer of such public agency certifies that the public interest in the disclosure of such responses, record or file is outweighed by the public interest in the confidentiality of such responses, record or file.” This exemption, added to the Act by PA 07-213, was intended to protect from disclosure certain time-sensitive documents concerning “contract awards” (OFA Summary of PA 07-213). Here, what is sought is the award of a charter for a school.

<sup>2</sup> See Connecticut General Statutes Sec. 10-66bb. Application process and requirements. Charter renewal. Probation. Revocation. Enrollment lottery; exceptions. The section states, “(a) On and after July 1, 1997, the State Board of Education may grant charters for local and state charter schools in accordance with this section.

(b) Any person, association, corporation, organization or other entity, 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 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 instruction may establish a charter school for such instruction.

(c) On and after July 1, 2012, the State Board of Education shall review, annually, all applications and grant 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 a charter, the State Board of Education shall consider the effect of the proposed charter school on the reduction of racial, ethnic and economic isolation in the region in which it is to be located, the regional distribution of charter schools in the state and the potential of over-concentration of charter schools within a school district or in contiguous school districts.

(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, 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

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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 state-wide mastery examinations pursuant to chapter 163c; (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, 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. 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 sections 10-66aa to 10-66ff, inclusive, and which are within the jurisdiction of the State Board of Education.”

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> See “Choose Success! A Guide to Public School Choice for Students and Their Families.” Connecticut State Department of Education. 2011-2012. Web. Pgs. 2-17. Also see Connecticut State Department of Education. Report generated on 12 Dec. 2013. “CT Public School Enrollment\_2000.mdb – race, gender, ELL by school district, 2011\_qry, (select out inst. 21, 41, 61,82, district between 800 and 899, school in 89, 98, 99), enrollment by school district-2011\_qry.”