

The Center for Education Reform

Memo

Date: July 18, 2007

To: Jeanne Allen

From: Alison Consoletti

Cc: Jose Sousa, David Monge, Terry Rauh

RE: FEC Conference Call July 17, 2007



Larry Maloney, Teisha Johnson from Sonnenschein law firm, David Monge and I had a conference call July 17, 2007 to discuss the progress of the FEC in Connecticut and Missouri. Essentially this call was for Teisha to ask Larry any questions regarding specifics on funding formulas in CT and MO.

Teisha is not sure where the fiscal equity argument can legally go in CT. The funding formula does not directly violate the statute because it doesn't say charters will receive equitable funding, so she's looking for something that "violates the essence of the statute". She said tying together equitable treatment with equitable funding would be difficult to argue because it is not a direct violation of the law. CT charter schools actually receive more state money on a per pupil basis, as overcompensation for the fact they do not receive as much local money. Therefore, an argument that CT is shortchanging charters would be difficult, since the state is giving them more money to try and balance out the lack of local funding.

The same case is true in MO, according to Larry's research. There is a new funding formula, which took effect January 2007, and based on current numbers, the formula is more advantageous to charters than the old one. Thorough analysis on whether or not the local funding component is being received cannot be done because the final numbers won't be available until at least early fall 2007. More detailed analysis could be done on both states in the fall when the most recent numbers would be available.

Teisha was going to review all of the research and figure out the next step. She is not sure where to go from here because the funding formulas do not directly violate any of the education statutes, and she believes the "equitable treatment" argument will not be very successful in court.

CT Charter Law FEC

Analysis of Connecticut Charter Law - Does it reference equitable sections in law?

I went through the specific charter school statutes (Ch. 164, Sec. 10-66aa - 10-66jj) to see where other parts of the education law was referenced, and also to see if it ties in with any of the "equitable" statements found throughout the law.

This is the only section where the charter school law specifically references statements regarding equity.

Sec. 10-66bb. Application process and requirements. Charter renewal. Probation. Revocation.

(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 teachers and parents and guardians of students enrolled in the school, 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 section 10-66ee, 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, (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; (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) document efforts to increase the racial and ethnic diversity of staff; and (14) a five-year plan to sustain the maintenance and operation of the school. 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.

(P.A. 96-214, S. 2; P.A. 97-290, S. 7, 29; P.A. 98-252, S. 6, 80; P.A. 99-289, S. 5, 11; P.A. 00-220, S. 5, 43; P.A. 03-76, S. 7; P.A. 06-55, S. 1.)

This section about complete charter school applications does reference Sec. 10-15c, which is below, regarding discrimination. As Jeanne noted, because this section pertains to public schools, not districts, and is used in the charter section, it may be useful when addressing equal opportunity.

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, color, sex, religion, national origin or sexual orientation; 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.

(P.A. 78-218, S. 10; P.A. 79-128, S. 12, 36; P.A. 80-405, S. 1, 4; P.A. 81-472, S. 10, 159; P.A. 88-360, S. 3, 63; P.A. 97-247, S. 6, 27.)