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Sent: Wednesday, June 03, 2015 6:44 PM
To: Andy Fleischmann; Cordima, Christopher; Stratton, Catriona; Moran, John D.
Cc: Calabrese, Chris
Subject: RE: Proposed Technical changes to 1096 - Charter School - 060215 1044pm.docx

Rep. Fleischmann,

Regarding the FOIA provisions:

- The language about the "Schedule B" exemption is still in the bill; however, it never had anything to do with FOIA; it exempts charter schools from giving Schedule B to SDE when it hands over its annual financial audit and tax forms to SDE
- The part of the bill that addresses redaction of donor names for FOIA purposes is in Section 501; here, the language in (b) allows the charter school to redact donor names when disclosing records to the public under FOIA (unchanged from the bill); the only change the new language makes is that it exempts from FOIA the letter that a donor has to send to the charter requesting that his/her name be redacted from all FOIA disclosures; this seems to make sense because it prevents the public from using FOIA to dig deeper and try to determine donor names in a roundabout way

Regarding the "technical" nature of the new language:

- Section 1(6): the new language does undermine the committee's efforts somewhat; it states that as of July 1, 2015, SBE still "grants or renews" the charters; we took that language out to make it crystal clear that a charter is not granted by SBE; however, the bill still contains initial certificate/General Assembly funding provisions, so there is still that safety net
- Section 1(6) also refers to a charter as an "agreement" rather than a "contract;" this seems like semantics because the legal definition of a contract is an agreement
- Section 2(2): "upon passage of the state budget" language is problematic; we think they want it in order to make their charter effective more quickly (like in a short session year); however, we technically don't pass a budget in a short session; also, there are years a budget could be passed in August, which would make them wait even longer; July 1 is a concrete date and mimics how statutes are usually drafted
- Section 501: the "performance of a governmental function pursuant to the contract" is problematic; this language mimics the "4-part test language" in statute (CGS 1-218) that the committee was trying to avoid; this could slow the disclosure process down quite a bit if it invokes the test

Please feel free to call if you have any questions.

Best,

Marybeth