

**CONNECTICUT STATE BOARD OF EDUCATION
Hartford**

TO: State Board of Education

FROM: Dr. Dianna R. Wentzell, Commissioner of Education

DATE: May 4, 2016

SUBJECT: Update on Fairfield Board of Education's Plan to Correct Racial Imbalance at McKinley School

Executive Summary

Introduction

The McKinley School ("McKinley") in Fairfield was identified as racially imbalanced in April 2007, and the Fairfield Board of Education ("Fairfield Board") was required to submit a plan to correct the imbalance to the State Board of Education ("SBE"). Pursuant to the regulations, racial imbalance exists when the proportion of minority students for any school exceeds 25 percentage points more or less than the comparable proportion for the school district. For all grades of a given school, the total number of minority students enrolled in the same grades throughout the school district is divided by the district-wide total student enrollment in such grades, and the resulting percentage is the comparable proportion for the school district. Over the past nine years, the Fairfield Board of Education has amended its plan several times, as detailed below. Despite these efforts, the racial imbalance at McKinley School has increased in recent years. Because of this increase, the Commissioner asked the Fairfield Board to review and amend its plan for the SBE's approval in May 2015.

History/Background

In its original plan to address the racial imbalance at McKinley, the Fairfield Board proposed an opt-in/opt-out option. Specifically, McKinley parents were given the opportunity to transfer their children to one of three elementary schools identified by the Fairfield Board. However, this plan did not substantially reduce the imbalance, and as a result, in April 2010, then Commissioner Mark McQuillan asked the Fairfield Board to submit an amendment to its plan. In its amendment, which was approved by the SBE in February 2011, the Fairfield Board proposed to expand the pre-school program for low-income students at Burr Elementary School ("Burr") from twenty to thirty-six students. Second, the Fairfield Board planned to merge the McKinley pre-school program with the Early Childhood Center at Warde High School. This proposal was implemented in September 2011. The effect of such change, however, did not substantially reduce the racial imbalance at the school. Therefore, former Commissioner McQuillan asked the Fairfield Board to amend its plan again in May 2012.

In February 2013, the Fairfield Board amended its plan and expanded the opportunities for McKinley parents to enroll their children in preschool programs at other elementary schools. Despite these efforts, the racial imbalance at McKinley School increased. Because of this increase in the racial imbalance, Commissioner Wentzell asked the Fairfield Board, in May 2015, to review and amend its plan for the SBE’s approval. In July 2015, the Fairfield Board asked for an extension of time to engage the community in a discussion regarding a more effective solution for the racial imbalance at the school. While the Fairfield Board has made efforts to develop a long-term solution to this matter, it has not yet finalized a course of action that could be articulated in an amendment to the plan. Therefore, the Fairfield Board has been directed to appear before the SBE today to present a summary of the status of its progress and proposed next steps.

The table below illustrates the racial imbalance statistics for McKinley since 2006.

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
28.74	27.40	25.45	28.70	25.81	26.81	(24.41)	26.48	28.56	27.18

Included with this report are the following documents: Enclosure A, an update of the Fairfield Board’s progress in amending its plan, submitted by Dr. David Title, Superintendent of Fairfield Public Schools; Enclosure B, the 2014 Public School Enrollment by District by Racial Imbalance Categories for Fairfield Public Schools; Enclosure C, the 2015 Public School Enrollment by District by Racial Imbalance Categories for Fairfield Public Schools (which is included in the racial imbalance statistics report being submitted to the SBE on this date); and Enclosure D, a copy of the Regulations of Connecticut State Agencies concerning the implementation of the racial imbalance law.

Follow-up Activities

Section 10-226e-7 of the Regulations requires that all approved and conditionally approved plans to correct racial imbalance be subject to continuing review and evaluation by the SBE. This review will include annual monitoring to assess the Fairfield Board’s progress in its plan to eliminate racial imbalance, and such other actions as may be directed by the SBE.

Prepared by:

Attorney Laura L. Anastasio
 Division of Legal and Governmental Affairs

Approved by:

Peter Haberlandt, Director
 Division of Legal and Governmental Affairs

EXHIBIT A



David G. Title, Ed.D.
Superintendent of Schools

March 7, 2016

Ms. Laura Anastasio
State of Connecticut
Department of Education
Division of Legal and Governmental Affairs
Box 2219
Hartford, CT 06145

Dear Attorney Anastasio:

The purpose of this memo is to update you on the progress of the Fairfield Public Schools with the racial imbalance issue at McKinley Elementary School. In May 2015, we received a request from the Connecticut State Board of Education to amend the Fairfield Board of Education's Racial Imbalance Plan. After receipt of this request, the Fairfield Board of Education has undertaken serious efforts to identify a long-term strategy that would bring McKinley Elementary School into racial balance.

The Board's Current Plan

Last amended in 2013, the Board's Racial Imbalance Plan allows families from other elementary schools in Fairfield to "opt-in" to McKinley School. In addition, pre-school programs at Burr and Dwight Elementary Schools allow continued attendance for out-of-district preschool students and siblings through grade 5.

While this Plan has resulted in improved racial balance at McKinley, the absolute imbalance at McKinley was 28.4 percent based on October 1, 2014 enrollment. We estimate that, based on our October 1, 2015 enrollment, absolute imbalance at McKinley stands at 27.2 percent, a 1.2 percentage point improvement. Had our efforts to reduce this imbalance not been in effect, Fairfield's absolute imbalance this year would be 31.7 percent, or 4.5 percentage points higher than the actual figure.

Actions since May 2015

In June 2015, the Board of Education began to study the renovation and expansion of Holland Hill and Mill Hill elementary schools. Holland Hill is adjacent to McKinley; Mill Hill is several miles away. In August 2015, the Board of Education charged a newly formed Redistricting

Committee with determining the viability of moving attendance boundaries as a means of addressing space utilization issues within the district.

Given the town's historic and deep commitment to maintaining neighborhood schools, the Board of Education conducted a special meeting on October 20, 2015, to allow dialogue with the public on the issue of redistricting. Approximately 60 members of the public attended. Only one speaker was in favor of redistricting. Nonetheless, the Board of Education adopted the Redistricting Committee's Guiding Principles in November 2015.

The Board of Education hired Milone and MacBroom to study the feasibility of redistricting as a long-term sustainable solution to the racial imbalance issue at McKinley without creating overcrowded elementary schools elsewhere or causing the racial imbalance problem to shift to an adjoining school. The Board wanted a full exploration of this option before considering other potential solutions. The consultant was tasked with the development of redistricting scenarios that reduced McKinley's absolute imbalance to 20% while best adhering to the Redistricting Committee's Guiding Principles. The consultant was tasked with developing these scenarios under two sets of assumptions: expansion at Mill Hill and/or Holland Hill occurs and no expansion occurs.

Milone and MacBroom's Report

On February 16, 2016, the consultant's report was released in a public meeting of the Board of Education and published on the school district's website. A summary of the findings and a short version of the comprehensive presentation is attached to this memo (please advise if you would also like to receive the comprehensive report). For sustainable racial balance, the main conclusions were as follows:

- No solution exists with the current capacity of our elementary schools.
- After the completion of an expanded Holland Hill School in 2019, a "pocket redistricting" could mitigate the racial imbalance at McKinley but would result in Holland Hill's becoming "impending imbalanced."
- After the completion of both the Holland Hill School in 2019 and the Mill Hill School (no sooner than 2022), the district can achieve racial balance at McKinley and not place Holland Hill in the "impending imbalanced" category. However, it requires significant disruption for fifteen to twenty percent of our students and cannot be implemented for six years.

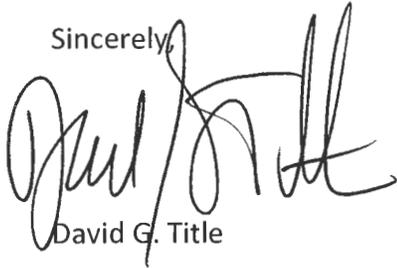
Next Steps

Because Milone and MacBroom's study concluded that no viable short-term redistricting solution exists, and also because of the long lead time to build community support for any redistricting scenario, the Board of Education needs additional time to consider this issue. Historically, in Fairfield, redistricting has succeeded only when a school is expanded, opened or

closed. At all other times, redistricting efforts have been unsuccessful and resulted in legal action.

The Board of Education requests that the current Racial Imbalance Plan remain in place while the Board conducts its due diligence for all options, including less drastic measures, with a reporting date of April 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "David G. Title". The signature is written in a cursive, flowing style with a large initial "D".

David G. Title

Attachment: Racial Balance Plan

DGT/mb



Fairfield Public Schools

Redistricting Options for Racial Balance Plan Update For CSBE

March 2, 2016



Planning Process

- Redistricting Committee formed & criteria developed – Fall 2015
- Milone & MacBroom engaged in the Redistricting Plan – Fall 2015
 - Enrollment projections by school were developed for 10-yr window
 - Facility utilization updated & projected for the next decade
- Working with FPS administration, developed 6 redistricting scenarios.
 - 3 scenarios could be implemented in the near-term (1-3 yrs)
 - 3 scenarios could be implemented in the long-term (4-6 yrs)
- Tested scenarios against the Goal and Guiding Criteria
- Presented recommendations to FPS BOE on February 16 ,2015.



Redistricting Plan

Goals & Guiding Principles

Goal-

- Reduce McKinley's racial imbalance to below 20% (Impending)

Guiding Principles (1) -

- Strive to maintain established neighborhoods and consider natural and manmade boundaries (rivers, highways)
- Consider the impact on busing and walkers
- Safety issues should be considered
- Phase out all temporary solutions (portables)
- Strive for sustained facility utilization at 90%
- Siblings should attend same schools – avoid crossing feeder patterns
- Maintain District Guidelines for class size
- Create the least amount of disruption

(1) *Adhoc Redistricting Committee- Redistricting: Guiding Principles*
(Approved by BOE, November 17, 2015)



K-5 Racial Balance Trends

School	Minority Composition by Year				4-Year Change
	2012-13	2013-14	2014-15	2015-16 ³	
Burr ¹	16.0%	16.1%	18.0%	19.9%	3.9%
Dwight ¹	14.0%	16.0%	14.7%	14.3%	0.3%
Holland Hill	32.4%	32.4%	33.2%	32.8%	0.5%
Jennings	17.2%	18.0%	19.4%	20.1%	2.8%
McKinley	43.4%	45.9%	49.1%	47.9%	4.5%
McKinley % Deviation	+24.4%	+26.5%	+28.6%	+27.2%	-
Mill Hill	14.2%	15.2%	13.1%	15.7%	1.5%
North Stratfield	19.4%	19.8%	22.0%	20.5%	1.1%
Osborn Hill	8.9%	11.2%	12.1%	14.5%	5.6%
Riverfield	13.0%	11.8%	12.3%	12.5%	-0.5%
Sherman	13.4%	13.8%	13.7%	14.0%	0.6%
Stratfield	17.2%	17.3%	19.1%	18.6%	1.4%
K-5 District Avg.²	19.0%	19.4%	20.5%	20.7%	1.7%

Source: Connecticut SDE Racial Balance Tables: 2012-2014; Fairfield Public Schools, PSIS Enrollment: 2015

1. Includes Pre-K students at Burr and Dwight

2. District Average only includes K-5 students

3. Data for 2015-16 is unofficial

Racial Imbalance	Impending Imbalance
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Enrollment & Utilization Projections

PK-5 Enrollment Projections, by School

School	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Burr	424	433	432	429	426	436	446	446	461	476	487
Dwight	346	338	309	300	292	286	282	294	315	320	329
Holland Hill	407	405	397	385	400	396	395	418	428	441	442
Jennings	320	310	276	282	284	286	296	306	321	331	330
McKinley	433	432	413	407	391	383	394	395	410	419	424
Mill Hill	382	369	335	324	320	324	340	349	362	375	389
North Stratfield	416	391	369	362	362	363	379	393	406	418	422
Osborn Hill	490	468	442	426	407	415	431	449	466	490	504
Riverfield	409	405	377	370	373	375	377	388	405	423	427
Roger Sherman	481	482	453	444	436	453	446	459	484	499	502
Stratfield	442	399	373	359	355	351	363	382	401	414	432
Total	4,550	4,432	4,176	4,088	4,046	4,068	4,149	4,279	4,459	4,606	4,688

Individual school projections may differ slightly from district-wide projections due to rounding
Includes Pre-K Enrollment at Burr and Dwight

PK-5 Utilization Projections (With Portables)

School	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Burr	80.6%	82.3%	82.1%	81.5%	81.0%	82.9%	84.9%	84.9%	87.9%	90.9%	93.1%
Dwight	86.8%	84.7%	77.0%	74.6%	72.5%	70.9%	69.8%	73.0%	78.6%	79.9%	82.3%
Holland Hill ^I	107.7%	96.4%	94.5%	91.7%	95.2%	94.3%	94.0%	99.5%	101.9%	105.0%	105.2%
Jennings	84.7%	82.0%	73.0%	74.6%	75.1%	75.7%	78.3%	81.0%	84.9%	87.6%	87.3%
McKinley	85.9%	85.7%	81.9%	80.8%	77.6%	76.0%	78.2%	78.4%	81.3%	83.1%	84.1%
Mill Hill	101.1%	97.6%	88.6%	85.7%	84.7%	85.7%	89.9%	92.3%	95.8%	99.2%	102.9%
North Stratfield	82.5%	77.6%	73.2%	71.8%	71.8%	72.0%	75.2%	78.0%	80.6%	82.9%	83.7%
Osborn Hill	97.2%	92.9%	87.7%	84.5%	80.8%	82.3%	85.5%	89.1%	92.5%	97.2%	100.0%
Riverfield	81.2%	80.4%	74.8%	73.4%	74.0%	74.4%	74.8%	77.0%	80.4%	83.9%	84.7%
Roger Sherman	104.1%	104.3%	98.1%	96.1%	94.4%	98.1%	96.5%	99.4%	104.8%	108.0%	108.7%
Stratfield	87.7%	79.2%	74.0%	71.2%	70.4%	69.6%	72.0%	75.8%	79.6%	82.1%	85.7%
Total	90.3%	87.9%	82.9%	81.1%	80.3%	80.7%	82.3%	84.9%	88.5%	91.4%	93.0%

Includes Pre-K Enrollment at Burr and Dwight

I. Two additional portable classrooms added to Holland Hill beginning in 2016-17



Racial Balance Scenarios

Scenarios A, B, C

- No new school construction projects
- Comprehensive redistricting
- Opt-in and Open Choice programs continue

Scenario D

- Holland Hill renovated and expanded to 504 student school
- Pocket redistricting at McKinley
- Opt-in and Open Choice programs continue

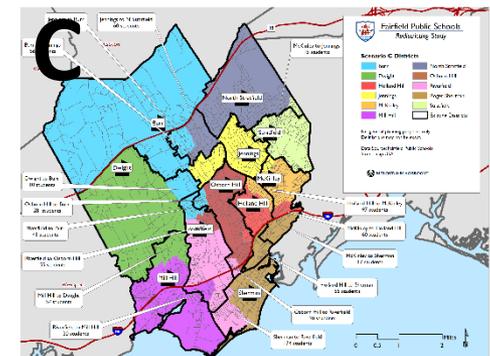
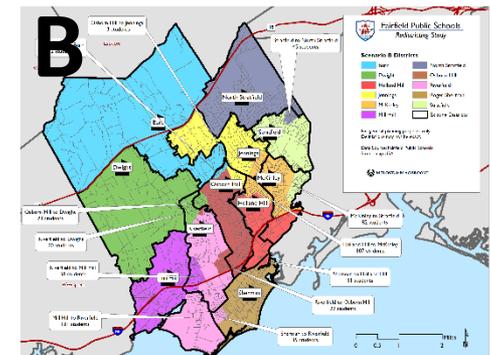
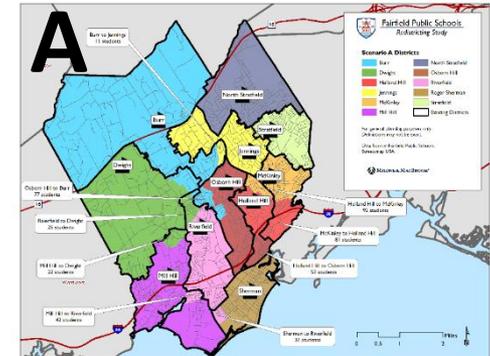
Scenarios E, F

- Holland Hill and Mill Hill are renovated and expanded to 504 student schools
- Comprehensive redistricting
- Opt-in and Open Choice programs continue



Scenario A, B, and C Considerations

- Significant movement of students (10%-20%)
- McKinley becomes “impending imbalance” under each scenario
 - However, does not reach goal of an absolute imbalance below 20% district average in any scenario – potential to become imbalanced again if diverse Kindergarten class enters system.
 - Individual years range from 21%-25% higher than district average
 - Holland Hill would move up to “impending imbalance” in scenarios A and B.
- Not enough capacity at Holland Hill to accept enough McKinley students
- Not enough classroom space in the district to remove portable classrooms and achieve 90% utilization.
 - If portable classrooms are removed at Mill Hill and Holland Hill it would cause overcrowding (>100% utilization) at other schools.

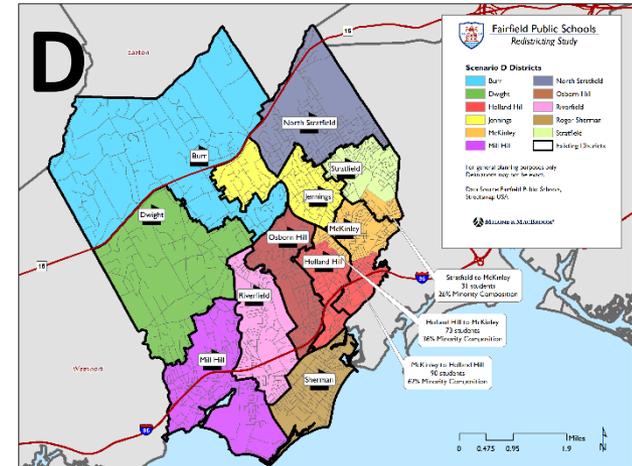


Not viable long-term solutions



Scenario D Considerations

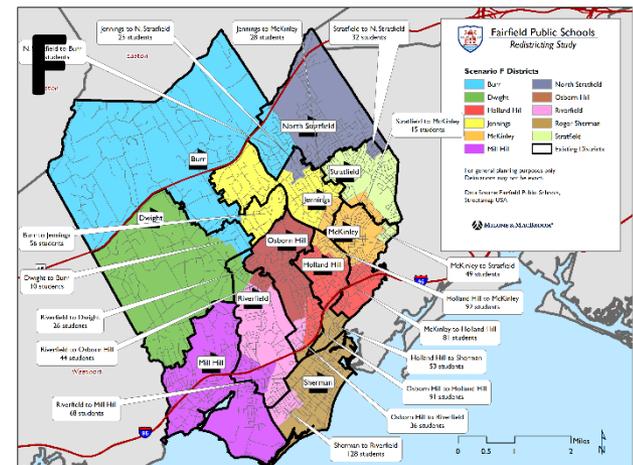
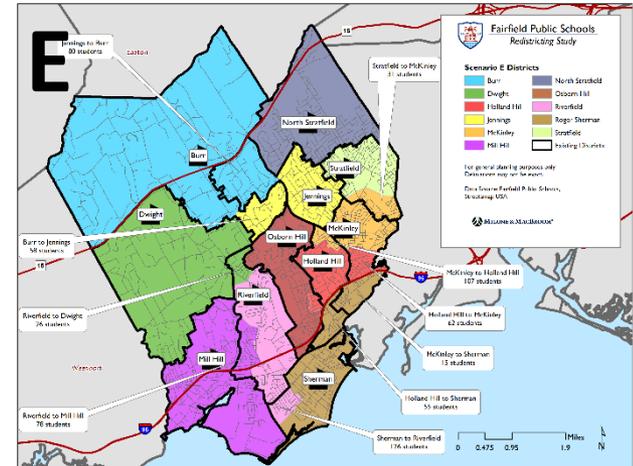
- Pocket Redistricting impacting 3 neighborhood schools
- Utilizes infusion of capacity at Holland Hill to accept neighboring McKinley Students
 - Does not address overcrowding at Mill Hill or Roger Sherman
 - Portable classrooms remain at Mill Hill
- Minimizes redistricting impacts: Would move 169 K-4 students (4.6%) if implemented for 2016-17 school year.
- McKinley would have been impending imbalance each of the last four years.
 - Individual years range from 19% to 22% higher than district average
 - Greater than 20% of district average in 3 of the last 4 years
- Moves Holland Hill to “impending imbalance” each of the last four years.
 - Between 15%-18% above district average.
- Will increase utilization at Fairfield Woods Middle School





Scenario E and F Considerations

- Construction Completed at Holland Hill (2019 est.) & Mill Hill (2022 est.) – expanded to 504 students each
- Significant movement of students (between 15% and 20%) if implemented for next year.
 - Many small pockets redistricted – likelihood of singletons and small grade cohorts being moved
 - Disrupts the neighborhood-based school model
- McKinley would be impending imbalanced but under 20% of district average
 - Individual years vary from 18% to 22% higher than district average.
 - Holland Hill would be racially balanced for all 4 years in Scenario F
 - Holland Hill would be impending imbalanced for 3 of 4 years in Scenario E.
- Balanced utilization across all schools – portable classrooms can be removed.





Scenario Comparison

Scenario	New Construction	Percent of K-4 ¹ Students Moved	Deviation from District Racial Balance (2015-16)		# of Schools with > 90% Utilization ^{2,3}	# of Schools with > 100% Utilization ^{2,3}	Portables Removed
			McKinley ²	Holland Hill ²			
Existing	None	0.0%	+27.2 (imbalanced)	+12.1 (balanced)	4	3	None
Scenario A	None	10.0%	+21.2 (impending)	+15.5 (impending)	6	0	None
Scenario B	None	15.0%	+21.5 (impending)	+16.0 (impending)	6	1	None
Scenario C	None	19.0%	+21.5 (impending)	+11.9 (balanced)	7	1	None
Scenario D	Holland Hill	4.6%	+20.5 (impending)	+17.7 (impending)	3	2	Holland Hill Only
Scenario E	Holland Hill + Mill Hill	15.1%	+19.2 (impending)	+14.5 (balanced)	4	0	All
Scenario F	Holland Hill + Mill Hill	20.9%	+19.3 (impending)	+10.4 (balanced)	1	0	All

1. Number of current K-4 students who would be moved for the 2016-17 school year if scenario districts were in place

2. As if Districts were in place today.

3. Existing portable classrooms are included in the functional capacity for the Existing Conditions and Scenarios A, B, and C. Portables remained at Mill Hill in Scenario D.



Conclusions

1.) Scenario A, B, and C

- Racial Imbalance at McKinley and overcrowding at Holland Hill, Mill Hill, and Roger Sherman cannot be solved without school construction projects. Portable classrooms cannot be removed by redistricting alone. Significant disruption and racial balance may not be sustained in the long term.

2.) Scenario D

- Pocket redistricting can mitigate racial imbalances at McKinley after the Holland Hill Construction Project is completed. However, it would result in Holland Hill becoming impending imbalanced (between 15% and 18% higher than district). Moves the fewest students, but does not address overcrowding at Mill Hill or Roger Sherman.

3.) Scenario E and F

- Following the completion of the Holland Hill and Mill Hill Construction Projects, the district can achieve racial balance objectives at McKinley. In addition, all portable classrooms can be removed and utilization targets can be achieved. However, it requires comprehensive redistricting, which would redistrict large numbers of students.

EXHIBIT B

UNAUDITED DATA FILE

Connecticut State Department of Education 2014 Public School Enrollment By District By Racial Imbalance Categories

Imbalance is determined pursuant to CGS §10-226e-3 and §10-226e-4, comparing school proportions with the district proportions of students in the same grade.
Note: Bold-faced fonts indicate the greater of the district or school minority percentage figures for each school.

Dist #	Schl #	DISTRICT	SCHOOL	District % Minority	Dist. Total	School % Minority	Schl. Total	Absolute Imbalance
051		Fairfield School District						
	6		McKinley School	20.53%	4549	49.10%	442	28.56
	4		Holland Hill School	20.53%	4549	33.17%	407	12.64
	18		Osborn Hill School	20.53%	4549	12.13%	503	8.40
	12		Riverfield School	20.53%	4549	12.31%	398	8.22
	7		Mill Hill School	20.53%	4549	13.08%	413	7.46
	51		Tomlinson Middle School	20.00%	2440	27.08%	720	7.08
	13		Sherman School	20.53%	4549	13.68%	475	6.85
	53		Roger Ludlowe Middle School	20.00%	2440	13.54%	805	6.46
	1		Dwight Elementary School	20.90%	4712	14.73%	319	6.17
	62		Fairfield Warde High School	19.03%	3016	23.30%	1442	4.27
	60		Fairfield Ludlowe High School	19.03%	3016	14.86%	1541	4.17
	2		Burr Elementary School	20.90%	4712	17.99%	428	2.91
	16		North Stratfield School	20.53%	4549	22.00%	441	1.46
	14		Stratfield School	20.53%	4549	19.13%	460	1.40
	17		Jennings School	20.53%	4549	19.44%	324	1.09
	52		Fairfield Woods Middle School	20.00%	2440	20.11%	915	.11

*Diverse Schools are if district minority is greater than 50% and school minority is between 25% and 75%.

*Source Data: Public School Information System October 2014 extracted on 2/10/2015

Tuesday, April 14, 2015

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EXHIBIT C

UNAUDITED DATA FILE

Connecticut State Department of Education

2015 Public School Enrollment By Reporting District Where School Total > 100,
Excluding CTHSS, Magnet and Charter Schools

Imbalance is determined pursuant to CGS §10-226e-3 and §10-226e-4, comparing school proportions with the district proportions of students in the same grade.

Note: Bold-faced fonts indicate the greater of the district or school minority percentage figures for each school.

Dist #	Schl #	REPORTING DISTRICT	SCHOOL	District % Minority	Dist. Total	School % Minority	Schl. Total	Absolute Imbalance
051		Fairfield School District						
	0510611		McKinley School	20.71%	4467	47.89%	426	27.18
	0510411		Holland Hill School	20.71%	4467	32.84%	405	12.13
	0511211		Riverfield School	20.71%	4467	12.50%	408	8.21
	0510111		Dwight Elementary School	21.38%	4630	14.33%	335	7.05
	0515111		Tomlinson Middle School	20.43%	2379	27.15%	685	6.72
	0511311		Sherman School	20.71%	4467	13.99%	479	6.72
	0511811		Osborn Hill School	20.71%	4467	14.52%	489	6.19
	0515311		Roger Ludlowe Middle School	20.43%	2379	15.34%	802	5.09
	0510711		Mill Hill School	20.71%	4467	15.71%	382	5.00
	0516211		Fairfield Warde High School	19.36%	3078	24.18%	1518	4.81
	0516011		Fairfield Ludlowe High School	19.36%	3078	14.72%	1508	4.64
	0511411		Stratfield School	20.71%	4467	18.64%	440	2.07
	0510211		Burr Elementary School	21.38%	4630	19.86%	418	1.53
	0511711		Jennings School	20.71%	4467	20.00%	320	.71
	0515211		Fairfield Woods Middle School	20.43%	2379	19.98%	886	.45
	0511611		North Stratfield School	20.71%	4467	20.48%	415	.23

*The reporting district includes all students in schools, programs and out-placed facilities.

*Diverse Schools are excluded if reporting district minority is greater than 50% and school minority is between 25% and 75% .

*Source Data: Public School Information System October 2015 extracted on 2/2/2016

Tuesday, April 19, 2016

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EXHIBIT D

*This document contains an excerpt from the Regulations of Connecticut State Agencies that specifically concerns the Department of Education. This document is not the official version of the regulations. The official regulations are published by the State of Connecticut, Judicial Branch, Commission on Official Legal Publications in the Connecticut Law Journal. In the event there is inconsistency between this document and the regulations as published in the Connecticut Law Journal, the Connecticut Law Journal publication shall serve as the official version.

Regulations to Implement the Racial Imbalance Law

Sec. 10-226e-1. Definitions

As used in sections 10-226e-1 to 10-226e-8, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Pupil” means an individual for whom instruction is provided in a public elementary and secondary school under the jurisdiction of a local or regional board of education.

(2) “School” means any public elementary or secondary school under the jurisdiction of a local or regional board of education, excluding a unique school.

(3) “Board of education” means the board of education of a local or regional school district.

(4) “Grade” means that portion of a school program which represents the work of one regular school term, identified either as kindergarten, grade one, grade two, etc., or in an ungraded school program, identified on the basis of educational need.

(5) “School district” means a school system under the jurisdiction of a local or regional board of education.

(6) “Jurisdiction” means the authority granted local and regional boards of education by statute to exercise control and supervision of pupils, schools and school districts.

(7) “Plan” means that document submitted by a board of education in compliance with Section 10-226c of the Connecticut General Statutes.

(8) “Racial minorities” means those groups listed under subsection (b) of Section 10-226a of the Connecticut General Statutes.

(9) “Diverse school” means a school, within a school district having a minority school population of fifty percent or more; which school has a minority population of at least twenty-five percent, *but less than seventy five percent*.

(10) “Unique school” means an interdistrict or intradistrict magnet, local or state charter, lighthouse, regional vocational agriculture, regional vocational-technical, alternative, or special education school or other school designated by the Commissioner which offers specialized programs or provides for the voluntary enrollment of students.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-2. School reports

Each board of education shall annually submit, in such manner and at such time as specified by the Commissioner of Education, information on the racial composition of each school by grade, the racial composition of the teaching staff of each school, and the number of pupils in each elementary school who are eligible to receive free or reduced price lunches pursuant to federal law and regulation.

(Effective April 1, 1980; amended November 29, 1999)

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Sec. 10-226e-3. Determination of racial imbalance

(a) Reports submitted pursuant to Section 10-226e-2 of the Regulations of Connecticut State Agencies will be reviewed annually by the State Department of Education. The proportion of pupils of racial minorities in each school will be compared to the proportion of pupils of racial minorities in comparable grades in the school district as a whole, as follows:

(1) Proportion for the school. The total number of pupils of racial minorities in the school, as reported pursuant to Section 10-226e-2 of the Regulations of Connecticut State Agencies, shall be divided by the total number of pupils in the school. The resulting percentage shall be the Proportion for the School.

(2) Comparable proportion for the school district. For all grades of a given school, the total number of pupils of racial minorities enrolled in the same grades throughout the school district shall be divided by the district-wide total pupil enrollment in such grades. The resulting percentage shall be the Comparable Proportion for the School District for such school.

(b) Any school in which the Proportion of the School falls outside of a range from 25 percentage points less to 25 percentage points more than the Comparable Proportion for the School District, shall be determined to be racially imbalanced.

(c) If the State Board of Education determines that one or more school in a school district is racially imbalanced, said board shall promptly notify the board of education having jurisdiction of such school or schools.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-4. Determination of impending racial imbalance

(a) Any school not previously cited for racial imbalance, in which the Proportion for the School falls outside a range of from 15 percentage points less to 15 percentage points more than the Comparable Proportion for the School District, shall be deemed to have impending racial imbalance.

(b) The State Board of Education shall notify, in writing, a board of education having jurisdiction of a school district which includes one or more schools with impending racial imbalance.

(c) Any board of education notified pursuant to subsection (b) of this section may be required to provide the Commissioner of Education with information concerning student building assignments, interdistrict educational activities and other evidence of addressing issues of racial, ethnic and economic isolation.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-5. Plans

(a) Any board of education which has received notification from the State Board of Education pursuant to Section 10-226e-3 of the Regulations of Connecticut State Agencies shall submit to the State Board of Education a plan to correct racial imbalance in the school which has been determined to be racially imbalanced. All plans shall be subject to the requirements of this section; provided, however, that any school district so

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notified, which has a minority student enrollment of fifty percent or more may, in lieu of filing a plan, demonstrate that such racially imbalanced school is a diverse school.

(b) Preparation of the plan.

(1) Upon notification of a determination of racial imbalance, the board of education shall prepare a policy statement addressing racial imbalance in the school district.

(2) The board of education may, in writing, request technical assistance from the Commissioner of Education for the development of a plan. The Commissioner shall, within the limits of available resources, provide such assistance.

(3) The board of education shall conduct a public hearing on its plan prior to submission to the State Board of Education. Adequate notice of the time and place of such hearing shall be published and a complete record of such hearing shall be kept.

(4) A plan shall be submitted to the State Board of Education within 120 days following receipt of notification of a determination of racial imbalance, except that a school district may request an extension of time, not to exceed ninety days, if the number of students causing said imbalance in any school is fewer than five.

(c) Content of the plan.

A plan shall include at least the following items:

(1) The board of education policy statement addressing racial imbalance in the school district;

(2) A description of the process the board of education undertook to prepare the plan;

(3) Presentation and analysis of relevant data, including (A) projections of the racial composition of the public schools in the school district for the subsequent five-year period under the proposed plan, (B) analysis of conditions that have caused or are contributing to racial imbalance in the school district, and (C) analysis of student achievement in the cited school as compared to other schools in the district;

(4) The proposed methods for eliminating racial imbalance and for preventing its recurrence in the school district. These methods may include voluntary interdistrict and intradistrict enrollment plans acceptable to the State Board of Education as an alternative to mandatory pupil reassignment, provided any such voluntary enrollment plan addresses methods which will be used to increase student achievement;

(5) Identification of proposed school construction and school closings, if any, and an explanation of any impact on the plan;

(6) Specific proposals for minimizing any disruptive effects of plan implementation;

(7) Provisions for monitoring plan implementation and evaluating plan effectiveness, including procedures for revising and updating the plan, if necessary.

(8) A timetable for completion of each step in the plan and for implementation of the plan as a whole;

(9) Demonstration that school district resources have been equitably allocated among all schools within the district; and

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(10) Demonstration that any disparity in student achievement levels among schools is being addressed and a description of the methods being used to decrease the disparity.

(d) **Other plan requirements.**

(1) Any inconvenience caused by implementation of the plan shall not be borne disproportionately by any single racial minority nor disproportionately by racial minorities as a whole within the school district.

(2) Implementation of the plan shall not result in segregation within schools, or among or within programs. Any substantially disproportionate racial minority representation within school classes and programs shall (A) be justified solely on the basis of educational need and (B) occur less than a majority of the time during the school day with the exception of pupils enrolled in bilingual education.

(3) A plan shall not include reassignment of pupils whose dominant language is other than English and whose proficiency in English is limited if such reassignment is a denial of existing participation in a program of bilingual education.

(4) Upon submission of a plan, a board of education may request exceptions to one or more of the plan requirements pursuant to this section. The State Board of Education (A) may grant such exception when said board finds such exception shall otherwise contribute to the purposes of Sections 10-226a to 10-226e, inclusive, of the Connecticut General Statutes; and (B) shall grant such exception when the plan is in compliance with a final order of a court of competent jurisdiction or federal administrative agency order which addresses the requirements of Sections 10-226a to 10-226e, inclusive, of the Connecticut General Statutes and which addresses the current condition of racial imbalance found in accordance with Section 10-226e-3 of the Regulations of the Connecticut State Agencies.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-6. Approval of plans

(a) Upon receipt of a plan pursuant to Section 10-226e-5 of the Regulations of Connecticut State Agencies, the State Board of Education shall determine whether the plan complies with the requirements of said section and shall (1) approve, (2) conditionally approve, or (3) disapprove such plan, within 60 days.

(b) If the State Board of Education approves the plan, said Board shall promptly notify the board of education submitting the plan, which board shall implement the plan in accordance with the timetable indicated in such plan.

(c) If the State Board of Education conditionally approves the plan, said board shall promptly give written notice to the board of education submitting the plan. Such notice shall specify the portions of the plan requiring revision and the date for submission of such revisions. Those portions of the plan which do not require revision shall be implemented by the board of education in accordance with the timetable indicated in such plan.

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(d) If the State Board of Education disapproves the plan, said board shall promptly notify the board of education submitting the plan. Such notice shall specify the reasons for disapproval and the date for resubmission of the plan.

(e) Upon receipt of a revised plan or portion thereof, the State Board of Education shall (1) approve, (2) conditionally approve, or (3) disapprove such revised plan or portion thereof in accordance with the provisions of subsections (b), (c), and (d) of this Section within 30 days following receipt of such revised plan or portion thereof.

(f) If a board of education submits a plan or a revision to such a plan which is not approved by the State Board of Education within one year of notification to the board of education of the existence of racial imbalance pursuant to Section 10-226e-3 of the Regulations of Connecticut State Agencies or a board of education fails to submit a plan or revision within the required time limits, the State Board of Education may undertake such other actions as may be authorized by law to cause the board of education to be in compliance with the provisions of Sections 10-226a to 10-226e, inclusive, of the Connecticut General Statutes and Sections 10-226e-1 to 10-226e-8 of the Regulations of Connecticut State Agencies.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-7. Review of plan implementation

(a) All approved and conditionally approved plans shall be subject to continuing review and evaluation by the State Board of Education. If the State Board of Education finds that the status of the plan is not in conformity with the timetable indicated in such plan, said board shall investigate the reasons for such discrepancy. If the State Board of Education finds that the board of education has failed to take substantial steps to implement the plan in accordance with the timetable therein, the State Board of Education shall notify the board of education of non-compliance with the provisions of Section 10-226a to 10-226e, inclusive, of the Connecticut General Statutes and Sections 10-226e-1 to 10-226e-8, inclusive, of the Regulations of Connecticut State Agencies and may undertake such other actions as may be authorized by law to cause the board of education to be in compliance.

(b) A board of education may submit proposed amendment to an approved or conditionally approved plan. Such proposed amendment shall not take effect until after review and approval by the State Board of Education. Such proposed amendment shall be accompanied by written materials documenting the reasons for the amendment.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-8. Review of the decision of the State Board of Education

(a) Upon notification of disapproval of a plan, a board of education may file written notice with the Commissioner of Education requesting a review of such disapproval. Such request shall be submitted within 30 days following receipt of notification by the State Board of Education of such disapproval.

(b) Within 30 days following receipt of a request for review, a hearing shall be held in accordance with the provisions of Chapter 54 of the General Statutes.

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(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-9. Unique schools requirements

(a) Unique schools shall provide data in the same manner as required of all other schools pursuant to Section 10-226e-2 of the Regulations of Connecticut State Agencies.

(b) Unique schools shall report to the Commissioner on all activities undertaken to provide educational opportunities for students to interact with students and teachers from other racial, ethnic and economic backgrounds.

(c) The Commissioner may require the responsible authority of any unique school to appear before him to respond to inquiries concerning the racial, ethnic or economic diversity of students or teaching staff and the educational opportunities provided for students to interact with students and teachers from other racial, ethnic and economic backgrounds.

(Effective April 1, 1980; amended November 29, 1999)