

VI.B.

CONNECTICUT STATE BOARD OF EDUCATION Hartford

TO BE PROPOSED:

June 17, 2020

RESOLVED, That the State Board of Education, pursuant to Sections 10-226a and 10-226b of the Connecticut General Statutes, accepts the Racial Imbalance Report for the 2019-20 school year, and directs the Commissioner to take the necessary action.

Approved by a vote of _____ this seventeenth day of June, Two Thousand Twenty.

Signed: _____

Dr. Miguel A. Cardona, Secretary
State Board of Education

CONNECTICUT STATE BOARD OF EDUCATION
Hartford

TO: State Board of Education

FROM: Dr. Miguel A. Cardona, Commissioner of Education

DATE: June 17, 2020

SUBJECT: Report on Racial Imbalance

Executive Summary

Introduction

Pursuant to Section 10-223e-3 of the Regulations of Connecticut State Agencies (Regulations), attached (Exhibit A) is the Racial Imbalance Report for the 2019-20 school year¹, which lists the schools that are racially imbalanced and the schools that have impending imbalance. The Performance Office compiled the report based on enrollments as of October 1, 2019.

Under Connecticut law, racial imbalance exists when the proportion of minority students for any school exceeds twenty-five percentage points more 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. If a school is identified as racially imbalanced, the board of education must file a plan to correct the imbalance with the State Board of Education (SBE). Impending racial imbalance exists when the proportion for a school falls outside a range from fifteen percentage points less to fifteen percentage points more than the comparable proportion for the school district.

Section 10-226e-3 of the Regulations requires the SBE to provide notice to any board of education having jurisdiction over one or more schools that the SBE has determined to be racially imbalanced. Local boards so notified must file plans to correct racial imbalance in those schools within 120 days of the notice. The SBE must also provide notice to any local board of education that has one or more schools deemed to have impending racial imbalance, pursuant to Section 10-226e-4 of the Regulations. The racial imbalance regulations are attached. (Exhibit B.)

Racially Imbalanced Schools – New

This year there are no schools newly identified with racial imbalance.

¹ The attached Racial Imbalance Report is an excerpt (pages 1 through 3) of the full report that lists each school in the state, excluding the “unique schools” defined by the Regulations as “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.”

Racially Imbalanced Schools – Continuing Imbalance

The schools that continue to be racially imbalanced this year are:

- Charter Oak Academy in West Hartford;
- New Lebanon School in Greenwich;
- Hamilton Avenue School in Greenwich;
- McKinley School in Fairfield;
- Church Street School in Hamden.

Lake Street School in Vernon was identified last year as racially imbalanced with an absolute imbalance of 27.46, and the district submitted a plan to correct such imbalance. This past year, the absolute imbalance for the school has lowered to 23.18. In addition, this year the school qualifies as a “diverse school” pursuant to the regulations. A diverse school is a school within a district having a minority school population of fifty percent or more, which has a minority population of at least twenty-five percent, but less than seventy five percent. A diverse school is not required to submit a plan to correct racial imbalance under Section 1-226e-5(a) of the Regulations of Connecticut State Agencies.

The West Hartford Board of Education (WHBOE) expanded Charter Oak International Academy (Charter Oak) through a school construction project. The goal of such expansion was to allow more students outside the school’s attendance zone to enroll in the magnet program. While it has taken several years to have an impact on the racial imbalance statistics at Charter Oak, the absolute imbalance has decreased over the past five years. In addition, the absolute imbalance at Smith School, another nearby school that had been racially imbalanced, has decreased so that the school is in impending imbalance. We will continue to monitor WHBOE’s progress in this endeavor.

New Lebanon School (identified in 2006) and Hamilton Avenue School (identified in 1999) in Greenwich continue to be racially imbalanced. The SBE approved the Greenwich Board of Education’s (GBOE) amendment to its plan on July 9, 2014. Pursuant to this amended plan, the GBOE expanded the New Lebanon School with a school construction project, which opened in February 2019. The GBOE extended the deadline for magnet applications and invested in an enhanced marketing plan, which increased the number of applications for the 2019-20 school year. With respect to Hamilton Avenue School, the GBOE implemented a new STEM theme during the 2015-16 school year. The GBOE is currently conducting an audit of its plan, programs and initiatives to determine whether an amendment to the Racial Imbalance Plan would be appropriate. This audit was expected to be completed by December 2019. We will continue to monitor the impact of this change of theme at Hamilton Avenue and the enrollment statistics at both schools for the upcoming year. Because of the COVID-19 pandemic, the SDE legal office has not contacted the school district for an update on its plan.

In September 2017, the SBE conditionally approved the Fairfield Board of Education’s (FBOE) revised amendment to its plan, which reaffirms the district’s intention to examine, according to a detailed timeline, both the creation of a magnet program at McKinley School, a school construction plan to allow for the expansion of other elementary schools and possible redistricting. Expansion projects are currently under way at Roger Sherman and Holland Hill schools. The FBOE hired Milone and MacBroom to conduct a study on elementary school facilities and facility planning. In February, Milone and MacBroom

presented their findings with four scenarios to the FBOE and community members. The discussion was to be continued at the next FBOE meeting in March. However, due to the COVID-19 pandemic, the discussion of the scenarios has not been completed. The FBOE has postponed discussing the racial imbalance plan until it can schedule meetings that will provide the public with the opportunity for full participation and input.

In December 2019, the SBE approved the Hamden Board of Education's (HBOE) plan to address racial imbalance at Church Street School. The HBOE plans to address the imbalance in a multi-faceted plan, which includes redefining its attendance zones, creating pre-Kindergarten opportunities in all elementary schools, including intra-district magnet themes to provide families with school choice, adding 6th Grade to its middle school, and contracting with a consulting firm to assist with demographic and redistricting options. The SBE asked the HBOE to submit a more detailed timeline for the implementation of the plan by May 1, 2020. Due to the COVID-19 outbreak, the HBOE is unable to provide such a timeline. We shall request the HBOE provide this timeline once the uncertainty and disruption caused by the pandemic have eased.

Follow-up Activities

As noted above, due to the COVID-19 pandemic and the significant disruption it has imposed upon school districts, we did not contact the school superintendents in Greenwich or Hamden to discuss the implementation of their plans. Once the disruption caused by the pandemic eases, we shall contact the school superintendents for an update on their status.

In accordance with the requirements of Section 10-226e-4 of the Regulations, the SBE must notify the local board of education having jurisdiction of a school district that includes one or more schools with the status of impending imbalance. The racial imbalance report indicates that there are 24 schools with impending racial imbalance. (See Exhibit A.) As in previous years, the Department of Education will also send each local and regional board of education the racial imbalance status for each of those schools within its jurisdiction. Providing this information on an annual basis allows each local board of education to take measures to avoid having one or more of its schools identified as racially imbalanced.

Prepared by:
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Approved by:
Jessa Y. Mirtle, Director
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Exhibit A

Connecticut State Department of Education

2019 Public School Enrollment by Racial Imbalance

Categories Excluding Unique and Diverse Schools

Imbalance is determined pursuant to §10-226e-3 and §10-226e-4 of the Regulations of Connecticut State Agencies, comparing school proportions with the district proportions of students in the same grade. ²

Note: The greater of the district or school minority percentage for each school will be in bold-faced type.

Reporting District	Facility Code	School	District Pct Minority ¹	District Total ¹	School Pct Minority	School Total	Absolute Imbalance
Imbalanced: 25% and greater imbalance							
Greenwich School District	0570611	New Lebanon School	39.89%	4146	77.52%	298	37.62%
Greenwich School District	0570511	Hamilton Avenue School	39.89%	4146	73.30%	367	33.40%
Fairfield School District	0510611	McKinley School	25.62%	4063	55.61%	437	29.98%
West Hartford School District	1550511	Charter Oak International Academy	43.70%	4190	69.57%	539	25.87%
Hamden School District	0620211	Church Street School	66.32%	2916	91.58%	273	25.25%

★ R.C.S.A. §10-226e-1(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.

¹ The reporting districts include all students in schools, programs, and out-placed facilities.

² R.C.S.A. §10-226e-1(10): "Unique school" means an interdistrict or intra district 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.

Source Data: Public School Information System (PSIS) October 2019

Connecticut State Department of Education

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Note: The greater of the district or school minority percentage for each school will be in bold-faced type.

Reporting District	Facility Code	School	District Pct Minority ¹	District Total ¹	School Pct Minority	School Total	Absolute Imbalance
Impending Imbalance: Less than 25% and greater than 15% imbalance							
Groton School District	0590311	Claude Chester School	47.50%	2238	70.45%	335	22.95%
Greenwich School District	0571111	Parkway School	39.89%	4146	17.62%	244	22.27%
West Hartford School District	1551711	Smith School	43.70%	4190	65.40%	341	21.70%
Groton School District	0591911	Northeast Academy Elementary School	47.80%	2044	26.90%	420	20.89%
Stratford School District	1380411	Franklin School	67.93%	3552	88.06%	335	20.13%
Milford School District	0840711	Meadowside School	32.94%	2310	53.07%	277	20.12%
Hamden School District	0620411	Helen Street School	66.32%	2916	86.20%	326	19.87%
Norwalk School District	1030711	Jefferson Magnet School	75.04%	5285	93.65%	504	18.61%
West Hartford School District	1550611	Duffy School	43.47%	3950	25.38%	461	18.09%
Glastonbury School District	0540711	Naubuc School	34.92%	2374	52.55%	411	17.63%

★ R.C.S.A. §10-226e-1(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.

¹ The reporting districts include all students in schools, programs, and out-placed facilities.

² R.C.S.A. §10-226e-1(10): "Unique school" means an interdistrict or intra district 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.

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Connecticut State Department of Education

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Note: The greater of the district or school minority percentage for each school will be in bold-faced type.

Reporting District	Facility Code	School	District Pct Minority ¹	District Total ¹	School Pct Minority	School Total	Absolute Imbalance
Impending Imbalance: Less than 25% and greater than 15% imbalance (continued)							
Hamden School District	0620111	Shepherd Glen School	65.50%	2716	82.69%	312	17.19%
Greenwich School District	0571011	Riverside School	39.37%	3950	23.19%	457	16.17%
Greenwich School District	0575311	Western Middle School	38.67%	2087	54.75%	632	16.08%
Groton School District	0592011	Catherine Kolnaski Magnet School	47.50%	2238	63.16%	437	15.66%
Stratford School District	1381511	Stratford Academy - Johnson House	67.87%	2462	83.30%	461	15.43%
Norwalk School District	1030811	Kendall Elementary School	75.04%	5285	90.46%	503	15.41%
Greenwich School District	0570811	North Street School	39.89%	4146	24.57%	411	15.32%
West Hartford School District	1550911	Morley School	43.47%	3950	28.32%	279	15.15%
Danbury School District	0340611	Morris Street School	66.01%	5519	81.14%	334	15.13%

★ R.C.S.A. §10-226e-1(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.

¹ The reporting districts include all students in schools, programs, and out-placed facilities.

² R.C.S.A. §10-226e-1(10): "Unique school" means an interdistrict or intra district 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.

Source Data: Public School Information System (PSIS) October 2019

Exhibit B

*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)