

# VII.F.

## Connecticut State Board of Education Hartford

**To Be Proposed:**  
**March 6, 2024**

**Whereas**, the Fairfield Board of Education submitted a plan to address the racial imbalance at McKinley School that included the development of a redistricting plan; and

**Whereas**, the Fairfield Board of Education has indicated that it will not pursue a redistricting plan; and

**Whereas**, Section 10-226a(a) of the Connecticut General Statutes (C.G.S.) and Section 10-226e-5(a) of the Regulations of Connecticut State Agencies (Regulations) requires a board of education to develop and implement a plan to address racial imbalance; and

**Whereas**, the Fairfield Board no longer has a plan in place that is reasonably calculated to reduce the racial imbalance at McKinley School; now, therefore, be it

**Resolved:** That in accordance with Section 10-226d of the C.G.S. and Section 10-226e-7(b) of the Regulations, the State Board of Education hereby requires the Fairfield Board of Education to submit an amendment to its Racial Balance Plan within 120 days of this day and no later than July 3, 2024.

Approved by a vote of \_\_\_\_\_ this sixth day of March, Two Thousand Twenty-Four.

Signed: \_\_\_\_\_  
Charlene M. Russell-Tucker, Secretary  
State Board of Education

**CONNECTICUT STATE BOARD OF EDUCATION  
Hartford**

TO: State Board of Education

FROM: Charlene M. Russell-Tucker, Commissioner of Education

DATE: March 6, 2024

SUBJECT: Fairfield Racial Imbalance Plan

**Executive Summary**

**Introduction**

At its meeting on November 2, 2022, the State Board of Education (SBE) passed a resolution approving the Amendment to the Fairfield Board of Education’s (Fairfield Board’s) Racial Balance Plan on the absolute condition that the Fairfield Board provides periodic updates to the Commissioner of Education regarding the status and efficacy of such plan, which periodic updates shall be provided to the Commissioner of Education no less than every three months. McKinley was first identified as racially imbalanced in April 2007. Over the past fifteen years, the Fairfield Board has amended its plan several times to address the continued racial imbalance, but the actions taken pursuant to the plan have not significantly impacted the imbalance.

In its amended plan, the Fairfield Board proposed to implement a redistricting plan to: (1) address the disparity in building utilization; and (2) to address the disparity in the racial composition of the elementary schools, including McKinley. Such redistricting plan was to be developed with input from the community through multiple “community conversations regarding racial balance, academic excellence and facility utilization.” The SBE required the Fairfield Board to provide periodic updates on its progress in developing the redistricting plan (attached hereto as Exhibit A.)

On December 1, 2023, the Fairfield Superintendent sent an update to the Division of Legal and Governmental Affairs (attached hereto as Exhibit B) asking the SBE to reconsider the redistricting plan and seek alternative solutions to address the problem.

**Background**

Overview of Connecticut Racial Imbalance Laws

Since 1969, Connecticut law has required every school district to take appropriate measures to prevent or eliminate the racial imbalances that may exist within a public school district. More specifically, Conn. Gen. Stat. §10-226b(b) defines “racial imbalance” as:

a condition wherein the proportion of pupils of racial minorities<sup>1</sup> in all of the grades of a public school of the secondary level or below taken together substantially exceeds or falls substantially short of the proportion of such public school pupils in all of the same grades of the school district in which said school is situated taken together.

Section 10-226e empowered the SBE to establish regulations for the purpose of implementing the racial imbalance laws set forth in Sections 10-226a through 10-226e. Consequently, the SBE promulgated regulations (attached hereto as Exhibit C), which provide that 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 those students deemed racial minorities enrolled in the same grades throughout the school district is divided by the districtwide total student enrollment in such grades, and the resulting percentage is the comparable proportion for the school district.

The SBE’s role is to identify districts with racial imbalance issues, ensure that a district develops a legally sound and effective plan to correct the racial imbalance and, as appropriate, provide technical assistance to districts. The racial imbalance laws give districts flexibility in how they address racial imbalance, provided that their plans are approved by the SBE.

The Fairfield Board’s Amended Plan

The table below shows the extent by which the percentage enrollment of students of color at McKinley exceeded the districtwide percentage enrollment of students of color for elementary grades in Fairfield since 2006 (See also, the Fairfield 2022-23 Racial Imbalance Report attached hereto as Exhibit D.) As noted, when this figure exceeds 25 percentage points, racial imbalance exists.

<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
28.74	27.40	25.45	28.70	25.81	26.81	24.41	26.48	28.56
<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	
27.18	30.02	28.39	29.85	29.98	30.25	29.36	28.17	

In its amended plan, the Fairfield Board proposed to implement a redistricting plan to: (1) address the disparity in building utilization; and (2) to address the disparity in the racial composition of the elementary schools, including McKinley. Such redistricting plan was to be developed with input from the community through multiple “community conversations regarding racial balance, academic excellence and facility utilization.” The Fairfield Board intended to adopt a redistricting plan no later than October 30, 2023. Such plan would go into

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<sup>1</sup> The statute and regulations use the term “minority students.” This report shall use the term “students of color” in lieu of “minority students.”

effect at the beginning of the 2024-25 school year. The amendment also included a proposal for the creation of one or more intra-district magnet schools to provide additional educational options for families. At the time of the amendment, the Fairfield Board was exploring the themes of an International Baccalaureate program and/or a dual language program. Finally, the Fairfield Board planned to provide a series of educational equity training workshops for all school administrators, staff members and members of the Board of Education beginning in the winter of the 2023-24 school year, and it directed the Superintendent to conduct an “equity review” to recommend improvements to all Fairfield schools to ensure all students are provided a safe and welcoming learning environment.

The Fairfield Superintendent has submitted periodic updates on its progress in developing the redistricting plan. In its update dated May 18, 2023, attached hereto as Exhibit A, the Fairfield Superintendent indicated that the Fairfield Board expected to receive options from Milone and MacBroom) in June and would thereafter hold community meetings to receive input from stakeholders.

On December 1, 2023, the Fairfield Superintendent sent an update to Attorney McKeon and Attorney Anastasio (attached hereto as Exhibit B.) In this memo, the Superintendent stated that the proposed redistricting would disrupt large numbers of families. In addition, the district is facing utilization issues due to several issues leading to complications with adequate space to accommodate redistricting. Redistricting would strain transportation by increasing the number of students needing transportation and requiring some students to travel longer distances. Finally, he noted that the redistricting would not address racial imbalance in a meaningful way. The Superintendent is asking the SBE to reconsider the redistricting plan and seek alternative solutions to address the problem.

## **Discussion**

The Fairfield Board is asking the SBE to reconsider a plan that the Fairfield Board developed and presented to the SBE as its solution to the racial imbalance at McKinley. Pursuant to the regulations, the local or regional board of education is required to develop its own plan to address racial imbalance. There is no authorization in the statute or the regulations that provide the SBE with the authority to develop and impose a racial imbalance plan on a local or regional board of education. Without the presentation of an alternative plan reasonably calculated to address the racial imbalance at McKinley, it appears that the Fairfield Board is failing to comply with its statutory obligations.

## **Follow-up Activities**

The SBE may require the Fairfield Board to submit an amendment to its plan to address the racial imbalance at McKinley within 120 days of the SBE's resolution.

Prepared by: Laura L. Anastasio, Attorney  
Division of Legal and Governmental Affairs

Approved by: Michael McKeon, Director  
Division of Legal and Governmental Affairs

# EXHIBIT A



FAIRFIELD PUBLIC SCHOOLS  
OFFICE OF THE SUPERINTENDENT

**Michael J. Testani**  
*Superintendent of Schools*

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September 7, 2023

Commissioner Charlene Russell-Tucker  
CT Department of Education  
450 Columbus Boulevard  
Hartford, CT 06103-1841

Dear Commissioner Charlene Russell-Tucker,

This is to provide the regular update on Fairfield Public Schools' Racial Imbalance Plan, as requested at the November 2, 2022, State Board of Education meeting. We continue to make progress on the components of our plan as outlined below. There has been significant work to report since my last quarterly report. The SLAM consultants presented 3 possible scenarios for the Fairfield Board of Education to consider on June 13, 2023. We have worked tirelessly since that meeting to engage the public in meaningful discussion. There has been a working group made up of the SLAM consultants and the administration meeting regularly to gather and analyze all the information being collected from staff and the community.

I must once again remind the State Board there are many factors that contribute to the current demographic enrollment at McKinley Elementary School. These include current housing and development, affordability, and the positive climate and culture that students and families experience at McKinley School which was evident during a recent visit by the Commissioner in the spring. I cannot say enough how many communications we have received from McKinley families about the school's climate and culture as being one of the many factors which contributed to them seeking to move into the district specifically to enroll their children at McKinley. Families do not see a racially imbalanced school but rather an inclusive school community where their children are learning, growing, and thriving.

The timeline below is a chronological account of the actions taken to date by the Fairfield Board of Education to begin the process of redistricting:

**November 2, 2022:** Fairfield Board Finance Committee: Costs/savings estimates from closing an elementary school, as discussed in September.

**November 15, 2022:** Fairfield Board Discussion of Updated Facilities Planning Principles from 2010

**November 29, 2022:** Fairfield Board First Reading of Revised Facilities Planning Document

**December 13, 2022:** Fairfield Board adopts revised Facilities Planning Document. Review of 2019 Charge to Milone and MacBroom (SLAM) and Discussion of Updates, Timeline and Associated Budget

**December 15, 2022:** Fairfield Board holds Community Conversation regarding racial balance, academic excellence, and facility utilization in person.

**December 21, 2022:** Board Facilities Committee follow up on seating needs capacity for special programming and ECC, review of November enrollment and capacity data report from SLAM.

**January 4, 2023:** Fairfield Board held a Facility Planning Workshop. Review of Specialized Programming Request, First Reading of 2023 Board of Education Charge to Consultant, Timeline related to Facilities.

**January 5, 2023:** Fairfield Board holds Community Conversation regarding racial balance, academic excellence, and facility utilization virtually.

**January 10, 2023:** Fairfield Board meeting discussion on facilities capital planning, board follow up questions and amendments on the draft charge from January 4th the Board voted to postpone the vote on the charge to the consultant to the January 24, 2023, Board meeting.

**January 24, 2023:** A Fairfield Board meeting was held where the Board adopted the charge to the consultant to assist in identifying redistricting scenarios to balance elementary school utilization and resolve racial imbalance.

**May 24, 2023:** The Board participated in the first of a series of training opportunities on equity with facilitators from the Partners for Educational Leadership.

**June 13, 2023:** Fairfield Board meeting was held to receive a comprehensive presentation on the recommended scenarios from the SLAM consultants.

**June 27, 2023:** A Fairfield Board meeting was held where supplemental information was presented by the SLAM consultants to the community.

**July 20, 2023:** A special meeting of the Fairfield Board of Education was held to solicit feedback on the SLAM presentation from the community.

**July 25, 2023:** A virtual meeting of the Fairfield Board of Education was held to provide another opportunity for input from the community of the redistricting scenarios presented by the SLAM consultants.

**August 23, 2023:** A special meeting of the Fairfield Board of Education was held to hear a presentation from the SLAM consultants on additional scenarios for the Board of Education to consider based on the feedback received from the public.



**August 29, 2023:** A Fairfield Board meeting was held to discuss the enormous amount of information gathered by the Board and the administration. It was determined by the Board to set racial imbalance the highest priority in the redistricting process. The Board directed the Superintendent to work with SLAM prioritizing racial imbalance over building utilization and placement of specialized programs.

**September 5, 2023:** The district held a public community conversation to provide the public another opportunity for input on the redistricting process.

During the summer months, the administration collaborated as part of a working group with SLAM to refine the scenarios to best redistrict the school community. In trying to comply with the racial imbalance law, the district must overcome many challenges in the process. We must consider the increased need for space for specialized programs which serve our students with specialized needs. The district also will need to add additional early childhood classrooms to serve the students who will not be moving onto to kindergarten because of the change in legislation.

Our next update to you will be provided prior to December. The Board has set aside several dates in the coming weeks to come to a final decision and vote prior to a change in membership in the November election. Please feel free to contact with me questions on our progress or any of the details above.

Sincerely,



Michael J. Testani  
Superintendent of Schools

*c: Laura Anastasio, CSDE Legal and Government Affairs  
Michael McKeon, CSDE Legal and Government Affairs  
Fairfield Board of Education*

MT:mb

Michael J. Testani  
Superintendent of Schools



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May 18, 2023

Commissioner Charlene Russell-Tucker  
CT State Department of Education  
450 Columbus Boulevard  
Hartford, CT 06103

Dear Commissioner Charlene Russell-Tucker,

This is to provide an update on Fairfield Public Schools' Racial Imbalance Plan, as requested at the November 2, 2022, State Board of Education meeting. We continue to make progress on the components of our plan as outlined below. There has been little to update on the plan, but we anticipate a more significant update heading into the summer months because of the SLAM recommendations which will be presented to the Fairfield Board of education on June 13, 2023.

There are many factors that contribute to the current demographic enrollment at McKinley Elementary School. These include current housing and development, affordability, and the positive climate and culture that students and families experience at McKinley School. I cannot stress enough how much I have heard from families about how the school's culture has contributed to them seeking to move into the district specifically to enroll their children at McKinley. Families do not see a racially imbalanced school but rather an inclusive school community where their children are learning and growing.

The timeline below is a chronological account of the actions taken to date by the Fairfield Board of Education to begin the process of redistricting:

**November 2, 2022:** Fairfield Board Finance Committee: Costs/savings estimates from closing an elementary school, as discussed in September

**November 15, 2022:** Fairfield Board Discussion of Updated Facilities Planning Principles from 2010

**November 29, 2022:** Fairfield Board First Reading of Revised Facilities Planning Document

**December 13, 2022:** Fairfield Board adopts revised Facilities Planning Document. Review of 2019 Charge to Milone and MacBroom (SLAM) and Discussion of Updates, Timeline and Associated Budget

**December 15, 2022:** Fairfield Board holds Community Conversation regarding racial balance, academic excellence, and facility utilization in person.

**December 21, 2022:** Board Facilities Committee follow up on seating needs capacity for special programming and ECC, review of November enrollment and capacity data report from SLAM.

**January 4, 2023:** Fairfield Board held a Facility Planning Workshop. Review of Specialized Programming Request, First Reading of 2023 Board of Education Charge to Consultant, Timeline related to Facilities.

**January 5, 2023:** Fairfield Board holds Community Conversation regarding racial balance, academic excellence, and facility utilization virtually.

**January 10, 2023:** Fairfield Board meeting discussion on facilities capital planning, board follow up questions and amendments on the draft charge from January 4<sup>th</sup> the board voted to postpone the vote on the charge to the consultant to the January 24, 2023, Board meeting.

**January 24, 2023:** Fairfield Board Meeting: Board adopts charge to the consultant to assist in identifying redistricting scenarios to balance elementary school utilization and resolve racial imbalance.

Looking ahead, the district and Board of Education will be receiving the recommended scenarios from the SLAM consultants on June 13, 2023. The district will hold a public meeting as well as provide an online option to solicit input from the entire school community. The Board will participate in the first of a series of training opportunities around our district's equity work on May 24, 2023. I have made a significant investment in increasing our school climate initiatives, and ongoing community engagement efforts beginning this summer.

Our next update to you will be provided in November. Please feel free to contact with me questions on our progress or any of the details above.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Testani". The signature is fluid and cursive, with the first name being the most prominent.

Michael J. Testani  
Superintendent of Schools

# EXHIBIT B



FAIRFIELD PUBLIC SCHOOLS  
OFFICE OF THE SUPERINTENDENT

**Michael J. Testani**  
*Superintendent of Schools*

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December 1, 2023

Commissioner Charlene Russell-Tucker  
CT Department of Education  
450 Columbus Boulevard  
Hartford, CT 06103-1841

Dear Commissioner Charlene Russell-Tucker,

I am writing to provide an update to the proposed racial imbalance plan submitted by the Fairfield Public Schools and approved by the Connecticut State Board of Education on November 2, 2022. The district has worked tirelessly over the past 12 months to decide on a course of action to address the racial imbalance issue identified at McKinley Elementary School. The Board has considered all options put forth in the plan with a heavy emphasis on creating a redistricting plan for our school district in consultation with the SLAM group. While I understand the spirit of the law, I believe that this redistricting plan is deeply flawed and will have several detrimental effects on our students and their education.

First and foremost, the proposed redistricting would disrupt large numbers of students and their families. This disruption can have a negative impact on their academic performance and overall well-being. Changing schools can be a stressful experience for children, and it can hinder their ability to establish a stable and supportive learning environment.

Our schools are facing utilization issues due to enrollment, specialized program needs and expansion of pre-school offerings. The proposed plan does not offer a clear solution to this problem. Redistributing students without adequate facilities to accommodate them will result in suboptimal learning conditions especially for the student being displaced from McKinley School.

The plan also places further strain on transportation. Students may be required to travel longer distances, leading to extended commutes that can be exhausting and time-consuming. Fairfield, like many districts across Connecticut, is facing challenges with their transportation provider in hiring enough drivers to fulfill the needs of the district. All our redistricting scenarios will cause a net increase in the number of students requiring transportation to and from school.

Lastly, the primary goal of redistricting is to reduce racial imbalance in schools. However, the proposed plan does not significantly address this issue. It is crucial that any redistricting plan achieves meaningful racial balance and diversity in our schools. None of the possibilities brought forth by the SLAM consultants accomplishes this goal.

I urge the State Department of Education to reconsider this redistricting plan and seek alternative solutions that better serve the educational needs of our students. I appreciate your attention to this matter and your commitment to providing the best possible education for our students. I hope that we can work together to find a more effective and equitable solution that considers the well-being and future of our children.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Testani". The signature is fluid and cursive, with a period at the end.

Michael J. Testani  
Superintendent of Schools

*c: Laura Anastasio, CSDE Legal and Government Affairs  
Michael McKeon, CSDE Legal and Government Affairs  
Fairfield Board of Education*

MT:mb

# EXHIBIT C

\*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.

\*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.

(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)

# EXHIBIT D

# Connecticut State Department of Education

## 2022 Public School Enrollment by Reporting District

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. <sup>2</sup>

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

Reporting District	Facility Code	School	District Pct Minority <sup>1</sup>	District Total <sup>1</sup>	School Pct Minority	School Total	Absolute Imbalance
0510011	Fairfield School District						
	0510611	McKinley School	26.79%	4046	<b>54.97%</b>	433	28.17%
	0510411	Holland Hill School	26.79%	4046	<b>39.57%</b>	374	12.78%
	0511311	Sherman School	<b>26.79%</b>	4046	15.42%	389	11.37%
	0515311	Roger Ludlowe Middle School	<b>28.71%</b>	2149	18.55%	771	10.16%
	0511211	Riverfield School	<b>26.79%</b>	4046	17.14%	391	9.66%
	0510111	Dwight Elementary School	<b>26.79%</b>	4046	17.55%	245	9.24%
	0515111	Tomlinson Middle School	28.71%	2149	<b>37.68%</b>	621	8.97%
	0510711	Mill Hill School	<b>26.79%</b>	4046	20.05%	404	6.74%
	0516211	Fairfield Warde High School	26.75%	3036	<b>32.16%</b>	1418	5.41%
	0516011	Fairfield Ludlowe High School	<b>26.75%</b>	3036	21.43%	1498	5.32%
	0511811	Osborn Hill School	<b>26.79%</b>	4046	22.00%	441	4.80%
	0511411	Stratfield School	<b>26.79%</b>	4046	22.94%	340	3.85%
	0515211	Fairfield Woods Middle School	28.71%	2149	<b>32.17%</b>	743	3.46%
	0511611	North Stratfield School	<b>26.79%</b>	4046	23.84%	411	2.95%
	0510211	Burr Elementary School	26.79%	4046	<b>28.69%</b>	352	1.90%
	0511711	Jennings School	26.79%	4046	<b>27.48%</b>	262	0.69%

★ 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 2022