

VII.D.

Connecticut State Board of Education Hartford

To Be Proposed: April 3, 2024

Whereas, the Greenwich Board of Education (“Greenwich Board”) submitted a plan to address the racial imbalance at New Lebanon and Hamilton Avenue Schools that created partial magnet programs at each school; and

Whereas, after the implementation of such magnet programs and the expansion of New Lebanon School to accommodate more magnet students, both schools continue to be racially imbalanced; and

Whereas, Julian Curtiss, Old Greenwich, North Street, and Parkway Schools have impending imbalances; and

Whereas, the Greenwich Board of Education has indicated that it will not pursue additional remedies to address the racial imbalance; 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 Greenwich Board no longer has a plan in place that is reasonably calculated to reduce the racial imbalance at New Lebanon and Hamilton Avenue Schools; 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 Connecticut State Board of Education hereby requires the Greenwich Board 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 third day of April, 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: April 3, 2024

Subject: Greenwich Racial Imbalance Update

Executive Summary

Introduction

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 minorities¹ 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 State Board of Education (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 A, which provide that racial imbalance exists when the proportion of students of color 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.

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

Background

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. Despite the implementation of the aforementioned plan, the schools continued to be imbalanced. See also the 2022-23 Greenwich Racial Imbalance Report, attached hereto as Exhibit B.

Absolute Imbalance 1999 to Present

Year	Greenwich Hamilton Avenue	Greenwich New Lebanon
1999	31.88	
2000	29.80	
2001	29.75	
2002	26.07	
2003	27.62	
2004	28.96	
2005	27.80	(23.79)
2006	32.30	27.31
2007	28.30	29.04
2008	29.42	29.99
2009	29.15	30.35
2010	29.63	30.13
2011	28.13	34.64
2012	32.41	37.13
2013	32.02	37.13
2014	31.89	37.84
2015	30.80	39.15
2016	29.52	40.01
2017	33.00	40.95
2018	33.71	39.72
2019	33.40	37.62
2020	30.40	36.64
2021	29.37	33.76
2022	29.15	32.63

There are several schools in Greenwich that have impending imbalance with fewer students of color than the districtwide average, resulting in a significant difference in the racial composition of the student populations in the district’s elementary schools. The table below shows the student population statistics based upon the data submitted on October 1, 2022. See also Exhibit B.

School	Districtwide Percentage Students of Color*	School Percentage Students of Color	Absolute Imbalance
Old Greenwich School	38.2	17.98	20.22 Impending
Parkway School	37.72	20.16	17.56 Impending
North Street School	38.2	21.96	16.24 Impending
New Lebanon	38.2	70.83	32.63 Imbalanced
Hamilton Avenue	38.2	67.35	29.15 Imbalanced
Julian Curtiss	38.2	56.43	18.23 Impending

*Districtwide Percentage Students of Color is calculated based upon the grade levels offered at the individual schools, such as PK-8 versus K-8.

Student achievement in elementary schools with higher-than-average populations of students of color lags behind the elementary schools with lower-than-average populations of students of color. See Exhibit C, ELA and Math Performance Indices Trend for six (6) Greenwich Schools.

The GBOE met with the Legislation, Policy, and Development Committee on January 11, 2023, to discuss the district’s plan to address the imbalances. The Board Chair and the Superintendent noted the community’s concerns regarding heavy traffic and long bus rides involved in transporting elementary students to different attendance zones in the district. They also discussed the town’s plans to develop affordable housing that could allow families to live in other school attendance zones in the town. The LPDC expressed its concerns with the lack of a cohesive plan to address the racial imbalance at the schools as well as the impending imbalances at other elementary schools and asked them to return to provide an update to the committee.

On January 3, 2024, the Greenwich Superintendent and the GBOE Chair met with the LPDC to provide an update on their progress with implementing their plans. At this meeting, the Board Chair and the Greenwich Superintendent restated their concerns regarding the transportation of children and the community’s opposition to redistricting. They questioned the constitutionality of the racial imbalance statute and indicated that the GBOE would not be taking further action to address the racial imbalances at the schools. Given that the GBOE is not implementing a plan

to address the racial imbalance at the two schools and the impending imbalances in the other schools, the LPDC members suggested that the GBOE address its concerns to the full board at its March meeting.

Follow-up Activities

The SBE may require the GBOE to submit an amendment to its plan to address the racial imbalance at New Lebanon and Hamilton Avenue Schools 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

*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)

*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.

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

*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.

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

*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.

(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.

*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.

(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 B

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. ²

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 ¹	District Total ¹	School Pct Minority	School Total	Absolute Imbalance
0570011	Greenwich School District						
	0570611	New Lebanon School	38.20%	3898	70.83%	336	32.63%
	0570511	Hamilton Avenue School	38.20%	3898	67.35%	294	29.15%
	0570911	Old Greenwich School	38.20%	3898	17.98%	406	20.22%
	0570311	Julian Curtiss School	38.20%	3898	56.43%	241	18.23%
	0571111	Parkway School	37.72%	3698	20.16%	243	17.56%
	0570811	North Street School	38.20%	3898	21.96%	387	16.24%
	0571311	International School At Dundee	37.72%	3698	53.08%	341	15.36%
	0575311	Western Middle School	41.89%	1917	56.73%	617	14.84%
	0571011	Riverside School	37.72%	3698	28.28%	435	9.45%
	0575211	Eastern Middle School	41.89%	1917	34.57%	784	7.32%
	0570411	Glenville School	37.72%	3698	30.63%	382	7.09%
	0575111	Central Middle School	41.89%	1917	35.38%	506	6.51%
	0570211	Cos Cob School	37.72%	3698	33.83%	337	3.90%
	0570711	North Mianus School	37.72%	3698	35.16%	492	2.56%
	0576111	Greenwich High School	40.98%	2745	40.85%	2668	0.13%

★ 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 2022

Math Performance Index Trend for Six Greenwich Schools
(State Performance Target is 75)

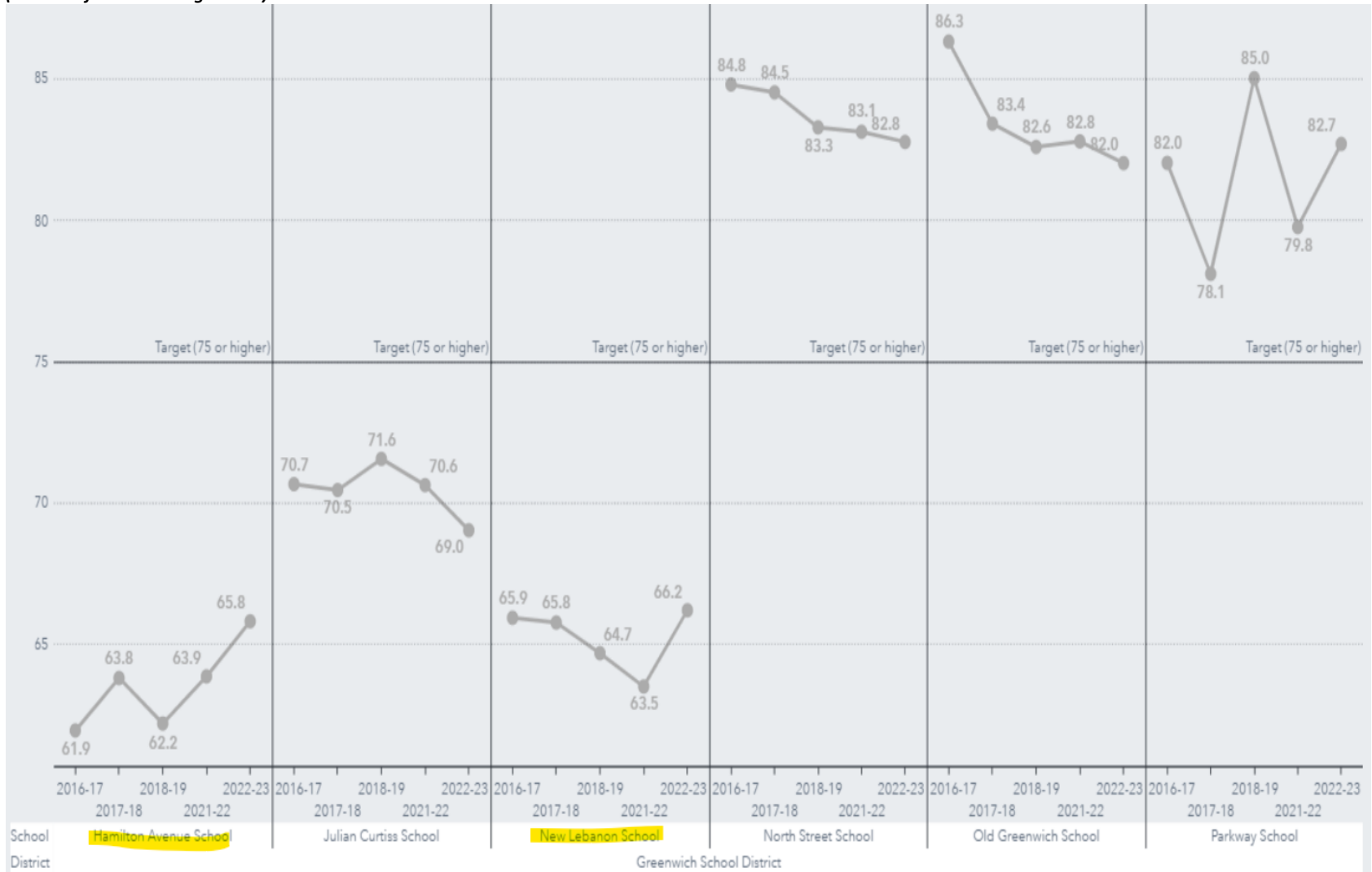


EXHIBIT C

ELA Performance Index Trend for Six Greenwich Schools
(State Performance Target is 75)

