

VII.A.

Connecticut State Board of Education Hartford

**To Be Proposed:
October 12, 2022**

Resolved: That in accordance with Section 10-15 of the Connecticut General Statutes, the State Board of Education grants the New Haven Board of Education's retroactive request to permit the shortening of the 2021-2022 school year by one day, for a total of 179 days of actual school sessions -- but only upon the mandatory condition that during the 2022-2023 school year, New Haven shall provide no fewer than 181 days of actual school sessions to all students enrolled within the New Haven Public Schools -- and further directs the Commissioner to inform the New Haven Board of Education of the State Board of Education's decision.

Approved by a vote of _____ this 12th day of October, Two Thousand Twenty-Two.

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: October 12, 2022

SUBJECT: New Haven Board of Education 180-Day-School-Year Modification Request

Introduction

Both Sections 10-15 and 10-16 of the Connecticut General Statutes require that Connecticut's public school districts provide a minimum of 180 school days during each school year. This mandate applies to all grades, kindergarten through twelve. Notwithstanding the foregoing, Section 10-15 empowers the State Board of Education ["SBE"] to "authorize the shortening of any school year for a school district, a school or a portion of a school on account of an unavoidable emergency." Section 10-15 further provides that the SBE may:

[A]uthorize implementation of scheduling of school sessions to permit full year use of facilities which may not offer each child one hundred eighty days of school sessions within a given school year, but which assures an opportunity for each child to average a minimum of one hundred eighty days of school sessions per year during thirteen years of educational opportunity in the elementary and secondary schools.

In other words, the SBE may allow a district to shorten a specific year so long as the district adds an additional day, or days, to a subsequent year in order to average the statutorily mandated 180 school days.

Given Section 10-15's exacting "unavoidable emergency" standard, the SBE has rarely granted such waivers unless a district can show that it has exhausted every other alternative, including but not limited to rescheduling the lost days prior to or on June 30, which is the final day of the school year. As such, requests to shorten a particular school year are almost universally submitted prospectively. The New Haven Board of Education ["New Haven"], however, is *retroactively* seeking authorization to shorten the 2021-2022 school year. More specifically, having only provided 179 days of actual school sessions during the 2021-2022 academic year, New Haven is essentially asking the SBE to retroactively permit the shorting of that year, conditioned upon New Haven's provision of no fewer than 181 days of actual school sessions during the current, 2022-2023 school year.

Rationale

Following the conclusion of the 2021-2022 school year, New Haven submitted its June 2022 PSIS data to the Connecticut State Department of Education [CSDE"]. In reviewing this submission, the CSDE noticed that the majority of New Haven's students were reported as having attended

school for only 179 days during the 2021-2022 school year. The CSDE contacted New Haven, and on August 2, 2022, Dr. Iline P. Tracey, Superintendent of the New Haven Public Schools, confirmed that the New Haven Public Schools had only provided 179 of actual school sessions to its students during the 2021-2022 school year.

In explaining New Haven's noncompliance with Sections 10-15 and 10-16, Dr. Tracey advised that September 24, 2021, had been "incorrectly counted as a student day on [New Haven's] board approved calendar," when, in fact, it "was a teacher only day." Consequently, New Haven's 2021-2022 calendar provided for 181 rather than what New Haven believed to be 182 school days. During the 2021-2022 school year, there were three weather-related closings, and although New Haven added an additional day at the end of the 2021-2022 school year, that still resulted in only 179 days of actual school sessions.

Subsequently, on September 9, 2022, in response to correspondence to Dr. Tracey regarding this serious issue, New Haven requested permission to offset its provision of only 179 days of actual school sessions during the 2021-2022 school year by providing no fewer than 181 such school days during the 2022-2023 school year. Essentially, New Haven is retroactively requesting permission to shorten the 2021-2022 school year by one day and to balance it with an additional day of actual school sessions during the 2022-2023 school year.

Recommendation

It is, of course, incumbent upon a local and regional school board to ensure that its school calendar accurately reflects the dates of actual school sessions. It is at least equally important that a school district correctly track such dates. Given Section 10-15's high standard for granting such requests, specifically the existence of an "unavoidable emergency," it is questionable whether New Haven's failure to accurately schedule or implement its school year calendar meets that standard.

Nonetheless, New Haven's failure to provide 180 days of actual school sessions during the 2021-2022 school year cannot be undone at this late date; it can only be mitigated by adding an additional day to the 2022-2023 school year. This remedy will not benefit those students who graduated from the New Haven Public Schools at the close of the 2021-2022 school year, but it will offset the loss incurred by those students who were in the school system last year and remain enrolled during the 2022-2023 school year. Ultimately, then, this recommendation is based upon the best interests of these students.

Therefore, it is recommended that the SBE grant the New Haven Board of Education's retroactive request to reduce the 2021-2022 school year by one day, to 179 days of actual school sessions, but only upon New Haven's compliance with the absolute requirement that during the 2022-2023 school year, New Haven provide the students who are enrolled in any grade and in any school of the New Haven Public School District with no fewer than 181 school days of actual school sessions.

Prepared by: Michael P. McKeon
Director of Legal and Governmental Affairs



STATE OF CONNECTICUT

STATE BOARD OF EDUCATION



August 25, 2022

Dr. Iline P. Tracey,
Superintendent of Schools
New Haven Public Schools
54 Meadow Street
New Haven, Connecticut 06519

Re: 2021-22 School Year

Dear Dr. Tracey:

I am writing to follow up on your August 2, 2022, e-mail, notifying the Connecticut State Department of Education that the New Haven Public Schools ("New Haven") had only 179 actual school days during the 2021-22 school year. In your August 2nd e-mail, you advised that September 24, 2021, "was incorrectly counted as a student day on [New Haven's] board approved calendar," when, in fact, it "was a teacher only day." Consequently, New Haven's 2021-22 calendar provided for 181 school days. There were, however, three weather-related closings, and although New Haven added an additional day at the end of the 2021-22 school year, that still resulted in only 179 actual school days.

Section 10-16 of the Connecticut General Statutes (C.G.S.) requires that each school district "provide in each school year no less than one hundred and eighty days of actual school sessions for grades kindergarten to twelve, inclusive." Consequently, as New Haven's 2021-22 school year consisted of only 179 days, the school district is in violation of Connecticut's 180-school-day mandate. C.G.S. Section 10-15 similarly requires that districts be in session for no fewer than 180 days during any one school year. C.G.S. Section 10-15, however, also provides that the State Board of Education "may authorize implementation of scheduling of school sessions to permit full year use of facilities which may not offer each child one hundred eighty days of school sessions within a given school year, but which assures an opportunity for each child to average a minimum of one hundred eighty days of school sessions per year."

This authorization is intended to be prospective -- in response to a timely request from a local or regional board of education -- not retroactive. Nonetheless, you indicated on August 2nd that New Haven had just discovered this error. Therefore, in order to comply with the requirements of C.G.S. Sections 10-15 and 10-16, New Haven must promptly take the following necessary steps to rectify its error: 1) Ensure that every student within the New Haven Public Schools is offered no fewer than 181 actual school days during the 2022-23 school year; and 2) promptly submit a request to the State Board of Education, requesting authorization pursuant to C.G.S. Section 10-15 to use the 181 actual school days during the 2022-23 school year to balance out the 179 days that were provided

during the 2021-22 school year. This letter should be submitted no later than Tuesday, September 6, 2022, if possible, so that the State Board of Education can act upon it at its September 7, 2022, meeting.

This will, unfortunately, not benefit those students who graduated or otherwise exited the New Haven Public Schools following the close of the 2021-22 school year. Nonetheless, it is imperative that those students who are within the school district during the 2022-23 school year be provided this additional school day in order to ensure that they receive the full educational benefit to which they are entitled under Connecticut law.

Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Russell-Tucker", with a stylized flourish at the end.

Charlene M. Russell-Tucker
Commissioner of Education

CRT:mm

cc: State Board of Education

Iline P. Tracey, Ed.D.
Superintendent



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September 9, 2022

Dr. Karen DuBois Walton
Board Chair of the Connecticut State Department of Education
State Board of Education
450 Columbus Boulevard
Harford, CT 06103

Dear Dr. DuBois Walton:

It has come to our attention that New Haven Public Schools counted one school day less for 2021-2022 school year – 179 vs 180 days.

We propose to make this up this school year by adding an additional student day to the 2022-2023 school year.

Sincerely,



Dr. Iline Tracey