

VII.A.

Connecticut State Board of Education Hartford

To Be Proposed:
November 2, 2022

Resolved: That in accordance with Section 10-226d of the Connecticut General Statutes, the State Board of Education ["State Board"] hereby approves the August 30, 2022, Plan Amendment to the Fairfield Board of Education'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 and further directs the Commissioner to inform the Fairfield Board of Education of the State Board's decision.

Approved by a vote of _____ this second day of November, 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: November 2, 2022

SUBJECT: Fairfield Racial Imbalance Plan Amendment

Executive Summary

Introduction

At its meeting on May 4, 2022, the Connecticut State Board of Education (SBE) passed a resolution requiring the Fairfield Board of Education (Fairfield Board) to amend its plan to correct racial imbalance at McKinley Elementary School (McKinley). McKinley was first identified as racially imbalanced in April 2007, and the Fairfield Board was thus required to submit a plan to correct the imbalance to the SBE. 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. Attached to this report is the proposed amendment (Attachment A) and the Regulations governing racial imbalance (Attachment B).

Background

In considering the Fairfield Board's amendment on its racial imbalance plan, the SBE may find it useful to consider the legal and factual context in which this matter arises.

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 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, 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 Efforts to Correct Racial Imbalance at McKinley

As noted above, McKinley was identified as racially imbalanced in April 2007. The Fairfield Board submitted its original plan to correct the imbalance and amended that plan several times to address the continued racial imbalance.

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

In February 2013, the Fairfield Board amended its plan again by expanding the opportunities for McKinley parents to enroll their children in pre-school programs at other elementary schools. The racial imbalance at McKinley nevertheless increased. Because of this increase, former Commissioner Wentzell asked the Fairfield Board, in May 2015, to review and amend its plan for the SBE's approval. In July 2015, the Fairfield Board requested and received an extension of time to engage the community in a discussion regarding a more effective solution for the racial imbalance at McKinley. The Fairfield Board presented a summary of the status of its progress and proposed next steps at the SBE meeting on May 4, 2016.

Thereafter, the Fairfield Board was directed to submit a proposed amendment to its plan. On January 4, 2017, the Fairfield Board presented the amendment, which the SBE approved with the condition that the Fairfield Board submit a revised amendment within 120 days. The revised amendment was approved at the SBE meeting on September 6, 2017, conditioned upon the Fairfield Board providing periodic updates to the SBE and the Commissioner of Education.

The 2017 amendment proposed creating a magnet program at McKinley that would enable the school to attract students from other attendance zones in the district. The Fairfield Board anticipated that additional students would enroll in such a magnet program, resulting in a reduction of the school's minority population by approximately two to three percentage points. In addition, the Fairfield Board proposed increasing the number of open choice seats in other elementary schools in the district. Finally, the Fairfield Board proposed redistricting, which was contingent upon the completion of school building expansion projects at Mill Hill School and Holland Hill School to increase capacity. Upon completion of these expansion projects, the Fairfield Board anticipated that it will be able to revise school attendance areas to balance enrollments and to reduce the imbalance at McKinley.

The table below shows the extent by which the minority enrollment percentage at McKinley exceeded the districtwide minority enrollment percentage for elementary grades in Fairfield since 2006. As noted, when this figure exceeds 25 percentage points, racial imbalance exists.

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

Discussion of the Proposed Amendment

The Fairfield Board proposes 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 shall address the need for students currently receiving bilingual education and other support services to continue such services regardless of their school assignment. The redistricting plan shall be developed with input from the community through multiple "community conversations regarding racial balance, academic excellence and facility utilization. The Superintendent shall submit the redistricting plan to the Fairfield Board by May 30, 2023, and the Fairfield Board shall provide the public with the opportunity to submit comments on the proposed redistricting plan. The Fairfield Board intends to adopt a redistricting plan no later than October 30, 2023. Such plan shall go into effect at the beginning of the 2024-25 school year.

In support of attaining racial balance and educational equity in the district, the Fairfield Board is planning 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. The Fairfield Board has also 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.

Finally, the Fairfield Board is proposing the creation of one or more intra-district magnet schools to provide additional educational options for families. The Board is currently exploring the themes of an International Baccalaureate program and/or a dual language program.

Follow-up Activities

Section 10-226e-7 of the Regulations requires that all racial imbalance plans be subject to continuing review and evaluation by the SBE. This review will include annual monitoring to determine the Fairfield Board’s progress in its plan to eliminate racial imbalance. If the SBE finds that the actions of the Fairfield Board are not in conformity with its plan, or if the Fairfield Board does not take substantial steps to implement the plan or fails to make sufficient progress; the SBE may take further action to compel compliance. The Division of Legal and Governmental Affairs shall monitor the Fairfield Board’s progress and recommend further action if necessary.

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

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

Attachment A

Fairfield Public Schools

A Plan for Racial Balance

Plan Amendment

As Approved by the Board of Education

August 30, 2022

Introduction

The following amendment to the Fairfield Public Schools' *Plan for Racial Balance*, as originally approved on November 15, 2016, previously amended on April 6, 2017, and updated on October 26, 2021, is presented for consideration by the Connecticut State Board of Education.

While the district's immediate racial balance concerns are focused at the elementary level, the effort to promote greater racial balance and equity will of necessity impact the district's secondary schools. This will include equity training, school climate improvement and adjustments to K-12 feeder patterns.

1. Amendment Process

Date	Action
By September 8, 2022	Board of Education submits Plan Amendment to the State Board of Education,
Fall of 2022 (date TBD)	Board of Education representatives meet with State Board of Education to discuss approval of the proposed Plan Amendment.

2. Engaging the community:

Date	Action
June 9, 2022	Board of Education conducted meeting with members of the McKinley School community.
Between August 15 and September 30, 2022	Plan community conversations re: racial balance, academic excellence, and facility utilization.
Between October 1 and December 1, 2022	Conduct multiple community conversations re: racial balance, academic excellence and facility utilization.
Ongoing	Continued community engagement through components of the Plan.

The programmatic and attendance zone changes envisioned in this Plan Amendment will be of interest to families and staff members throughout the district. Therefore, the Board of Education and the Superintendent will initiate a series of community conversations on the subjects of racial balance, academic excellence and facility utilization in fall of 2022. Sessions will be conducted in various locations throughout the town, in both “in person” and “virtual” formats, with translation services available.

3. Equity Training for the Board of Education and District Staff

Date	Action
Between September 15 and December 15, 2022	Plan equity training workshops for presentation to the Board of Education and all district staff members.
Between February 1 and May 15, 2023	Conduct equity training workshops for the Board of Education and for all district staff members.

Achieving racial balance and educational equity throughout our school district will require a heightened level of understanding and commitment from our governing board, our district leadership, our school principals and faculty members. To that end, a series of educational equity training workshops for the Board of Education, school administrators and staff members will be developed during the fall semester of the 2022-23 school year, with implementation to begin during the winter and spring of 2023.

4. Improving School Climates for All Children:

Date	Action
By February 1, 2023	Conduct district-wide Equity Review

Simply moving students from one school to another is not a sufficient response to the challenges of racial and socio-economic equity and student success. The district must assure that all students are safe, nurtured and learning, regardless of the school that they attend. Therefore, by February 1, 2023, the Superintendent will review the steps that the district is currently taking to assure that all students are welcome and academically successful, regardless of the school to which they are assigned and will recommend improvements, as necessary. This equity review will address issues such as:

- effective instruction;
- assessment of academic progress;
- academic support services for students as needed;
- counseling services;
- service to multi-lingual learners;
- access to advanced courses;
- maintenance of positive school climate;
- staff selection; and
- professional development.

In a related effort, on June 24, 2022, the Board of Education adopted an update to its *District Improvement Plan* which calls for all students to:

- acknowledge, explore and value the importance of diversity;
- acquire an understanding and appreciation of other cultures; and
- engage in culturally responsive curriculum and develop a sense of belonging to the Fairfield Public School community in order to create more equitable opportunities and outcomes.

The Plan also calls on the district to:

- close the opportunity gap for underperforming subgroups;
- reduce barriers for admission to rigorous courses;
- participate in faculty recruitment, hiring and retention efforts to promote hiring practices that result in diverse groups of qualified candidates.

5. Intra-District Magnet School:

While it is unlikely that a magnet school program would have a substantial impact on the district's racial balance status, the Board of Education will consider the desirability of establishing one or more magnet school programs in the district as a means of expanding educational options for students and encouraging families to enroll their children in schools outside of their immediate neighborhoods. Magnet possibilities include an International Baccalaureate program or a Dual Language program.

6. Redistricting:

Date	Action
By December 1, 2022	Board of Education provides a redistricting charge to the administration.
Between December 1 and December 31, 2022	Superintendent engages outside consulting firm to assist in the creation and evaluation of various K-5 redistricting arrangements
Between January 1 and May 30, 2023	Superintendent and staff work with the Board of Education to develop alternative redistricting plans, including analyses of the impact on racial balance for each elementary attendance area.
By May 30, 2023	Superintendent presents redistricting plans for consideration to a committee of the Board of Education (The BoE will determine if this presentation will be to a subcommittee or to a committee of the whole.
By June 30, 2023	Superintendent and committee recommend redistricting plans to the full Board of Education

By September 30, 2023	Board of Education conducts public forums on proposed redistricting plans.
By October 15, 2023	Board of Education discusses proposed redistricting plans at the first Board meeting of the month
By October 30, 2023	Board of Education takes action on a proposed redistricting plan.
August of 2024	New elementary attendance zones take effect.

Based on current projections presented by the Board of Education's enrollment consultants, some of the district's K-5 schools are expected to exceed building utilization while others are significantly below target utilization. Redistricting of the district's elementary school attendance zones will likely be required over the next few years to better utilize our facilities. The district will address the racial imbalance issue while addressing these facilities concerns.

The Superintendent will present district-wide redistricting plans which will bring the disparity in racial composition between any one elementary school and the district-wide K-5 average within the limits required by law. The proposed plans may include use of focused redistricting of new housing developments in the McKinley area. The Plan will assure that students currently receiving bilingual education and other support services at the McKinley School continue to receive such services, regardless of the school to which they are assigned. The Superintendent's recommended plans will be presented to a committee of the Board of Education not later than May 30, 2023.

The Board of Education will consider the Superintendent's recommendations along with any comments or recommendations that the committee may wish to make and will provide the public with an opportunity to comment on these plans. At least one public forum on the proposed redistricting options will be held prior to Board action on this matter.

Not later than October 30, 2023, the Board will act upon a redistricting plan which will bring the disparity in racial composition between any one elementary school and the district-wide K-5 average within the limits required by law. New attendance districts will be effective as of the beginning of the 2024-25 school year.

Appendices

1. History
2. Elementary Building Capacities vs. Projected Enrollment for 2022-2023
3. Achievement Data by School & Race/Ethnicity
4. Attendance Data by School & Race/Ethnicity
5. Open Choice Enrollment

Appendix 1: History

Year	McKinley % Students of Color	District % Students of Color	Absolute Imbalance	Actions Taken That School Year
2010-11	43.47%	17.58%	25.89%	Opt-into McKinley Opt-out of McKinley
2011-12	45.70%	18.89%	26.81%	Opt-into McKinley Opt-out of McKinley
2012-13	43.41%	19.00%	24.41%	Opt-into McKinley Opt-out of McKinley
2013-14	45.85%	19.37%	26.48%	Opt-into McKinley
2014-15	49.10%	20.53%	28.57%	Opt-into McKinley
2015-16	47.90%	20.70%	27.20%	Opt-into McKinley
2016-17	53.23%	23.21%	30.02%	Opt-into McKinley Pre-K Program (Burr, Dwight)
2017-18	53.24%	24.85%	28.39%	Opt-into McKinley Pre-K Program (Burr, Stratfield)
2018-19	55.48%	25.63%	29.85%	Opt-into McKinley Pre-K Program (Burr, Stratfield) Increase Open Choice enrollment to 100
2019-20	55.61%	25.62%	29.98%	Opt-into McKinley Pre-K Program (Warde, Stratfield) Maintain Open Choice enrollment at 100
2020-21	56.65%	26.40%	30.25%	Opt-into McKinley Pre-K Program (Warde, Stratfield) Limit Open Choice enrollment to currently enrolled students (74)
2021-22	55.78%	26.55%	29.23%	Opt-into McKinley Pre-K Program (Warde, Stratfield) Increase Open Choice enrollment to 100

Appendix 2: Elementary Building Capacities vs. Projected Enrollment for 2024-2025

School	Year Built	Last Updated	Capacity ¹	2024-2025 Enrollment ²	Enrollment vs. Capacity	Utilization Rate
Burr	2004	N.A.	478	358	-120	75%
Dwight	1962	2000	378	244	-134	65%
Holland Hill	1956	2018	504	353	-151	70%
Jennings	1967	2002	365	269	-96	74%
McKinley	2003	N.A.	504	458	-46	91%
Mill Hill	1955	2021	415	390	-25	94%
North Stratfield	1961	2000	504	458	-46	91%
Osborn Hill	1958	2009	478	437	-41	91%
Riverfield	1959	2015	491	381	-110	78%
Sherman	1963	2012	462	402	-60	87%
Stratfield	1929	2011	480	337	-143	70%
Total			5,059	4,087	-972	81%

Notes:

1. Program capacity, after allowing for special programs.
2. Projected 2024-2025 enrollment, per June 28, 2022, report from SLAM.

Appendix 3: Achievement Data by School & Race/Ethnicity

Table 3A: Smarter Balance Assessment Proficiency for ELA & Math – Asian

	ELA % Proficient			Math % Proficient		
School/Year	2017-2018	2018-2019	2020-2021	2017-2018	2018-2019	2020-2021
Burr	67%	78%	87%	56%	78%	80%
Dwight	80%	83%	100%	80%	83%	83%
Holland Hill	89%	81%	100%	83%	81%	100%
Jennings	50%	63%	100%	50%	75%	88%
McKinley	87%	78%	72%	83%	87%	50%
Mill Hill	78%	69%	67%	78%	85%	92%
North Stratfield	88%	76%	71%	71%	76%	71%
Osborn Hill	86%	87%	85%	93%	87%	92%
Riverfield	80%	83%	100%	80%	83%	100%
Sherman	91%	100%	100%	82%	100%	75%
Stratfield	79%	91%	100%	86%	82%	67%

Table 3B: Smarter Balance Assessment Proficiency for ELA & Math – Black/African American

	ELA % Proficient			Math % Proficient		
School/Year	2017-2018	2018-2019	2020-2021	2017-2018	2018-2019	2020-2021
Burr	50%	67%	33%	50%	50%	33%
Dwight	67%	71%	40%	67%	71%	40%
Holland Hill	33%	0%	30%	0%	17%	50%
Jennings	43%	63%	60%	43%	75%	60%
McKinley	50%	73%	61%	70%	36%	35%
Mill Hill	75%	80%	100%	75%	80%	*
North Stratfield	*	67%	50%	*	50%	17%
Osborn Hill	50%	100%	100%	75%	67%	100%
Riverfield	*	100%	100%	*	100%	100%
Sherman	100%	100%	0%	100%	100%	*
Stratfield	0%	*	33%	0%	*	33%

Table 3C: Smarter Balance Assessment Proficiency for ELA & Math – Hispanic/Latinx

	ELA % Proficient			Math % Proficient		
School/Year	2017-2018	2018-2019	2020-2021	2017-2018	2018-2019	2020-2021
Burr	71%	75%	71%	79%	83%	71%
Dwight	88%	89%	71%	75%	78%	100%
Holland Hill	49%	53%	58%	47%	58%	52%
Jennings	78%	71%	79%	78%	64%	57%
McKinley	47%	58%	47%	46%	52%	36%
Mill Hill	40%	46%	57%	40%	36%	29%
North Stratfield	64%	80%	43%	57%	60%	33%
Osborn Hill	80%	64%	47%	60%	46%	47%
Riverfield	91%	93%	93%	82%	86%	93%
Sherman	67%	78%	100%	80%	78%	100%
Stratfield	53%	56%	43%	50%	39%	43%

Table 3D: Smarter Balance Assessment Proficiency for ELA & Math – Two or More Races

	ELA % Proficient			Math % Proficient		
School/Year	2017-2018	2018-2019	2020-2021	2017-2018	2018-2019	2020-2021
Burr	91%	83%	77%	82%	86%	77%
Dwight	100%	100%	90%	100%	100%	100%
Holland Hill	71%	78%	89%	57%	56%	78%
Jennings	75%	67%	100%	67%	75%	83%
McKinley	88%	67%	46%	75%	67%	64%
Mill Hill	75%	78%	88%	75%	89%	88%
North Stratfield	77%	78%	69%	77%	67%	62%
Osborn Hill	82%	89%	75%	91%	100%	83%
Riverfield	100%	56%	90%	75%	44%	100%
Sherman	100%	100%	100%	89%	93%	100%
Stratfield	92%	85%	60%	77%	69%	60%

Table 3E: Smarter Balance Assessment Proficiency for ELA & Math – White

	ELA % Proficient			Math % Proficient		
School/Year	2017-2018	2018-2019	2020-2021	2017-2018	2018-2019	2020-2021
Burr	85%	85%	80%	78%	79%	69%
Dwight	86%	84%	81%	81%	81%	86%
Holland Hill	74%	71%	72%	67%	70%	74%
Jennings	76%	75%	74%	77%	82%	72%
McKinley	67%	71%	54%	59%	63%	54%
Mill Hill	79%	81%	77%	74%	78%	66%
North Stratfield	79%	79%	77%	75%	71%	72%
Osborn Hill	81%	77%	81%	83%	78%	78%
Riverfield	83%	88%	82%	87%	83%	80%
Sherman	84%	90%	90%	86%	91%	84%
Stratfield	75%	75%	69%	66%	69%	59%

Appendix 4: Attendance Data by School & Race/Ethnicity

Note: Any rate that is represented by an asterisk (*) indicates that the number of students is so low that it requires data suppression to ensure confidentiality.

Table 4A: Chronic Absenteeism Rate – Asian

	Percent Chronically Absent			
School/Year	2017-2018	2018-2019	2019-2020	2020-2021
Burr	*	*	*	27.6
Dwight	*	*	*	*
Holland Hill	*	*	*	*
Jennings	*	*	*	*
McKinley	*	*	0	*
Mill Hill	0	*	*	0
North Stratfield	20.7	*	28	*
Osborn Hill	0	*	*	0
Riverfield	*	*	0	*
Sherman	0	0	*	*
Stratfield	0	*	*	0

Table 4B: Chronic Absenteeism Rate – Black/African American

	Percent Chronically Absent			
School/Year	2017-2018	2018-2019	2019-2020	2020-2021
Burr	0	*	*	*
Dwight	0	0	0	*
Holland Hill	*	0	0	*
Jennings	0	0	0	0
McKinley	*	*	*	17.1
Mill Hill	0	0	0	*
North Stratfield	*	0	*	*
Osborn Hill	0	0	*	0
Riverfield	0	*	0	0
Sherman	*	0	0	*
Stratfield	*	0	0	*

Table 4C: Chronic Absenteeism Rate – Hispanic/Latinx

	Percent Chronically Absent			
School/Year	2017-2018	2018-2019	2019-2020	2020-2021
Burr	*	*	*	*
Dwight	0	0	*	*
Holland Hill	9.7	*	8.5	19.7
Jennings	0	24.1	*	18.8
McKinley	*	*	9.7	30.3
Mill Hill	*	0	*	*
North Stratfield	*	*	*	*
Osborn Hill	0	*	*	*
Riverfield	*	*	*	*
Sherman	*	*	*	*
Stratfield	*	*	0	14.6

Table 4D: Chronic Absenteeism Rate – Two or More Races

	Percent Chronically Absent			
School/Year	2017-2018	2018-2019	2019-2020	2020-2021
Burr	*	*	*	*
Dwight	*	*	*	*
Holland Hill	*	0	*	*
Jennings	*	*	*	0
McKinley	0	0	*	*
Mill Hill	0	*	*	*
North Stratfield	*	0	*	*
Osborn Hill	0	*	*	*
Riverfield	*	0	0	0
Sherman	0	*	0	*
Stratfield	*	*	*	*

Table 4E: Chronic Absenteeism Rate – White

	Percent Chronically Absent			
School/Year	2017-2018	2018-2019	2019-2020	2020-2021
Burr	7.0	7.3	9.9	12.2
Dwight	*	*	7.1	15.3
Holland Hill	6.1	4.1	5.5	10
Jennings	3.2	3.6	4.2	*
McKinley	3.4	6.1	6.0	18.4
Mill Hill	*	*	4.5	*
North Stratfield	3.1	5	5.2	3.9
Osborn Hill	2.3	4.8	5.3	2.5
Riverfield	2.9	2.6	*	3.6
Sherman	3.0	5.3	7.2	8.0
Stratfield	3.4	3.6	4.7	8.5

Appendix 5: Open Choice Enrollment

Table 5A: Open choice seats across levels

School Level	2021-22 Enrollment	Open Seats for 2022-23	Total for 2022-23
Elementary	23	14	37
Middle	37	0	37
High	26	0	26
Total for 22-23SY	86	14	100

Table 5B: Open choice seat across elementary schools, by grade

School/Grade	K	1	2	3	4	5	Total
Burr	--	2	2	--	--	--	4
Dwight	--	2	2	--	--	1	5
Holland Hill	--	--	--	--	--	--	0
Jennings	--	--	2	2	--	--	4
McKinley	--	--	--	--	--	--	0
Mill Hill	--	--	--	2	2	--	4
North Stratfield	--	--	3	1	--	--	4
Osborn Hill	--	--	2	2	--	--	4
Riverfield	--	--	--	2	--	--	2
Sherman	--	2	--	--	4	--	6
Stratfield	--	2	2	--	--	--	4
Total	0	8	13	9	6	1	37

Attachment 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)