



STATE OF CONNECTICUT
STATE DEPARTMENT OF EDUCATION



TO: Superintendents of Schools
Chairpersons of Local and Regional Boards of Education

FROM: Peter Haberlandt, Director
Division of Legal and Governmental Affairs
Connecticut State Department of Education

DATE: July 18, 2018

SUBJECT: Notice of Filing of Petition for Declaratory Ruling

I am writing to notify you of a Petition for Declaratory Ruling (“Petition”) filed by the Thomaston Board of Education with the Connecticut State Board of Education (“State Board”). *See* Conn. Gen. Stat. § 4-176; Reg. Conn. State Agencies (R.C.S.A.) §§ 10-4-20 through 10-4-22. The Petition concerns the interpretation and application of Connecticut General Statutes §§ 10-64, 10-65, and 10-97 relating to the provision of agricultural science and technology education (ASTE). Attached to this notice are the issues on which the Petitioner has requested declaratory rulings. The complete Petition is posted on the Division of Legal and Governmental Affairs page of the Connecticut State Department of Education website.

The State Board has agreed to issue declaratory rulings on the issues included in the Petition as such issues may be combined or modified by the State Board.

Persons may petition for party status or intervenor status in this declaratory ruling proceeding. Persons seeking party or intervenor status should include, with their petitions, any data, facts, arguments, or opinions as may be relevant to the requested declaratory rulings that they would like to have considered. *See* R.C.S.A. § 10-4-22 (a). Petitions for party or intervenor status and any accompanying data, facts, arguments, or opinions must be submitted to the State Board both electronically and in hard copy as follows: electronic submissions should be sent to Louis.Todisco@ct.gov; hard copy submissions should be sent to Louis Todisco, Attorney, Connecticut State Department of Education, 450 Columbus Boulevard, Suite 605, Hartford, CT, 06103. Electronic submissions must be received by the State Board no later than August 8, 2018. Hard copy submissions must be hand delivered, post marked, or provided to a delivery service no later than August 8, 2018. Petitions for party or intervenor status will be determined in accordance with the standards in Connecticut General Statutes § 4-176 (d).

If you have any questions, please contact Louis Todisco, Attorney, at Louis.Todisco@ct.gov or 860-713-6594, or Matthew Venhorst, Attorney, at Matthew.Venhorst@ct.gov or 860-713-6514.

Issues for which declaratory rulings are requested.

1. Can a local or regional board of education that does not maintain an agricultural science and technology education center (ASTECC) limit the number of opportunities available for its students to attend an ASTECC to the minimum number of opportunities it is required to provide pursuant to § 10-65(b)?
2. Can a local or regional board of education maintaining an ASTECC (hereinafter generally referred to as an "ASTECC Board") unilaterally elect to accept and enroll students of a local or regional board of education that does not maintain an ASTECC (hereinafter generally referred to as a "Sending Board") in a number that exceeds the number of opportunities for students the Sending Board has limited the ASTECC Board to accepting?
3. Are the rulings on issues 1 and 2 impacted by whether an ASTECC Board accepts and enrolls some or all of the students of a Sending Board on a tuition-basis versus non-tuition-basis? How does the tuition-paying status impact the manner in which the three-year averages under § 10-65(b) are calculated? Specifically, if an ASTECC Board accepts and permits to attend, on a tuition-free basis, a Sending Board's student, must that student be counted in the number of students attending the ASTECC as part of the calculation of the minimum number of opportunities the board of education is required to provide students in future years—on a tuition-basis—pursuant to § 10-65(b)? If so, (a) can the Sending Board limit the number of its students that attend an ASTECC on a tuition-free basis; and (b) can the ASTECC Board charge tuition for such student's attendance in future years?
4. As applicable to the 2017-2018 school year, did the Thomaston Board of Education (TBOE) have the authority under Connecticut General Statutes § 10-220, § 10-65, or any other provision of the Connecticut General Statutes, to limit the number of TBOE students the Regional School District No. 6 Board of Education (R6BOE) was permitted to accept to attend the Agricultural Science & Technology Center at Wamogo Regional High School (Wamogo Center) to the minimum number required by § 10-65(b)?
5. As applicable to the 2017-2018 school year, did the R6BOE exceed its authority under § 10-65 or any other provision of the Connecticut General Statutes to accept TBOE students to attend the Wamogo Center when it accepted additional TBOE students in excess of the number that the TBOE had authorized the R6BOE to accept?
6. How should the TBOE calculate the number of opportunities it is required to provide students to attend an ASTECC during the 2018-2019 school year?

7. If a Sending Board enters into a written agreement with an ASTEC Board regarding the provision of opportunities for its students to attend an ASTEC as permitted by § 10-65(b), can the parties decide in such agreement that in future years, whether governed by the agreement or after the agreement has expired, numbers that are less than the actual numbers of students that attended the ASTEC in years governed by the agreement will be used in calculating the number of opportunities for students to attend the ASTEC that the Sending Board is required to provide pursuant to § 10-65(b)? Or must the actual number of students that attended the ASTEC be used? For example, is it permissible and enforceable under § 10-65(b) for the parties to agree to the following: "For the current year, Sending Board A agrees to send to ASTEC B: 8 students that will be counted as ninth graders, 4 students that will be counted as students in grades 10, 11, or 12, and an additional 3 students that will not be counted towards Sending Board A's three-year average number of required students in future years under § 10-65(b)."?