

V.E.

**CONNECTICUT STATE BOARD OF EDUCATION
Hartford**

TO BE PROPOSED:
May 4, 2016

RESOLVED, That the State Board of Education, pursuant to Sections 10-226a and 10-226b of the Connecticut General Statutes, accepts the Racial Imbalance Report for the 2015-16 school year, dated April 19, 2016, and directs the Commissioner to take the necessary action.

Approved by a vote of _____ this fourth day of May, Two Thousand Sixteen.

Signed: _____
Dr. Dianna R. Wentzell, Secretary
State Board of Education

CONNECTICUT STATE BOARD OF EDUCATION
Hartford

TO: State Board of Education

FROM: Dr. Dianna R. Wentzell, Commissioner of Education

DATE: May 4, 2016

SUBJECT: Racial Imbalance Report

Introduction

Pursuant to Section 10-223e-3 of the Regulations of Connecticut State Agencies (“Regulations”), attached is the Racial Imbalance Report dated April 19, 2016, which lists the schools that are racially imbalanced and the schools that have impending imbalance. The Bureau of Data Collection, Research and Evaluation compiled the report based on enrollments as of October 1, 2015. A copy of this report is provided in Exhibit A.

Under Connecticut law, racial imbalance exists when the proportion of minority students for any school exceeds twenty-five percentage points more than the comparable proportion for the school district. For all grades of a given school, the total number of minority students enrolled in the same grades throughout the school district is divided by the district-wide total student enrollment in such grades, and the resulting percentage is the comparable proportion for the school district. If a school is identified as racially imbalanced, the board of education must file a plan to correct the imbalance with the State Board of Education (“SBE”). Impending racial imbalance exists when the proportion for a school falls outside a range from fifteen percentage points less to fifteen percentage points more than the comparable proportion for the school district.

Section 10-226e-3 of the Regulations requires the SBE to provide notice to any board of education having jurisdiction over one or more schools that the SBE has determined to be racially imbalanced. Local boards so notified must file plans to correct racial imbalance in those schools within one hundred and twenty days of the notice. The SBE must also provide notice to any local board of education that has one or more schools deemed to have impending racial imbalance, pursuant to Section 10-226e-4 of the Regulations. A copy of the Regulations is attached for your reference in Exhibit B.

Racially Imbalanced Schools – New

This year there are no schools newly identified with racial imbalance.

Racially Imbalanced Schools – Continuing Imbalance

The schools that continue to be racially imbalanced this year are:

- New Lebanon School in Greenwich;
- Hamilton Avenue School in Greenwich;
- Charter Oak Academy in West Hartford;
- Smith School in West Hartford; and

- McKinley School in Fairfield.

In March 2013, the West Hartford Board of Education (“West Hartford Board”) made a presentation to the SBE regarding its intention to expand Charter Oak International Academy (“Charter Oak”) through a school construction project. The West Hartford Board expects that such expansion will allow more students outside the school’s attendance zone to enroll in the magnet program. In addition, students from Smith School will have the opportunity to transfer to Charter Oak, thus increasing the capacity at Smith to bring in more students from outside its attendance zone. The SBE expressed its support for this expansion, and the West Hartford Board is moving forward with the school construction project. It is anticipated that this project will take several years to have an impact on the racial imbalance statistics. We will continue to monitor West Hartford’s progress in this endeavor.

New Lebanon School (identified in 2006) and Hamilton Avenue School (identified in 1999) in Greenwich continue to be racially imbalanced. Most recently, the SBE approved the Greenwich Board of Education’s amendment to its plan on July 9, 2014. Pursuant to this amendment, the Greenwich Board of Education is in the process of implementing a school construction project which will allow the district to increase the number of students who may attend the International Baccalaureate Program at the New Lebanon School. In addition, the Hamilton Avenue School has adopted a new theme designed to attract more students from outside the school’s attendance zone.

In February 2013, the SBE approved the Fairfield Board of Education’s amendment to its plan to address racial imbalance at McKinley School. The amended plan expanded the opportunities for McKinley parents to enroll their children in preschool programs at other elementary schools. Despite these efforts, the racial imbalance at McKinley School has increased over the past two years. The Fairfield Board will present an update on its efforts to amend its plan at the SBE meeting on May 4, 2016. (See agenda item X.C.)

Follow-up Activities

A staff member from the Department will maintain contact with the superintendents of the districts with racially imbalanced schools to monitor the implementation of their respective plans and recommend further action to the SBE if necessary.

In accordance with the requirements of Section 10-226e-4 of the Regulations, the SBE shall notify the local board of education having jurisdiction of a school district which includes one or more schools with the status of impending imbalance. The racial imbalance report indicates that there are 26 schools with impending racial imbalance. (See Exhibit A.) As in previous years, the Department will also send each local and regional board of education the racial imbalance status for each of those schools within its jurisdiction. Providing this information on an annual basis allows each local board of education to take measures to avoid having one or more of its schools identified as racially imbalanced or with impending imbalance.

Prepared by:

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

Approved by:

Peter Haberlandt, Director
Division of Legal and Governmental Affairs

EXHIBIT A

UNAUDITED DATA FILE

Connecticut State Department of Education

2015 Public School Enrollment By Racial Imbalance Categories Where School
Total > 100, Excluding CTHSS, Magnet and Charter Schools

Imbalance is determined pursuant to CGS §10-226e-3 and §10-226e-4, comparing school proportions with the district proportions of students in the same grade. Note: Bold-faced fonts indicate the greater of the district or school minority percentage figures for each.

Dist #	Schl #	REPORTING DISTRICT	SCHOOL	District % Minority	Dist. Total	School % Minority	Schl. Total	Absolute Imbalance
a) Imbalanced: 25% and greater imbalance								
057	05	Greenwich School District	New Lebanon School	38.59%	4154	77.74%	265	39.15
155	15	West Hartford School District	Charter Oak International Academy	40.41%	4363	75.00%	320	34.59
057	05	Greenwich School District	Hamilton Avenue School	38.71%	4312	69.51%	364	30.80
051	05	Fairfield School District	McKinley School	20.71%	4467	47.89%	426	27.18
155	15	West Hartford School District	Smith School	40.41%	4363	65.45%	356	25.04

*The reporting district enrollment numbers include all students in schools, programs and out-placed facilities.

*Source Data: Public School Information System October 2015 extracted on 2/2/2016

Dist #	Schl #	REPORTING DISTRICT	SCHOOL	District % Minority	Dist. Total	School % Minority	Schl. Total	Absolute Imbalance
b) Impending Imbalance: Less than 25% and greater than 15% imbalance								
062	06	Hamden School District	Helen Street School	60.72%	3004	85.13%	316	24.41
059	05	Groton School District	Claude Chester School	44.89%	2221	69.18%	331	24.29
062	06	Hamden School District	Church Street School	60.72%	3004	84.98%	333	24.27
077	07	Manchester School District	Robertson School	62.29%	3036	84.55%	356	22.26
146	14	Vernon School District	Lake Street School	40.95%	1668	20.09%	219	20.86
138	13	Stratford School District	Franklin School	57.53%	3683	78.29%	281	20.76
034	03	Danbury School District	Morris Street School	64.28%	5386	83.94%	355	19.67
057	05	Greenwich School District	Old Greenwich School	38.71%	4312	19.20%	448	19.51
059	05	Groton School District	Northeast Academy Elementary School	44.89%	2221	25.86%	379	19.03
062	06	Hamden School District	Shepherd Glen School	60.01%	2833	78.95%	304	18.94
057	05	Greenwich School District	Parkway School	38.71%	4312	19.84%	257	18.86
077	07	Manchester School District	Verplanck School	62.29%	3036	80.83%	386	18.54
155	15	West Hartford School District	Bugbee School	39.89%	4199	21.40%	430	18.50
119	11	Rocky Hill School District	Myrtle H. Stevens School	47.28%	1252	28.79%	521	18.49
103	10	Norwalk School District	Jefferson Magnet School	68.34%	5288	86.74%	611	18.40
084	08	Milford School District	Meadowside School	26.46%	2585	44.76%	315	18.30
034	03	Danbury School District	South Street School	64.28%	5386	81.75%	378	17.47
143	14	Torrington School District	Vogel-Wetmore School	34.20%	2123	51.15%	436	16.95
143	14	Torrington School District	East School	34.41%	2206	17.58%	347	16.83

*The reporting district enrollment numbers include all students in schools, programs and out-placed facilities.

*Source Data: Public School Information System October 2015 extracted on 2/2/2016

Tuesday, April 19, 2016

Dist #	Schl #	REPORTING DISTRICT	SCHOOL	District % Minority	Dist. Total	School % Minority	Schl. Total	Absolute Imbalance
059	05	Groton School District	Catherine Kolnaski Magnet School	44.74%	2434	61.14%	386	16.40
155	15	West Hartford School District	Duffy School	39.89%	4199	24.02%	487	15.87
080	08	Meriden School District	John Barry School	69.67%	4144	85.44%	474	15.78
146	14	Vernon School District	Maple Street School	40.95%	1668	56.57%	274	15.62
156	15	West Haven School District	Forest School	65.20%	2494	80.69%	461	15.50
062	06	Hamden School District	Ridge Hill School	60.01%	2833	75.08%	317	15.07
077	07	Manchester School District	Washington School	62.29%	3036	77.31%	357	15.03

*The reporting district enrollment numbers include all students in schools, programs and out-placed facilities.

*Source Data: Public School Information System October 2015 extracted on 2/2/2016

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EXHIBIT 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)