



General Assembly

Substitute Bill No. 537

February Session, 2004

* _____SB00537ED_APP031804_____*

**AN ACT CONCERNING INTERDISTRICT MAGNET SCHOOLS AND
THE CHOICE PROGRAM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-264l of the general statutes, as amended by
2 section 36 of public act 03-76, is amended by adding subsections (j) to
3 (l), inclusive, as follows (*Effective July 1, 2005*):

4 (NEW) (j) Each school year, each local or regional board of
5 education that enrolls students in an interdistrict magnet school
6 operated by a regional educational service center shall pay tuition to
7 the regional educational service center for each such student for the
8 time for which the district contracted to enroll such student. Such
9 board of education may send a student in place of any student who
10 withdraws during such time and such student may enter into such
11 student's appropriate grade.

12 (NEW) (k) If an interdistrict magnet school operated by a regional
13 educational service center or a local or regional board of education has
14 unused student capacity, the interdistrict magnet school may enroll
15 directly any interested student into its program. The local or regional
16 board of education otherwise responsible for educating such student
17 shall pay tuition for such student, except if the total number of
18 students enrolled in interdistrict magnet schools exceeds five per cent
19 of the total population of students of the school district under the

20 jurisdiction of such board of education, such board of education shall
21 not have to pay tuition for the number of students in excess of five per
22 cent of such total population.

23 (NEW) (l) Notwithstanding the provisions of this section, grants
24 made to interdistrict magnet schools pursuant to this section shall not
25 be reduced due to an increase in the percentage of the student
26 enrollment in the program from one participating district when
27 compared to the other participating districts, if such increase is solely
28 the result of reduced enrollment by any other participating district.

29 Sec. 2. Section 10-266aa of the general statutes, as amended by
30 sections 26 and 48 of public act 03-76, section 2 of public act 03-168 and
31 section 18 of public act 03-6 of the June 30 special session, is repealed
32 and the following is substituted in lieu thereof (*Effective July 1, 2005*):

33 (a) As used in this section:

34 (1) "Receiving district" means any school district that accepts
35 students under the program established pursuant to this section;

36 (2) "Sending district" means any school district that sends students it
37 would otherwise be legally responsible for educating to another school
38 district under the program; and

39 (3) "Minority students" means students who are "pupils of racial
40 minorities", as defined in section 10-226a, as amended.

41 (b) There is established, within available appropriations, an
42 interdistrict public school attendance program. The purpose of the
43 program shall be to: (1) Improve academic achievement; (2) reduce
44 racial, ethnic and economic isolation or preserve racial and ethnic
45 balance; and (3) provide a choice of educational programs for students
46 enrolled in the public schools. The Department of Education shall
47 provide oversight for the program, including the setting of reasonable
48 limits for the transportation of students participating in the program,
49 and may provide for the incremental expansion of the program for the

50 school year commencing in 2000 for each town required to participate
51 in the program pursuant to subsection (c) of this section.

52 (c) The program shall be phased in as provided in this subsection.

53 (1) For the school year commencing in 1998, and for each school year
54 thereafter, the program shall be in operation in the Hartford, New
55 Haven and Bridgeport regions. The Hartford program shall operate as
56 a continuation of the program described in section 10-266j. Students
57 who reside in Hartford, New Haven or Bridgeport may attend school
58 in another school district in the region and students who reside in such
59 other school districts may attend school in Hartford, New Haven or
60 Bridgeport, provided, beginning with the 2001-2002 school year, the
61 proportion of students who are not minority students to the total
62 number of students leaving Hartford, Bridgeport or New Haven to
63 participate in the program shall not be greater than the proportion of
64 students who were not minority students in the prior school year to
65 the total number of students enrolled in Hartford, Bridgeport or New
66 Haven in the prior school year. The regional educational service center
67 operating the program shall make program participation decisions in
68 accordance with the requirements of this subdivision. (2) For the
69 school year commencing in 2000, and for each school year thereafter,
70 the program shall be in operation in New London, provided beginning
71 with the 2001-2002 school year, the proportion of students who are not
72 minority students to the total number of students leaving New London
73 to participate in the program shall not be greater than the proportion
74 of students who were not minority students in the prior year to the
75 total number of students enrolled in New London in the prior school
76 year. The regional educational service center operating the program
77 shall make program participation decisions in accordance with this
78 subdivision. (3) The Department of Education may provide, within
79 available appropriations, grants for the fiscal year ending June 30,
80 2003, to the remaining regional educational service centers to assist
81 school districts in planning for a voluntary program of student
82 enrollment in every priority school district, pursuant to section 10-
83 266p, as amended, which is interested in participating in accordance

84 with this subdivision. For the school year commencing in 2003, and for
85 each school year thereafter, the voluntary enrollment program may be
86 in operation in every priority school district in the state. Students from
87 other school districts in the area of a priority school district, as
88 determined by the regional educational service center pursuant to
89 subsection (d) of this section, may attend school in the priority school
90 district, provided such students bring racial, ethnic and economic
91 diversity to the priority school district and do not increase the racial,
92 ethnic and economic isolation in the priority school district.

93 (d) School districts which received students from New London
94 under the program during the 2000-2001 school year shall allow such
95 students to attend school in the district until they graduate from high
96 school. The attendance of such students in such program shall not be
97 supported by grants pursuant to subsections (f) and (g) of this section
98 but shall be supported, in the same amounts as provided for in said
99 subsections, by interdistrict cooperative grants pursuant to section 10-
100 74d to the regional educational service centers operating such
101 programs.

102 (e) Once the program is in operation in the region served by a
103 regional educational service center pursuant to subsection (c) of this
104 section, the Department of Education shall provide an annual grant to
105 such a regional educational service center to assist school districts in its
106 area in administering the program and to provide staff to assist
107 students participating in the program to make the transition to a new
108 school and to act as a liaison between the parents of such students and
109 the new school district. Each regional educational service center shall
110 determine which school districts in its area are located close enough to
111 a priority school district to make participation in the program feasible
112 in terms of student transportation pursuant to subsection (f) of this
113 section, provided any student participating in the program prior to
114 July 1, 1999, shall be allowed to continue to attend the same school
115 such student attended prior to said date in the receiving district until
116 the student completes the highest grade in such school. Each regional
117 educational service center shall convene, annually, a meeting of

118 representatives of such school districts in order for such school
119 districts to report, by March thirty-first, the number of spaces available
120 for the following school year for out-of-district students under the
121 program. Annually, each regional educational service center shall
122 provide a count of such spaces to the Department of Education by
123 April fifteenth. If there are more students who seek to attend school in
124 a receiving district than there are spaces available, the regional
125 educational service center shall assist the school district in determining
126 attendance by the use of a lottery or lotteries designed to preserve or
127 increase racial, ethnic and economic diversity, except that the regional
128 educational service center shall give preference to siblings and to
129 students who would otherwise attend a school that has lost its
130 accreditation by the New England Association of Schools and Colleges
131 or identified as in need of improvement pursuant to the No Child Left
132 Behind Act, P.L. 107-110. The admission policies shall be consistent
133 with section 10-15c and this section. No receiving district shall recruit
134 students under the program for athletic or extracurricular purposes.
135 Each receiving district shall allow out-of-district students it accepts to
136 attend school in the district until they graduate from high school.

137 (f) The Department of Education shall provide grants to regional
138 educational service centers or local or regional boards of education for
139 the reasonable cost of transportation for students participating in the
140 program. For the fiscal year ending June 30, 2003, and each fiscal year
141 thereafter, the department shall provide such grants within available
142 appropriations, provided the state-wide average of such grants does
143 not exceed an amount equal to two thousand one hundred dollars for
144 each student transported, except that the Commissioner of Education
145 may grant to regional educational service centers additional sums from
146 funds remaining in the appropriation for such transportation services
147 if needed to offset transportation costs that exceed such maximum
148 amount. The regional educational service centers shall provide
149 reasonable transportation services to high school students who wish to
150 participate in supervised extracurricular activities. For purposes of this
151 section, the number of students transported shall be determined on

152 September first of each fiscal year.

153 (g) The Department of Education shall provide, within available
154 appropriations, an annual grant to the local or regional board of
155 education for each receiving district in an amount not to exceed two
156 thousand dollars for each out-of-district student who attends school in
157 the receiving district under the program. Each town which receives
158 funds pursuant to this subsection shall make such funds available to its
159 local or regional board of education in supplement to any other local
160 appropriation, other state or federal grant or other revenue to which
161 the local or regional board of education is entitled.

162 [(h) Notwithstanding any provision of this chapter, each sending
163 district and each receiving district shall divide the number of children
164 participating in the program who reside in such district or attend
165 school in such district by two for purposes of the counts for
166 subdivision (22) of section 10-262f and subdivision (2) of subsection (a)
167 of section 10-261.]

168 [(i) (h) In the case of an out-of-district student who requires special
169 education and related services, the sending district shall pay the
170 receiving district an amount equal to the difference between the
171 reasonable cost of providing such special education and related
172 services to such student and the amount received by the receiving
173 district pursuant to subsection (g) of this section and in the case of
174 students participating pursuant to subsection (d) of this section, the
175 per pupil amount received pursuant to section 10-74d. The sending
176 district shall be eligible for reimbursement pursuant to section 10-76g,
177 as amended.

178 [(j) (i) Nothing in this section shall prohibit school districts from
179 charging tuition to other school districts that do not have a high school
180 pursuant to section 10-33.

181 [(k) (j) On or before October fifteenth of each year, the
182 Commissioner of Education shall determine if the enrollment in the
183 program pursuant to subsection (c) of this section for the fiscal year is

184 below the number of students for which funds were appropriated. If
185 the commissioner determines that the enrollment is below such
186 number, the additional funds shall not lapse but shall be used by the
187 commissioner in accordance with this subsection. (1) Any amount up
188 to three hundred fifty thousand dollars of such nonlapsing funds shall
189 be used for supplemental grants to receiving districts on a pro rata
190 basis for each out-of-district student in the program pursuant to
191 subsection (c) of this section who attends the same school in the
192 receiving district as at least nine other such out-of-district students, not
193 to exceed one thousand dollars per student. (2) Any remaining
194 nonlapsing funds shall be used for interdistrict cooperative grants
195 pursuant to section 10-74d.

196 [(l)] (k) For purposes of the state-wide mastery examinations under
197 section 10-14n, as amended, students participating in the program
198 established pursuant to this section shall be considered residents of the
199 school district in which they attend school.

200 (l) A sending district shall pay a receiving district three thousand
201 dollars for each student the sending district sends to attend school in
202 the receiving district in accordance with the provisions of this section.
203 The provisions of this subsection shall not effect students enrolled in
204 school in the receiving district prior to July 1, 2005.

205 Sec. 3. Subdivision (2) of subsection (a) of section 10-261 of the
206 general statutes, as amended by section 114 of public act 03-278, is
207 repealed and the following is substituted in lieu thereof (*Effective July*
208 *1, 2005*):

209 (2) "Average daily membership" means the number of all pupils of
210 the local or regional board of education enrolled in public schools at
211 the expense of such board of education on October first or the full
212 school day immediately preceding such date, provided the number so
213 obtained shall be decreased by the Department of Education for failure
214 to comply with the provisions of section 10-16 and shall be increased
215 by one one-hundred-eightieth for each full-time equivalent school day

216 of at least five hours of actual school work in excess of one hundred
 217 eighty days and nine hundred hours of actual school work and be
 218 increased by the full-time equivalent number of such pupils attending
 219 the summer sessions immediately preceding such date at the expense
 220 of such board of education; "enrolled" shall include pupils who are
 221 scheduled for vacation on the above dates and who are expected to
 222 return to school as scheduled. [Pupils participating in the program
 223 established pursuant to section 10-266aa shall be counted in
 224 accordance with the provisions of subsection (h) of section 10-266aa.]

225 Sec. 4. Subdivision (22) of section 10-262f of the general statutes, as
 226 amended by section 115 of public act 03-278, is repealed and the
 227 following is substituted in lieu thereof (*Effective July 1, 2005*):

228 (22) "Resident students" means the number of pupils of the town
 229 enrolled in public schools at the expense of the town on October first
 230 or the full school day immediately preceding such date, provided the
 231 number shall be decreased by the Department of Education for failure
 232 to comply with the provisions of section 10-16 and shall be increased
 233 by one one-hundred-eightieth for each full-time equivalent school day
 234 in the school year immediately preceding such date of at least five
 235 hours of actual school work in excess of one hundred eighty days and
 236 nine hundred hours of actual school work and be increased by the full-
 237 time equivalent number of such pupils attending the summer sessions
 238 immediately preceding such date at the expense of the town; "enrolled"
 239 shall include pupils who are scheduled for vacation on the above date
 240 and who are expected to return to school as scheduled. [Pupils
 241 participating in the program established pursuant to section 10-266aa
 242 shall be counted in accordance with the provisions of subsection (h) of
 243 section 10-266aa.]

This act shall take effect as follows:	
Section 1	<i>July 1, 2005</i>
Sec. 2	<i>July 1, 2005</i>
Sec. 3	<i>July 1, 2005</i>
Sec. 4	<i>July 1, 2005</i>

ED

Joint Favorable Subst. C/R

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