



General Assembly

February Session, 2010

Raised Bill No. 5487

LCO No. 2246

02246_____ED_

Referred to Committee on Education

Introduced by:
(ED)

AN ACT CONCERNING THE OPEN CHOICE PROGRAM.

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

1 Section 1. Section 10-266aa of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2010*):

3 (a) As used in this section:

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

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

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

11 (b) There is established, within available appropriations, an
12 interdistrict public school attendance program. The purpose of the
13 program shall be to: (1) Improve academic achievement; (2) reduce
14 racial, ethnic and economic isolation or preserve racial and ethnic

15 balance; and (3) provide a choice of educational programs for students
16 enrolled in the public schools. The Department of Education shall
17 provide oversight for the program, including the setting of reasonable
18 limits for the transportation of students participating in the program,
19 and may provide for the incremental expansion of the program for the
20 school year commencing in 2000 for each town required to participate
21 in the program pursuant to subsection (c) of this section.

22 (c) The program shall be phased in as provided in this subsection.
23 (1) For the school year commencing in 1998, and for each school year
24 thereafter, the program shall be in operation in the Hartford, New
25 Haven and Bridgeport regions. The Hartford program shall operate as
26 a continuation of the program described in section 10-266j. Students
27 who reside in Hartford, New Haven or Bridgeport may attend school
28 in another school district in the region and students who reside in such
29 other school districts may attend school in Hartford, New Haven or
30 Bridgeport, provided, beginning with the 2001-2002 school year, the
31 proportion of students who are not minority students to the total
32 number of students leaving Hartford, Bridgeport or New Haven to
33 participate in the program shall not be greater than the proportion of
34 students who were not minority students in the prior school year to
35 the total number of students enrolled in Hartford, Bridgeport or New
36 Haven in the prior school year. The regional educational service center
37 operating the program shall make program participation decisions in
38 accordance with the requirements of this subdivision. (2) For the
39 school year commencing in 2000, and for each school year thereafter,
40 the program shall be in operation in New London, provided beginning
41 with the 2001-2002 school year, the proportion of students who are not
42 minority students to the total number of students leaving New London
43 to participate in the program shall not be greater than the proportion
44 of students who were not minority students in the prior year to the
45 total number of students enrolled in New London in the prior school
46 year. The regional educational service center operating the program
47 shall make program participation decisions in accordance with this
48 subdivision. (3) The Department of Education may provide, within

49 available appropriations, grants for the fiscal year ending June 30,
50 2003, to the remaining regional educational service centers to assist
51 school districts in planning for a voluntary program of student
52 enrollment in every priority school district, pursuant to section 10-
53 266p, which is interested in participating in accordance with this
54 subdivision. For the school year commencing in 2003, and for each
55 school year thereafter, the voluntary enrollment program may be in
56 operation in every priority school district in the state. Students from
57 other school districts in the area of a priority school district, as
58 determined by the regional educational service center pursuant to
59 subsection (d) of this section, may attend school in the priority school
60 district, provided such students bring racial, ethnic and economic
61 diversity to the priority school district and do not increase the racial,
62 ethnic and economic isolation in the priority school district.

63 (d) School districts which received students from New London
64 under the program during the 2000-2001 school year shall allow such
65 students to attend school in the district until they graduate from high
66 school. The attendance of such students in such program shall not be
67 supported by grants pursuant to subsections (f) and (g) of this section
68 but shall be supported, in the same amounts as provided for in said
69 subsections, by interdistrict cooperative grants pursuant to section 10-
70 74d to the regional educational service centers operating such
71 programs.

72 (e) Once the program is in operation in the region served by a
73 regional educational service center pursuant to subsection (c) of this
74 section, the Department of Education shall provide an annual grant to
75 such regional educational service center to assist school districts in its
76 area in administering the program and to provide staff to assist
77 students participating in the program to make the transition to a new
78 school and to act as a liaison between the parents of such students and
79 the new school district. Each regional educational service center shall
80 determine which school districts in its area are located close enough to
81 a priority school district to make participation in the program feasible

82 in terms of student transportation pursuant to subsection (f) of this
83 section, provided any student participating in the program prior to
84 July 1, 1999, shall be allowed to continue to attend the same school
85 such student attended prior to said date in the receiving district until
86 the student completes the highest grade in such school. Each regional
87 educational service center shall convene, annually, a meeting of
88 representatives of such school districts in order for such school
89 districts to report, by March thirty-first, the number of spaces available
90 for the following school year for out-of-district students under the
91 program. Annually, each regional educational service center shall
92 provide a count of such spaces to the Department of Education by
93 April fifteenth. If there are more students who seek to attend school in
94 a receiving district than there are spaces available, the regional
95 educational service center shall assist the school district in determining
96 attendance by the use of a lottery or lotteries designed to preserve or
97 increase racial, ethnic and economic diversity, except that the regional
98 educational service center shall give preference to siblings and to
99 students who would otherwise attend a school that has lost its
100 accreditation by the New England Association of Schools and Colleges
101 or has been identified as in need of improvement pursuant to the No
102 Child Left Behind Act, P.L. 107-110. The admission policies shall be
103 consistent with section 10-15c and this section. No receiving district
104 shall recruit students under the program for athletic or extracurricular
105 purposes. Each receiving district shall allow out-of-district students it
106 accepts to attend school in the district until they graduate from high
107 school.

108 (f) The Department of Education shall provide grants to regional
109 educational service centers or local or regional boards of education for
110 the reasonable cost of transportation for students participating in the
111 program. For the fiscal year ending June 30, 2003, and each fiscal year
112 thereafter, the department shall provide such grants within available
113 appropriations, provided the state-wide average of such grants does
114 not exceed an amount equal to three thousand two hundred fifty
115 dollars for each student transported, except that the Commissioner of

116 Education may grant to regional educational service centers additional
117 sums from funds remaining in the appropriation for such
118 transportation services if needed to offset transportation costs that
119 exceed such maximum amount. The regional educational service
120 centers shall provide reasonable transportation services to high school
121 students who wish to participate in supervised extracurricular
122 activities. For purposes of this section, the number of students
123 transported shall be determined on September first of each fiscal year.

124 (g) The Department of Education shall provide, within available
125 appropriations, an annual grant to the local or regional board of
126 education for each receiving district in an amount not to exceed [two
127 thousand five hundred] three thousand dollars for each out-of-district
128 student who attends school in the receiving district under the
129 program. Each town which receives funds pursuant to this subsection
130 shall make such funds available to its local or regional board of
131 education in supplement to any other local appropriation, other state
132 or federal grant or other revenue to which the local or regional board
133 of education is entitled.

134 (h) Notwithstanding any provision of this chapter, each sending
135 district and each receiving district shall divide the number of children
136 participating in the program who reside in such district or attend
137 school in such district by two for purposes of the counts for
138 subdivision (22) of section 10-262f and subdivision (2) of subsection (a)
139 of section 10-261.

140 (i) In the case of an out-of-district student who requires special
141 education and related services, the sending district shall pay the
142 receiving district an amount equal to the difference between the
143 reasonable cost of providing such special education and related
144 services to such student and the amount received by the receiving
145 district pursuant to subsection (g) of this section and in the case of
146 students participating pursuant to subsection (d) of this section, the
147 per pupil amount received pursuant to section 10-74d. The sending

148 district shall be eligible for reimbursement pursuant to section 10-76g.

149 (j) Nothing in this section shall prohibit school districts from
150 charging tuition to other school districts that do not have a high school
151 pursuant to section 10-33.

152 (k) On or before October fifteenth of each year, the Commissioner of
153 Education shall determine if the enrollment in the program pursuant
154 to subsection (c) of this section for the fiscal year is below the number
155 of students for which funds were appropriated. If the commissioner
156 determines that the enrollment is below such number, the additional
157 funds shall not lapse but shall be used by the commissioner in
158 accordance with this subsection. (1) Any amount up to [five] eight
159 hundred thousand dollars of such nonlapsing funds shall be used for
160 supplemental grants to receiving districts on a pro rata basis for each
161 out-of-district student in the program pursuant to subsection (c) of this
162 section who attends the same school in the receiving district as at least
163 nine other such out-of-district students, not to exceed one thousand
164 dollars per student. (2) Any remaining nonlapsing funds shall be used
165 for interdistrict cooperative grants pursuant to section 10-74d.

166 (l) For purposes of the state-wide mastery examinations under
167 section 10-14n, students participating in the program established
168 pursuant to this section shall be considered residents of the school
169 district in which they attend school.

170 (m) Within available appropriations, the commissioner may make
171 grants to regional education service centers which provide summer
172 school educational programs approved by the commissioner to
173 students participating in the program.

174 (n) The Commissioner of Education may provide grants for children
175 in the Hartford program described in this section to participate in
176 preschool and all day kindergarten programs. In addition to the
177 subsidy provided to the receiving district for educational services,
178 such grants may be used for the provision of before and after-school

179 care and remedial services for the preschool and kindergarten students
180 participating in the program.

181 (o) Within available appropriations, the commissioner may make
182 grants for academic student support for programs pursuant to this
183 section that assist the state in meeting the goals of the 2008 stipulation
184 and order for Milo Sheff, et al. v. William A. O'Neill, et al., as
185 determined by the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	10-266aa

Statement of Purpose:

To increase the state funding to school districts receiving open choice program students.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]