



# OLR RESEARCH REPORT

December 30, 2011

2011-R-0441

## LEGISLATIVE CHANGES IN THE OPEN CHOICE PROGRAM

By: Judith Lohman, Assistant Director

You asked for a summary of legislative changes in the Open Choice Program, with an emphasis on major changes since 2001.

### SUMMARY

The Open Choice Program is a voluntary interdistrict public school attendance program that allows students from large urban districts to attend suburban schools and vice versa, on a space-available basis. Its purpose is to reduce racial, ethnic, and economic isolation; improve academic achievement; and provide public school choice.

The General Assembly established the Open Choice Program in 1997 in response to the Connecticut Supreme Court ruling in the *Sheff v. O'Neill* lawsuit. Although originally intended to be a statewide program, it currently operates only in the Bridgeport, Hartford, and New Haven regions.

The largest Open Choice program involves in Hartford and its 22 surrounding towns. The Hartford program's expansion has been driven by two stipulated agreements between the state and the *Sheff v. O'Neill* plaintiffs, both of which led to court orders requiring the state to meet specified desegregation goals for Hartford. The 2003 agreement required the (1) Hartford Open Choice program to meet the demand for seats, (2) state to increase the minimum number of seats for minority public school students from Hartford over four years from 1,000 to 1,600, and (3) state to add \$250,000 per year to its funding for Open Choice

transportation. The 2008 agreement and order requires that, at the end of five years, at least 41% of Hartford minority students be educated in reduced isolation settings. Open Choice Program participation is automatically deemed to provide such a setting.

## **OPEN CHOICE PROGRAM LEGISLATION**

### ***1997-2000***

As originally established in 1997, the Open Choice program was a statewide interdistrict public school program with the following goals: (1) improve academic achievement; (2) reduce racial, ethnic, and economic isolation or preserve racial and ethnic balance; and (3) provide students with a choice of educational programs. It was to be phased in over three years starting in the Hartford, New Haven, and Bridgeport regions. Statewide operation was to begin by September 1999.

The 1997 act also established the program's basic state funding structure consisting of:

1. a state grant to receiving districts of up to \$2,000 for each out-of-district student they enroll through the program;
2. a maximum statewide average grant of \$1,000 per student to regional educational service centers (RESCs) or school districts for transportation costs; and
3. for each participating student, one-half of the district's per-student Education Cost Sharing (ECS) grant to the sending and receiving district ([PA 97-290](#)).

In 1999, the General Assembly reduced the program's scope by, among other things:

1. limiting it to priority school districts and their surrounding areas;
2. extending the program's phase-in by two years; and
3. allowing the State Department of Education (SDE) and RESCs to place reasonable limits on the distance participating students are transported.

At the same time, the legislature also (1) increased maximum transportation grants to a statewide average of \$2,000 per student and (2) gave Open Choice students the right to go to school in receiving districts until they graduate from high school instead of only until they finish their receiving school's highest grade ([PA 99-289](#)).

In 2000, the legislature again increased the maximum transportation grant to a statewide average of \$2,100 per student ([PA 00-187](#)).

## **2001**

In 2001, the legislature further limited mandatory participation in the program starting in September 2001 to the Bridgeport, Hartford, New Haven, and New London regions. It made participation voluntary for the remaining priority districts and delayed the start of the voluntary program in those districts until September 2003.

The 2001 act also required that the percentage of white students from Bridgeport, Hartford, New Haven, and New London who left to attend school in other districts as part of the program be no greater than the percentage of white students enrolled in public schools in those districts in the preceding school year. For priority districts participating voluntarily, students from outside the district could transfer into the priority district but no priority district students could transfer out. In addition, students transferring in could do so only if they brought racial, ethnic, and economic diversity to the districts.

The 2001 act also eliminated Open Choice support for districts receiving students from New London, instead funding them from interdistrict cooperative grants ([PA 01-1](#), June Special Session).

## **2003**

In 2003, the legislature allowed the education commissioner to grant RESCs supplemental funds if needed to offset transportation costs that exceed the maximum amount ([PA 03-6](#), June 30 Special Session).

## **2005**

A 2005 act allowed the education commissioner to give grants to RESCs to provide state-approved summer school educational programs for students who participate in Open Choice ([PA 05-3](#), June Special Session).

## **2007**

Legislation enacted in 2007:

1. increased state grants to receiving districts to \$2,500, and transportation grants to \$3,250, per student;
2. increased the amount of excess funds available for bonus grants to qualifying receiving districts when total program enrollment is below the number for which the state appropriated funds; and
3. provided grants for Open Choice students from Hartford to participate in all-day kindergarten programs (PAs [07-3](#) and [07-5](#), June Special Session).

## **2008**

In 2008, the legislature provided grants for Hartford Open Choice students to participate in preschool as well as all-day kindergarten programs. It also allowed grants for academic support programs for Open Choice participants, if the programs help the state meet the goals of the 2008 *Sheff* settlement ([PA 08-170](#)).

## **2011**

A 2011 act increases state Open Choice grants for receiving districts to:

1. \$3,000 per student for districts where Open Choice students are less than 2% of the district's total student population,
2. \$4,000 per student for districts with 2% to 3% Open Choice enrollment, or
3. \$6,000 per student for districts with Open Choice enrollment of at least 3% of total enrollment.

It also dedicates all excess funds available when student enrollment is below the number for which Open Choice funds are appropriated to supplemental grants for the program. In addition to using the first \$500,000 of any such funds for supplemental grants to districts that have at least 10 Open Choice students attending the same school, the

act: (1) allocates the next \$500,000 to supplemental pro rata grants to receiving districts that increased their Open Choice enrollment over that in the year before and (2) requires the education commissioner to use any remaining excess funds to increase Open Choice enrollment.

Finally, the 2011 act allows students who had been enrolled in private school to participate in the Open Choice Program ([PA 11-48](#)).

JL:ts