



# OLR RESEARCH REPORT

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## **TIMELINE OF BRIDGEPORT BOARD OF EDUCATION TAKEOVER**

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You asked for a timeline detailing the State Board of Education's takeover of the Bridgeport Board of Education.

### **SUMMARY**

In 2001, Congress passed the No Child Left Behind Act (NCLB), requiring states to implement accountability measures in public schools. In response, Connecticut adopted several educational reforms, including expanding the state's power to intervene in low performing local school districts. In 2009, President Obama initiated the Race to the Top program, which rewarded states that scored highly on federal evaluations. After Connecticut failed to qualify for Race to the Top funding, the legislature implemented further educational reforms, including granting the State Board of Education (SBE) the power to authorize the education commissioner to reconstitute a local board of education.

The Bridgeport school district has been designated as "in need of improvement" under Connecticut's law for at least seven consecutive years and students in the district have consistently shown low test scores and high dropout rates. The school district also faces budgetary problems, with the board of education failing to pass a budget for the 2011-2012 school year.

On July 5, 2011, the Bridgeport Board of Education passed a resolution (on a 6-3 vote) (1) stating that the board was unable to function and (2) asking the SBE to reconstitute it, terminating the sitting members and replacing them with candidates chosen by the education commissioner. The next day, the SBE voted to accept the board's request and Bridgeport's board members were later replaced.

Shortly thereafter, the Bridgeport board members who had voted against the resolution filed lawsuits claiming that the state's takeover of the board was illegal because the state had failed to require statutorily mandated training of the Bridgeport board members before taking action. Candidates who were planning to run for the board and Bridgeport parents filed similar suits. These lawsuits were consolidated into a single case that was referred directly to the state Supreme Court.

On February 28, 2012, the Supreme Court ruled that the takeover was illegal and ordered the board members whose terms had not yet expired to be reinstated after a special election is held to fill the seats of those board members whose terms expired during the period between the takeover and the court's decision. Parties on both sides have since filed motions asking the Supreme Court to clarify its decision and provide the specifics of the required special election.

## **TIMELINE**

### ***Legislative Action***

In 2001, Congress passed NCLB, requiring states to (1) evaluate schools based on statewide standardized testing, (2) identify schools that fail to see year to year improvement in test results, and (3) take certain corrective action in those schools (Pub. L. 107-110). To comply with NCLB, the Connecticut legislature passed a law in 2002 requiring the education commissioner to develop a statewide education accountability plan to (1) designate schools and school districts as "in need of improvement," (2) require them to develop and implement improvement plans, and (3) use a system of rewards and consequences. In 2007, the legislature expanded the powers of the state to intervene in local school districts by allowing (1) the commissioner to direct local school boards that failed to show improvement and (2) the SBE to ask the General Assembly to allow the SBE or another entity to take control of a low performing school district.

In 2009, President Obama initiated the Race to the Top program, in which the U.S. Department of Education evaluates the education performance of states and provides federal funding for those which it considers most successful. In 2010, in response to Connecticut failing to qualify for Race to the Top funding, the state legislature enacted further education reform. One measure gave the SBE the power to authorize the education commissioner to reconstitute a local board of education. Before granting such authorization, the SBE must first require the existing board members to complete specific training requirements. Upon authorization, the commissioner may terminate the existing board, unseat the elected members, and replace them with new members, who serve 3-year terms (CGS § [10-223e](#)).

### ***Bridgeport School District Background***

***Underperforming Students.*** The Bridgeport school district has been designated as “in need of improvement” under Connecticut’s education accountability law for at least seven consecutive years. It has failed to make acceptable progress toward SBE-established benchmarks and has failed to make adequate yearly progress under the NCLB guidelines for at least two consecutive years. Students at virtually all levels in the school district generally underperform on proficiency tests offered in recent years. In the 2009–2010 school year, only 66.5% of students in the local school district in grades three through eight were proficient in mathematics and only 53.5% were proficient in reading, as measured by the Connecticut Mastery Test. For the same period, only 32.3% of students in 10<sup>th</sup> grade were proficient in mathematics and only 39.5% were proficient in reading, as measured by the Connecticut Academic Performance Test. Furthermore, the cumulative dropout rate for the Bridgeport class of 2008 was 23.3%, compared to the statewide rate of 6.6% and the annual high school graduation rate in the school district is the lowest in the state (*Pereira v. State Bd. of Educ.*, 304 Conn. 1 (2012)).

***Budget Shortfalls.*** The school system also has faced budgetary problems. The district received \$215.8 million from the city and state for the 2011-2012 school year, the fourth straight year at that amount despite increased enrollment and an estimated need of \$233 million. To deal with the gap, the Board of Education’s Finance Committee proposed laying off 430 school employees and closing a school, but still needed to find an additional \$1.5 million in savings. After a month of deliberating, the issue culminated on June 16, 2011, when the superintendent convinced the board not to pass a new budget and to instead return to the state asking for more money (<http://www.ctpost.com/local/article/Timeline-Bridgeport-school-board-saga-3367920.php>).

## **Reconstitution**

Instead of requesting more money, the board, on July 5, 2011, voted 6-3 to approve a resolution requesting the state to reconstitute it using the authority given under the 2010 law. The resolution stated that the board (1) was unable to function effectively, (2) could not properly and effectively oversee the local school district and meet its improvement plan, and (3) had received training to help it function more effectively as a board but that this training had not enabled it to meet its responsibilities and that additional training would not be helpful.

According to the *Connecticut Post*, Governor Malloy and Bridgeport mayor Bill Finch had been in discussions about possible state intervention in the district for several months and had worked together in ensuring that the process was done legally under the statutory framework. In 2010, some members of the board had sought and completed certain training offered by the Connecticut Association of Boards of Education. Not all board members attended the training sessions and this training was not mandated by the SBE.

The day after the resolution passed, the SBE voted 5-4 to accept the Bridgeport board's request and to authorize the education commissioner to reconstitute the Bridgeport board. Shortly thereafter, the commissioner gave notice to the Bridgeport board members that they would be removed from their positions. The notice did not mention anything about training. The commissioner then issued a press release seeking applications for new board members who would serve for at least three years, during which time no local school board elections would be held (<http://www.ctpost.com/local/article/Timeline-Bridgeport-school-board-saga-3367920.php>).

## **The New Board**

On August 5, 2011, the commissioner appointed six members to the new board, with a seventh to join them shortly thereafter. On October 12, the new board voted to terminate the superintendent's contract and on December 12, appointed Paul Vallas as interim superintendent. (Vallas previously led school districts in Chicago, Philadelphia and New Orleans and is regarded as a prominent educational reformer.) Vallas has since announced a five-year proposal for the school district that would see increased funding per student and raise the budget by \$10.5 million. He has also called for measures that he believes will make the district run more efficiently, including staff cuts and reorganization of positions (<http://www.ctpost.com/local/article/Vallas-unveils-Bridgeport-schools-reform-plan-3387528.php>).

## ***Lawsuits***

After receiving notice that they would be removed, two of the three board members who had voted against the resolution seeking reconstitution filed a lawsuit in Superior Court seeking to be reinstated. Members of a Bridgeport mayoral candidate's Board of Education slate, who had filed over 3,000 petition signatures to qualify as candidates for the board and would no longer be able to run as a result of the reconstitution, also filed a suit seeking to have the elections take place. Finally, a group of Bridgeport parents filed a lawsuit claiming that they were robbed of their right to be represented by people of their choosing.

The three law suits alleged state statutory and constitutional violations, specifically arguing that the SBE did not have the authority to reconstitute the Bridgeport board without first requiring training. The State argued that the Bridgeport board had waived the training requirement because they had asked for the board to be reconstituted.

The cases were consolidated, designated as complex litigation and transferred to the Waterbury judicial district. The trial court then sought the advice of the Connecticut Supreme Court on the question of whether the statute authorizing reconstitution required mandatory training or whether the Bridgeport board of education had waived the training requirement by passing the resolution requesting reconstitution (<http://www.ctpost.com/news/article/School-takeover-case-goes-to-Supreme-Court-2143170.php>).

## ***Supreme Court Ruling***

On February 28, 2012, the Supreme Court handed down its opinion. The court ruled in a 6-1 decision that the training called for in the reconstitution statute was mandatory and not waivable and therefore the takeover was illegal. The court sent the case back to the trial court with instructions to set a date for a special election to fill the seats of members whose terms had expired since the takeover. The state-appointed board members were allowed to continue in their roles until that time, when the former members whose terms had not expired would be reinstated to serve along with those chosen in the special election (Pereira, 304 Conn. at 1 (2012)).

Shortly after the decision, both parties filed motions seeking clarifications from the Supreme Court on the timetable for the special election and the manner in which it will be administered (<http://www.ctpost.com/local/article/Seeking-clarity-in-Bridgeport-takeover-ruling-3403812.php>).

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