



# House of Representatives

General Assembly

**File No. 549**

January Session, 2017

House Bill No. 7201

*House of Representatives, April 12, 2017*

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT APPLYING THE SHEFF DEFINITION OF REDUCED-ISOLATION SETTING TO ALL INTERDISTRICT MAGNET SCHOOLS IN THE STATE.***

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

1 Section 1. Subsection (a) of section 10-264~~l~~ of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2017*):

4 (a) The Department of Education shall, within available  
5 appropriations, establish a grant program (1) to assist (A) local and  
6 regional boards of education, (B) regional educational service centers,  
7 (C) the Board of Trustees of the Community-Technical Colleges on  
8 behalf of Quinebaug Valley Community College and Three Rivers  
9 Community College, and (D) cooperative arrangements pursuant to  
10 section 10-158a, and (2) in assisting the state in meeting the goals of the  
11 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et  
12 al., as extended, or the goals of the 2013 stipulation and order for Milo  
13 Sheff, et al. v. William A. O'Neill, et al., as extended, as determined by

14 the Commissioner of Education, to assist (A) the Board of Trustees of  
15 the Community-Technical Colleges on behalf of a regional community-  
16 technical college, (B) the Board of Trustees of the Connecticut State  
17 University System on behalf of a state university, (C) the Board of  
18 Trustees of The University of Connecticut on behalf of the university,  
19 (D) the board of governors for an independent institution of higher  
20 education, as defined in subsection (a) of section 10a-173, or the  
21 equivalent of such a board, on behalf of the independent institution of  
22 higher education, and (E) any other third-party not-for-profit  
23 corporation approved by the commissioner, with the operation of  
24 interdistrict magnet school programs. All interdistrict magnet schools  
25 shall be operated in conformance with the same laws and regulations  
26 applicable to public schools. For the purposes of this section "an  
27 interdistrict magnet school program" means a program which (i)  
28 supports racial, ethnic and economic diversity, (ii) offers a special and  
29 high quality curriculum, and (iii) requires students who are enrolled to  
30 attend at least half-time. An interdistrict magnet school program does  
31 not include a regional agricultural science and technology school, a  
32 technical high school or a regional special education center. On and  
33 after July 1, [2000,] 2017, (I) the governing authority for each  
34 interdistrict magnet school program that is in operation prior to July 1,  
35 2005, shall restrict the number of students that may enroll in the  
36 program from a participating district to eighty per cent of the total  
37 enrollment of the program, [. The] provided such enrollment is in  
38 accordance with the reduced-isolation setting standards of such 2013  
39 stipulation and order, (II) the governing authority for each interdistrict  
40 magnet school program that begins operations on or after July 1, 2005,  
41 shall restrict the number of students that may enroll in the program  
42 from a participating district to seventy-five per cent of the total  
43 enrollment of the program, [and maintain such a school enrollment  
44 that at least twenty-five per cent but not more than seventy-five per  
45 cent of the students enrolled are pupils of racial minorities, as defined  
46 in section 10-226a. The] provided such enrollment is in accordance  
47 with the reduced-isolation setting standards of such 2013 stipulation  
48 and order, and (III) the governing authority of an interdistrict magnet

49 school that the commissioner determines will assist the state in  
50 meeting the goals of the 2008 stipulation and order for Milo Sheff, et al.  
51 v. William A. O'Neill, et al., as extended, or the goals of the 2013  
52 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al.,  
53 as extended, shall restrict the number of students that may enroll in the  
54 program from a participating district in accordance with the provisions  
55 of this subsection, provided such enrollment is in accordance with the  
56 reduced-isolation setting standards of such 2013 stipulation and order.

57 Sec. 2. Subdivision (3) of subsection (b) of section 10-264l of the  
58 general statutes is repealed and the following is substituted in lieu  
59 thereof (*Effective July 1, 2017*):

60 (3) Except as provided in this section, section 116 of public act 14-  
61 217 and the 2013 stipulation and order for Milo Sheff, et al. v. William  
62 A. O'Neill, et al., as extended, the commissioner shall not award a  
63 grant to (A) a program that is in operation prior to July 1, 2005, if more  
64 than eighty per cent of its total enrollment is from one school district or  
65 if the enrollment of such program is not in accordance with the  
66 reduced-isolation setting standards of such 2013 stipulation and order,  
67 except that the commissioner may award a grant for good cause, for  
68 any one year, on behalf of an otherwise eligible magnet school  
69 program, if more than eighty per cent of the total enrollment is from  
70 one district or if the enrollment is not in accordance with the reduced-  
71 isolation setting standards of such 2013 stipulation and order, and (B) a  
72 program that begins operations on or after July 1, 2005, if more than  
73 seventy-five per cent of its total enrollment is from one school district  
74 or if [less than twenty-five or more than seventy-five per cent of the  
75 students enrolled are pupils of racial minorities, as defined in section  
76 10-226a] the enrollment of such program is not in accordance with the  
77 reduced-isolation setting standards of such 2013 stipulation and order,  
78 except that the commissioner may award a grant for good cause, for  
79 one year, on behalf of an otherwise eligible interdistrict magnet school  
80 program, if more than seventy-five per cent of the total enrollment is  
81 from one district or [less than twenty-five or more than seventy-five  
82 per cent of the students enrolled are pupils of racial minorities] the

83 enrollment is not in accordance with the reduced-isolation setting  
84 standards of such 2013 stipulation and order. The commissioner may  
85 not award grants pursuant to the exceptions described in  
86 subparagraphs (A) and (B) of this subdivision for an additional  
87 consecutive year or years, except as provided for in section 116 of  
88 public act 14-217, the 2008 stipulation for Milo Sheff, et al. v. William  
89 A. O'Neill, et al., as extended, or the 2013 stipulation and order for  
90 Milo Sheff, et al. v. William A. O'Neill, et al., as extended, as  
91 determined by the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	10-2641(a)
Sec. 2	<i>July 1, 2017</i>	10-2641(b)(3)

**ED**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** See Below

***Municipal Impact:*** See Below

***Explanation***

The bill applies the Sheff magnet school diversity standards to all non-Sheff magnet schools. For those municipalities and Regional Education Service Centers which operate magnet schools that meet the Sheff diversity standards and not the current standards, the bill averts a potential revenue loss of magnet school grant money. The bill is not expected to have a fiscal impact to the State Department of Education given its current magnet school funding practices.

***The Out Years***

There is no fiscal impact in the out years.

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**OLR Bill Analysis****HB 7201*****AN ACT APPLYING THE SHEFF DEFINITION OF REDUCED-ISOLATION SETTING TO ALL INTERDISTRICT MAGNET SCHOOLS IN THE STATE.*****SUMMARY**

This bill makes changes to the criteria used to determine whether an interdistrict magnet school is eligible for state operating grants.

The law allows the State Department of Education to establish a magnet school operating grant program for two different types of magnet schools: (1) *Sheff* interdistrict magnet schools, which are located in the *Sheff* region (i.e., greater Hartford) and were created in response to the Connecticut Supreme Court's *Sheff v. O'Neill* decision, and (2) non-*Sheff* interdistrict magnet schools, which have no location restrictions. While both types of magnet schools encourage racial, ethnic, and economic diversity, the law applies different diversity criteria to these two types when determining if they are eligible for state operating grants.

This bill applies the *Sheff* magnet school diversity standards to all non-*Sheff* magnet schools. The *Sheff* standard, which the bill refers to as the "reduced isolation standard," requires that total student enrollment not exceed 75% of students that identify as black/African American or any part Hispanic. As under current law, non-*Sheff* magnets must also meet enrollment criteria based upon students' district of origin (i.e., "sending" or "participating" district).

The bill also grants a one-year operating grant eligibility exception for non-*Sheff* magnets that fail to meet the *Sheff* reduced isolation standard. This is in addition to the one in current law that grants a one-year exception for *Sheff* and non-*Sheff* magnets that fail to meet the

enrollment criteria based on students’ district of origin.

EFFECTIVE DATE: July 1, 2017

**MAGNET SCHOOL OPERATING GRANT ELIGIBILITY**

In current law, there are three different criteria that SDE uses to determine magnet school operating eligibility: one for *Sheff* magnets, and two for non-*Sheff* magnets that vary based on whether the school was established before or on or after July 1, 2005.

The bill applies the “reduced isolation setting” diversity standard that currently applies only to *Sheff*-magnets to both categories of non-*Sheff* magnets. This standard appears in the 2013 *Sheff* stipulation and order, which deems a magnet program to have a “reduced-isolation setting” if its enrollment of students who identify as black/African American or any part Hispanic does not exceed 75% of the school’s total enrollment.

Table 1 below compares state operating grant eligibility criteria for non-*Sheff* magnet schools under current law with those under the bill. It includes enrollment criteria based on students’ district of origin.

**Table 1: Magnet Operating Grant Eligibility for Non-*Sheff* Magnet Schools**

<b>Schools by Date of Establishment</b>	<b>Operating Grant Eligibility under Current Law (CGS § 10-264I(a))</b>	<b>Operating Grant Eligibility under the Bill (HB 7201)</b>
Non- <i>Sheff</i> magnet school operating prior to July 1, 2005	No more than 80% of enrolled students may come from a participating district	No more than 80% of enrolled students may come from a participating district  “Reduced isolation standard”: no more than 75% of enrolled students may identify as black/African American or any part Hispanic
Non- <i>Sheff</i> magnet school operating on or	No more than 75% of enrolled students may come	No more than 75% of enrolled students may

<p>after July 1, 2005</p>	<p>from a participating district At least 25%, but no more than 75%, of enrolled students may be racial minorities (i.e., of a race other than white, or of Hispanic or Latino ethnicity as defined by the federal Office of Management and Budget for use by the census bureau)</p>	<p>come from a participating district “Reduced isolation standard”: no more than 75% of enrolled students may identify as black/African American or any part Hispanic</p>
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**BACKGROUND**

***Interdistrict Magnet Schools***

These schools have a program that (1) supports racial, ethnic, and economic diversity; (2) offers a special and high quality curriculum; and (3) requires students who are enrolled to attend at least half-time. Regional agricultural science and technology schools, technical high schools, or regional special education centers are not considered magnet schools (CGS § 10-264l(a)).

***Sheff v. O’Neill Decision***

In 1996, the Connecticut Supreme Court ruled in *Sheff* that the racial, ethnic, and economic isolation of Hartford public school students violated their right to a “substantially equal educational opportunity” under the state constitution (238 Conn. 1 (1996)). It ordered the state and the plaintiff’s representatives to work out an agreement, which since has been renewed several times, for the voluntary desegregation of Hartford students.

***Sheff Region***

This region includes the school districts of Avon, Bloomfield, Canton, East Granby, East Hartford, East Windsor, Ellington, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, Vernon, West Hartford, Wethersfield, Windsor, and Windsor Locks.

***2013 Sheff Stipulation and Order***

This stipulated agreement between the *Sheff v. O’Neill* parties



establishes a timetable for the state to make additional progress in reducing the racial, ethnic, and economic isolation of Hartford public school students. The agreement, known as Phase III, runs from December 13, 2013 to June 30, 2015. (It was since extended twice by the parties to run through June 30, 2017.)

**COMMITTEE ACTION**

Education Committee

Joint Favorable

Yea 29 Nay 3 (03/24/2017)