



General Assembly

**Amendment**

January Session, 2017

LCO No. 8400



Offered by:

REP. FLEISCHMANN, 18<sup>th</sup> Dist.

SEN. BOUCHER, 26<sup>th</sup> Dist.

REP. LAVIELLE, 143<sup>rd</sup> Dist.

REP. MCGEE, 5<sup>th</sup> Dist.

SEN. FORMICA, 20<sup>th</sup> Dist.

To: House Bill No. 7201

File No. 549

Cal. No. 364

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2017*) Not later than July 1, 2017,  
4 the Commissioner of Education shall develop reduced-isolation setting  
5 standards for interdistrict magnet school programs that shall serve as  
6 the enrollment requirements for purposes of section 10-264l of the  
7 general statutes, as amended by this act. Such standards shall (1)  
8 define the term "reduced-isolation student" for purposes of the  
9 standards, (2) establish a requirement for the minimum percentage of  
10 reduced-isolation students that can be enrolled in an interdistrict  
11 magnet school program, provided such minimum percentage is not

12 less than twenty per cent of the total school enrollment, (3) allow an  
13 interdistrict magnet school program to have a total school enrollment  
14 of reduced-isolation students that is not more than two per cent below  
15 the minimum percentage established by the commissioner, provided  
16 the commissioner approves a plan that is designed to bring the  
17 number of reduced-isolation students of such interdistrict magnet  
18 school program into compliance with the minimum percentage, and  
19 (4) on or after July 1, 2018, authorize the commissioner to establish an  
20 alternative reduced-isolation student enrollment percentage for an  
21 interdistrict magnet school program located in the Sheff region, as  
22 defined in subsection (k) of section 10-264l of the general statutes,  
23 provided the commissioner (A) determines that such alternative (i)  
24 increases opportunities for students who are residents of Hartford to  
25 access an educational setting with reduced racial isolation or other  
26 categories of diversity, including, but not limited to, geography,  
27 socioeconomic status, special education, English language learners and  
28 academic achievement, (ii) complies with the decision of *Sheff v.*  
29 *O'Neill*, 238 Conn. 1 (1996), or any related stipulation or order in effect,  
30 and (B) approves a plan for such interdistrict magnet school program  
31 that is designed to bring the number of reduced-isolation students of  
32 such interdistrict magnet school program into compliance with such  
33 alternative or the minimum percentage described in subdivision (2) of  
34 this section. The reduced-isolation setting standards for interdistrict  
35 magnet school programs shall not be deemed to be regulations, as  
36 defined in section 4-166 of the general statutes.

37 Sec. 2. Subsections (a) and (b) of section 10-264l of the general  
38 statutes are repealed and the following is substituted in lieu thereof  
39 (*Effective July 1, 2017*):

40 (a) The Department of Education shall, within available  
41 appropriations, establish a grant program (1) to assist (A) local and  
42 regional boards of education, (B) regional educational service centers,  
43 (C) the Board of Trustees of the Community-Technical Colleges on  
44 behalf of Quinebaug Valley Community College and Three Rivers  
45 Community College, and (D) cooperative arrangements pursuant to

46 section 10-158a, and (2) in assisting the state in meeting the goals of the  
47 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et  
48 al., as extended, or the goals of the 2013 stipulation and order for Milo  
49 Sheff, et al. v. William A. O'Neill, et al., as extended, as determined by  
50 the Commissioner of Education, to assist (A) the Board of Trustees of  
51 the Community-Technical Colleges on behalf of a regional community-  
52 technical college, (B) the Board of Trustees of the Connecticut State  
53 University System on behalf of a state university, (C) the Board of  
54 Trustees of The University of Connecticut on behalf of the university,  
55 (D) the board of governors for an independent institution of higher  
56 education, as defined in subsection (a) of section 10a-173, or the  
57 equivalent of such a board, on behalf of the independent institution of  
58 higher education, and (E) any other third-party not-for-profit  
59 corporation approved by the commissioner with the operation of  
60 interdistrict magnet school programs. All interdistrict magnet schools  
61 shall be operated in conformance with the same laws and regulations  
62 applicable to public schools. For the purposes of this section "an  
63 interdistrict magnet school program" means a program which (i)  
64 supports racial, ethnic and economic diversity, (ii) offers a special and  
65 high quality curriculum, and (iii) requires students who are enrolled to  
66 attend at least half-time. An interdistrict magnet school program does  
67 not include a regional agricultural science and technology school, a  
68 technical high school or a regional special education center. [On and  
69 after July 1, 2000, the governing authority for each interdistrict magnet  
70 school program that is in operation prior to July 1, 2005, shall restrict  
71 the number of students that may enroll in the program from a  
72 participating district to eighty per cent of the total enrollment of the  
73 program. The governing authority for each interdistrict magnet school  
74 program that begins operations on or after July 1, 2005, shall restrict  
75 the number of students that may enroll in the program from a  
76 participating district to seventy-five per cent of the total enrollment of  
77 the program, and maintain such a school enrollment that at least  
78 twenty-five per cent but not more than seventy-five per cent of the  
79 students enrolled are pupils of racial minorities, as defined in section  
80 10-226a. The governing authority of an interdistrict magnet school that

81 the commissioner determines will assist the state in meeting the goals  
82 of the 2008 stipulation and order for Milo Sheff, et al. v. William A.  
83 O'Neill, et al., as extended, or the goals of the 2013 stipulation and  
84 order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended,  
85 shall restrict the number of students that may enroll in the program  
86 from a participating district in accordance with the provisions of this  
87 subsection, provided such enrollment is in accordance with the  
88 reduced-isolation setting standards of such 2013 stipulation and  
89 order.] For the school year commencing July 1, 2017, and each school  
90 year thereafter, the governing authority for each interdistrict magnet  
91 school program shall (I) restrict the number of students that may enroll  
92 in the school from a participating district to seventy-five per cent of the  
93 total school enrollment, and (II) maintain a total school enrollment that  
94 is in accordance with the reduced-isolation setting standards for  
95 interdistrict magnet school programs, developed by the Commissioner  
96 of Education pursuant to section 1 of this act.

97 (b) (1) Applications for interdistrict magnet school program  
98 operating grants awarded pursuant to this section shall be submitted  
99 annually to the Commissioner of Education at such time and in such  
100 manner as the commissioner prescribes, except that on and after July 1,  
101 2009, applications for such operating grants for new interdistrict  
102 magnet schools, other than those that the commissioner determines  
103 will assist the state in meeting the goals of the 2008 stipulation and  
104 order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, or  
105 the goals of the 2013 stipulation and order for Milo Sheff, et al. v.  
106 William A. O'Neill, et al., as extended, shall not be accepted until the  
107 commissioner develops a comprehensive state-wide interdistrict  
108 magnet school plan. The commissioner shall submit such  
109 comprehensive state-wide interdistrict magnet school plan on or  
110 before October 1, 2016, to the joint standing committees of the General  
111 Assembly having cognizance of matters relating to education and  
112 appropriations.

113 (2) In determining whether an application shall be approved and  
114 funds awarded pursuant to this section, the commissioner shall

115 consider, but such consideration shall not be limited to: (A) Whether  
116 the program offered by the school is likely to increase student  
117 achievement; (B) whether the program is likely to reduce racial, ethnic  
118 and economic isolation; (C) the percentage of the student enrollment in  
119 the program from each participating district; and (D) the proposed  
120 operating budget and the sources of funding for the interdistrict  
121 magnet school. For a magnet school not operated by a local or regional  
122 board of education, the commissioner shall only approve a proposed  
123 operating budget that, on a per pupil basis, does not exceed the  
124 maximum allowable threshold established in accordance with this  
125 subdivision. The maximum allowable threshold shall be an amount  
126 equal to one hundred twenty per cent of the state average of the  
127 quotient obtained by dividing net current expenditures, as defined in  
128 section 10-261, by average daily membership, as defined in said  
129 section, for the fiscal year two years prior to the fiscal year for which  
130 the operating grant is requested. The Department of Education shall  
131 establish the maximum allowable threshold no later than December  
132 fifteenth of the fiscal year prior to the fiscal year for which the  
133 operating grant is requested. If requested by an applicant that is not a  
134 local or regional board of education, the commissioner may approve a  
135 proposed operating budget that exceeds the maximum allowable  
136 threshold if the commissioner determines that there are extraordinary  
137 programmatic needs. In the case of an interdistrict magnet school that  
138 will assist the state in meeting [the goals of the 2008 stipulation and  
139 order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, or  
140 the goals of the 2013 stipulation and order for Milo Sheff, et al. v.  
141 William A. O'Neill, et al., as extended,] its obligations pursuant to the  
142 decision in Sheff v. O'Neill, 238 Conn. 1 (1996), or any related  
143 stipulation or order in effect, as determined by the commissioner, the  
144 commissioner shall also consider whether the school is meeting the  
145 reduced-isolation setting standards [set forth in such 2013 stipulation  
146 and order] for interdistrict magnet school programs, developed by the  
147 commissioner pursuant to section 1 of this act. If such school has not  
148 met [the] such reduced-isolation setting standards, [prescribed in such  
149 2013 stipulation and order,] it shall not be entitled to receive a grant

150 pursuant to this section unless the commissioner finds that it is  
151 appropriate to award a grant for an additional year or years [for  
152 purposes of compliance with such 2013 stipulation and order] and  
153 approves a plan to bring such school into compliance with such  
154 reduced-isolation setting standards. If requested by the commissioner,  
155 the applicant shall meet with the commissioner or the commissioner's  
156 designee to discuss the budget and sources of funding.

157 (3) [Except as provided in this section, section 116 of public act 14-  
158 217 and the 2013 stipulation and order for Milo Sheff, et al. v. William  
159 A. O'Neill, et al., as extended, the commissioner shall not award a  
160 grant to (A) a program that is in operation prior to July 1, 2005, if more  
161 than eighty per cent of its total enrollment is from one school district,  
162 except that the commissioner may award a grant for good cause, for  
163 any one year, on behalf of an otherwise eligible magnet school  
164 program, if more than eighty per cent of the total enrollment is from  
165 one district, and (B) a program that begins operations on or after July  
166 1, 2005, if more than seventy-five per cent of its total enrollment is  
167 from one school district or if less than twenty-five or more than  
168 seventy-five per cent of the students enrolled are pupils of racial  
169 minorities, as defined in section 10-226a, except that the commissioner  
170 may award a grant for good cause, for one year, on behalf of an  
171 otherwise eligible interdistrict magnet school program, if more than  
172 seventy-five per cent of the total enrollment is from one district or less  
173 than twenty-five or more than seventy-five per cent of the students  
174 enrolled are pupils of racial minorities. The commissioner may not  
175 award grants pursuant to the exceptions described in subparagraphs  
176 (A) and (B) of this subdivision for an additional consecutive year or  
177 years, except as provided for in section 116 of public act 14-217, the  
178 2008 stipulation for Milo Sheff, et al. v. William A. O'Neill, et al., as  
179 extended, or the 2013 stipulation and order for Milo Sheff, et al. v.  
180 William A. O'Neill, et al., as extended, as determined by the  
181 commissioner.] For the fiscal year ending June 30, 2018, and each fiscal  
182 year thereafter, the commissioner shall not award a grant to an  
183 interdistrict magnet school program that (A) has more than seventy-

184 five per cent of the total school enrollment from one school district, or  
 185 (B) does not maintain a total school enrollment that is in accordance  
 186 with the reduced-isolation setting standards for interdistrict magnet  
 187 school programs, developed by the Commissioner of Education  
 188 pursuant to section 1 of this act, except the commissioner may award a  
 189 grant to such school for an additional year or years if the commissioner  
 190 finds it is appropriate to do so and approves a plan to bring such  
 191 school into compliance with such reduced-isolation setting standards.

192 (4) If an interdistrict magnet school program does not maintain a  
 193 total school enrollment that is in accordance with the reduced-isolation  
 194 setting standards for interdistrict magnet school programs, developed  
 195 by the commissioner pursuant to section 1 of this act, for two or more  
 196 consecutive years, the commissioner may impose a financial penalty  
 197 on the operator of such interdistrict magnet school program, or take  
 198 any other measure, in consultation with such operator, as may be  
 199 appropriate to assist such operator in complying with such reduced-  
 200 isolation setting standards."

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