



General Assembly

Amendment

January Session, 2017

LCO No. 8975



Offered by:

SEN. DUFF, 25th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. MCCRORY, 2nd Dist.
SEN. WINFIELD, 10th Dist.
REP. FLEISCHMANN, 18th Dist.
SEN. BOUCHER, 26th Dist.
REP. LAVIELLE, 143rd Dist.

REP. MCGEE, 5th Dist.
SEN. FORMICA, 20th Dist.
REP. PERONE, 137th Dist.
REP. MORRIS, 140th Dist.
REP. WOOD, 141st Dist.
REP. WILMS, 142nd Dist.
REP. SCANLON, 98th Dist.

To: House Bill No. 7201

File No. 549

Cal. No. 573

"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 one 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) for the school year commencing July 1, 2018, authorize the
20 commissioner to establish on or before May 1, 2018, an alternative
21 reduced-isolation student enrollment percentage for an interdistrict
22 magnet school program located in the Sheff region, as defined in
23 subsection (k) of section 10-264*l* of the general statutes, provided the
24 commissioner (A) determines that such alternative (i) increases
25 opportunities for students who are residents of Hartford to access an
26 educational setting with reduced racial isolation or other categories of
27 diversity, including, but not limited to, geography, socioeconomic
28 status, special education, English language learners and academic
29 achievement, (ii) complies with the decision of *Sheff v. O'Neill*, 238
30 Conn. 1 (1996), or any related stipulation or order in effect, and (B)
31 approves a plan for such interdistrict magnet school program that is
32 designed to bring the number of reduced-isolation students of such
33 interdistrict magnet school program into compliance with such
34 alternative or the minimum percentage described in subdivision (2) of
35 this section. Not later than May 1, 2018, the commissioner shall submit
36 a report on each alternative reduced-isolation student enrollment
37 percentage established, pursuant to subdivision (4) of this section, for
38 an interdistrict magnet school program located in the Sheff region to
39 the joint standing committee of the General Assembly having
40 cognizance of matters relating to education, in accordance with the
41 provisions of section 11-4a of the general statutes. The reduced-
42 isolation setting standards for interdistrict magnet school programs
43 shall not be deemed to be regulations, as defined in section 4-166 of the
44 general statutes.

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46 statutes are repealed and the following is substituted in lieu thereof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

48 (a) The Department of Education shall, within available
49 appropriations, establish a grant program (1) to assist (A) local and
50 regional boards of education, (B) regional educational service centers,
51 (C) the Board of Trustees of the Community-Technical Colleges on
52 behalf of Quinebaug Valley Community College and Three Rivers
53 Community College, and (D) cooperative arrangements pursuant to
54 section 10-158a, and (2) in assisting the state in meeting the goals of the
55 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et
56 al., as extended, or the goals of the 2013 stipulation and order for Milo
57 Sheff, et al. v. William A. O'Neill, et al., as extended, as determined by
58 the Commissioner of Education, to assist (A) the Board of Trustees of
59 the Community-Technical Colleges on behalf of a regional community-
60 technical college, (B) the Board of Trustees of the Connecticut State
61 University System on behalf of a state university, (C) the Board of
62 Trustees of The University of Connecticut on behalf of the university,
63 (D) the board of governors for an independent institution of higher
64 education, as defined in subsection (a) of section 10a-173, or the
65 equivalent of such a board, on behalf of the independent institution of
66 higher education, and (E) any other third-party not-for-profit
67 corporation approved by the commissioner with the operation of
68 interdistrict magnet school programs. All interdistrict magnet schools
69 shall be operated in conformance with the same laws and regulations
70 applicable to public schools. For the purposes of this section "an
71 interdistrict magnet school program" means a program which (i)
72 supports racial, ethnic and economic diversity, (ii) offers a special and
73 high quality curriculum, and (iii) requires students who are enrolled to
74 attend at least half-time. An interdistrict magnet school program does
75 not include a regional agricultural science and technology school, a
76 technical high school or a regional special education center. [On and
77 after July 1, 2000, the governing authority for each interdistrict magnet
78 school program that is in operation prior to July 1, 2005, shall restrict

79 the number of students that may enroll in the program from a
80 participating district to eighty per cent of the total enrollment of the
81 program. The governing authority for each interdistrict magnet school
82 program that begins operations on or after July 1, 2005, shall restrict
83 the number of students that may enroll in the program from a
84 participating district to seventy-five per cent of the total enrollment of
85 the program, and maintain such a school enrollment that at least
86 twenty-five per cent but not more than seventy-five per cent of the
87 students enrolled are pupils of racial minorities, as defined in section
88 10-226a. The governing authority of an interdistrict magnet school that
89 the commissioner determines will assist the state in meeting the goals
90 of the 2008 stipulation and order for Milo Sheff, et al. v. William A.
91 O'Neill, et al., as extended, or the goals of the 2013 stipulation and
92 order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended,
93 shall restrict the number of students that may enroll in the program
94 from a participating district in accordance with the provisions of this
95 subsection, provided such enrollment is in accordance with the
96 reduced-isolation setting standards of such 2013 stipulation and
97 order.] For the school years commencing July 1, 2017, and July 1, 2018,
98 the governing authority for each interdistrict magnet school program
99 shall (I) restrict the number of students that may enroll in the school
100 from a participating district to seventy-five per cent of the total school
101 enrollment, and (II) maintain a total school enrollment that is in
102 accordance with the reduced-isolation setting standards for
103 interdistrict magnet school programs, developed by the Commissioner
104 of Education pursuant to section 1 of this act.

105 (b) (1) Applications for interdistrict magnet school program
106 operating grants awarded pursuant to this section shall be submitted
107 annually to the Commissioner of Education at such time and in such
108 manner as the commissioner prescribes, except that on and after July 1,
109 2009, applications for such operating grants for new interdistrict
110 magnet schools, other than those that the commissioner determines
111 will assist the state in meeting the goals of the 2008 stipulation and
112 order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, or

113 the goals of the 2013 stipulation and order for Milo Sheff, et al. v.
114 William A. O'Neill, et al., as extended, shall not be accepted until the
115 commissioner develops a comprehensive state-wide interdistrict
116 magnet school plan. The commissioner shall submit such
117 comprehensive state-wide interdistrict magnet school plan on or
118 before October 1, 2016, to the joint standing committees of the General
119 Assembly having cognizance of matters relating to education and
120 appropriations.

121 (2) In determining whether an application shall be approved and
122 funds awarded pursuant to this section, the commissioner shall
123 consider, but such consideration shall not be limited to: (A) Whether
124 the program offered by the school is likely to increase student
125 achievement; (B) whether the program is likely to reduce racial, ethnic
126 and economic isolation; (C) the percentage of the student enrollment in
127 the program from each participating district; and (D) the proposed
128 operating budget and the sources of funding for the interdistrict
129 magnet school. For a magnet school not operated by a local or regional
130 board of education, the commissioner shall only approve a proposed
131 operating budget that, on a per pupil basis, does not exceed the
132 maximum allowable threshold established in accordance with this
133 subdivision. The maximum allowable threshold shall be an amount
134 equal to one hundred twenty per cent of the state average of the
135 quotient obtained by dividing net current expenditures, as defined in
136 section 10-261, by average daily membership, as defined in said
137 section, for the fiscal year two years prior to the fiscal year for which
138 the operating grant is requested. The Department of Education shall
139 establish the maximum allowable threshold no later than December
140 fifteenth of the fiscal year prior to the fiscal year for which the
141 operating grant is requested. If requested by an applicant that is not a
142 local or regional board of education, the commissioner may approve a
143 proposed operating budget that exceeds the maximum allowable
144 threshold if the commissioner determines that there are extraordinary
145 programmatic needs. [In] For the fiscal years ending June 30, 2017, and
146 June 30, 2018, in the case of an interdistrict magnet school that will

147 assist the state in meeting [the goals of the 2008 stipulation and order
148 for Milo Sheff, et al. v. William A. O'Neill, et al., as extended, or the
149 goals of the 2013 stipulation and order for Milo Sheff, et al. v. William
150 A. O'Neill, et al., as extended,] its obligations pursuant to the decision
151 in Sheff v. O'Neill, 238 Conn. 1 (1996), or any related stipulation or
152 order in effect, as determined by the commissioner, the commissioner
153 shall also consider whether the school is meeting the reduced-isolation
154 setting standards [set forth in such 2013 stipulation and order] for
155 interdistrict magnet school programs, developed by the commissioner
156 pursuant to section 1 of this act. If such school has not met [the] such
157 reduced-isolation setting standards, [prescribed in such 2013
158 stipulation and order,] it shall not be entitled to receive a grant
159 pursuant to this section unless the commissioner finds that it is
160 appropriate to award a grant for an additional year or years [for
161 purposes of compliance with such 2013 stipulation and order] and
162 approves a plan to bring such school into compliance with such
163 reduced-isolation setting standards. If requested by the commissioner,
164 the applicant shall meet with the commissioner or the commissioner's
165 designee to discuss the budget and sources of funding.

166 (3) [Except as provided in this section, section 116 of public act 14-
167 217 and the 2013 stipulation and order for Milo Sheff, et al. v. William
168 A. O'Neill, et al., as extended, the commissioner shall not award a
169 grant to (A) a program that is in operation prior to July 1, 2005, if more
170 than eighty per cent of its total enrollment is from one school district,
171 except that the commissioner may award a grant for good cause, for
172 any one year, on behalf of an otherwise eligible magnet school
173 program, if more than eighty per cent of the total enrollment is from
174 one district, and (B) a program that begins operations on or after July
175 1, 2005, if more than seventy-five per cent of its total enrollment is
176 from one school district or if less than twenty-five or more than
177 seventy-five per cent of the students enrolled are pupils of racial
178 minorities, as defined in section 10-226a, except that the commissioner
179 may award a grant for good cause, for one year, on behalf of an
180 otherwise eligible interdistrict magnet school program, if more than

181 seventy-five per cent of the total enrollment is from one district or less
182 than twenty-five or more than seventy-five per cent of the students
183 enrolled are pupils of racial minorities. The commissioner may not
184 award grants pursuant to the exceptions described in subparagraphs
185 (A) and (B) of this subdivision for an additional consecutive year or
186 years, except as provided for in section 116 of public act 14-217, the
187 2008 stipulation for Milo Sheff, et al. v. William A. O'Neill, et al., as
188 extended, or the 2013 stipulation and order for Milo Sheff, et al. v.
189 William A. O'Neill, et al., as extended, as determined by the
190 commissioner.] For the fiscal years ending June 30, 2018, and June 30,
191 2019, the commissioner shall not award a grant to an interdistrict
192 magnet school program that (A) has more than seventy-five per cent of
193 the total school enrollment from one school district, or (B) does not
194 maintain a total school enrollment that is in accordance with the
195 reduced-isolation setting standards for interdistrict magnet school
196 programs, developed by the Commissioner of Education pursuant to
197 section 1 of this act, except the commissioner may award a grant to
198 such school for an additional year or years if the commissioner finds it
199 is appropriate to do so and approves a plan to bring such school into
200 compliance with such reduced-isolation setting standards.

201 (4) For the fiscal years ending June 30, 2018, and June 30, 2019, if an
202 interdistrict magnet school program does not maintain a total school
203 enrollment that is in accordance with the reduced-isolation setting
204 standards for interdistrict magnet school programs, developed by the
205 commissioner pursuant to section 1 of this act, for two or more
206 consecutive years, the commissioner may impose a financial penalty
207 on the operator of such interdistrict magnet school program, or take
208 any other measure, in consultation with such operator, as may be
209 appropriate to assist such operator in complying with such reduced-
210 isolation setting standards.

211 Sec. 3. (*Effective from passage*) Notwithstanding the provisions of
212 subdivision (5) of subsection (c) of section 10-264l of the general
213 statutes, for the fiscal year ending June 30, 2017, the Center for Global
214 Studies at Brien McMahon High School in the town of Norwalk shall

215 be eligible for a full-time interdistrict magnet school program grant
216 pursuant to subdivision (1) of subsection (c) of section 10-264l of the
217 general statutes."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	New section
Sec. 2	<i>July 1, 2017</i>	10-264l(a) and (b)
Sec. 3	<i>from passage</i>	New section