

OLR Backgrounder: Regional Boards of Education

By: Marybeth Sullivan, Senior Legislative Attorney

August 28, 2020 | 2020-R-0211

Issues

Does state law establish requirements for member town representation and voting power on regional boards of education? What processes must regional boards follow when making school construction and school closure decisions?

Summary

Connecticut law requires regional boards of education to have at least five members, with at least one member representing each town that is part of the regional school district. The law establishes a reapportionment process and prescribes various representation models that districts could consider for board membership should they fail to meet federal constitutional standards for the apportionment of government representatives according to population. However, the law exempts regional boards of education from minority political party representation requirements.

When applying for school construction reimbursement grants from the state, regional boards follow a process similar to the required process for local boards of education. When deciding to close a school located in the regional district, the board must follow a test established by the Connecticut Supreme Court to determine whether (1) each member town must hold its own majority vote referendum to approve the closure or (2) the regional district as a whole must hold a single majority vote.

Member Town Representation and Voting Power

State law requires regional boards of education to have at least five members, with each member town electing at least one member. The law does not set a maximum board size. The report from the study committee that originally explored forming the regional school district establishes the first regional board's composition and voting power ([CGS § 10-46\(a\)](#)).

The board composition and member voting power must be consistent with federal constitutional standards, specifically the 14th Amendment to the U.S. Constitution that requires that government representatives be apportioned among the state according to the state's population (also known as the "one man – one vote" principle) (*Baker v. Regional School District No. 5*, 520 F.2d 799 (2d. Cir. 1975)).

The State Department of Education (SDE) must notify each board about whether it meets the standard by May 1 following the completion of the decennial U.S. Census. Any regional board the department finds to be in noncompliance must then follow a process for reapportioning the representation of member towns on the board. The process requires establishing a reapportionment committee that must submit a reapportionment plan to the State Board of Education (SBE), followed by simultaneous referenda on the plan in each member town. The law establishes a timetable for completing the process and a mechanism for SBE to prepare a reapportionment plan for a district if it determines local authorities are making insufficient progress with their own plan ([CGS §§ 10-63j to 10-63t](#)).

State law describes the following types of board representation models that regional school districts' reapportionment committees could consider:

1. proportional: the number of each town's members on the regional board is proportional to its relative population within the district,
2. weighted: the voting powers of each town's members on the board is weighted in proportion to the towns' relative populations within the district,
3. at-large: regional board members are elected at-large by a majority of the voters in the entire district, and
4. other: any other method of representation or distribution of voting power that meets constitutional standards.

Any method based on relative town populations must exclude patients at any state institution in a town ([CGS § 10-63l](#)).

Additionally, state law exempts regional boards of education from complying with minority political party representation requirements ([CGS § 10-46\(c\)](#)). The state’s minority representation law specifies the maximum number of members on town or state boards, commissions, committees, or similar bodies that may be from one political party ([CGS § 9-167a](#)).

Regional School Construction Process

Regional and local boards of education follow a similar process when applying for school construction reimbursement grants from the state. A regional board may vote to allow its district supervising agent (i.e., superintendent) to apply to the Department of Administrative Services (DAS) commissioner for the grant ([CGS § 10-283\(a\)\(1\)](#)). Additionally, the regional board must either (1) secure funding authorization for the local share of the project costs or (2) schedule and prepare a referendum, if required, with results available by November 15 that year ([CGS § 10-283\(d\)](#)).

Once approved, DAS places the project on the annual school construction priority list, which it submits to the legislature for approval. No grant is paid unless the legislature has approved the project. The project must also comply with various bidding and contracting requirements in order to receive a grant.

School construction grants are based on eligible project costs, which are limited by state standards and criteria. The state (1) reimburses regional school districts for those costs based on a weighted average of the wealth of their component towns, (2) recalculates reimbursement rates annually, and (3) pays grants on a current basis during construction (“progress payments”). DAS withholds 5% pending the outcome of a final audit.

Regional School Closure Process

When the member towns’ agreed-upon plan for the district’s establishment needs to be amended, state law requires each member town to hold simultaneous referenda ([CGS § 10-47c](#)). However, member towns have disputed whether the closure of a school is an amendment to the regional plan or just an incidental change. The Connecticut Supreme Court created a test in 2009 for this type of situation.

The case addressed the question of whether each member town of a regional school district must hold a referendum in order to close one of the district’s elementary schools (*Regional School District Number 12 v. Town of Bridgewater*, 292 Conn. 784 (2009)). The Connecticut Supreme Court created a test to determine whether the closing of the school is (1) an amendment to the

plan, requiring a majority vote referendum in each individual member town for approval, or (2) merely incidental, requiring one majority vote of the regional school district as a whole for approval.

The test follows a “reasonable person” standard that examines regional school closures on a case-by-case basis: if a reasonable person would expect the school closure to have been included in the original regionalization plan, and if it is reasonably likely that including the closure proposal in the original plan could have affected voting, then town-by-town majority vote referenda approving closure are required.

No state laws require a regional board to seek SBE’s approval for a regional school closure. It does not matter whether the closure requires amending the regional district plan under the Connecticut Supreme Court’s test established in *Regional District No. 12 v. Bridgewater*. Whether the regional plan is amended or not, SBE approval is not required.

MS:kl