



General Assembly

Substitute Bill No. 1017

January Session, 2019



AN ACT CONCERNING THE OPEN CHOICE PROGRAM.

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

1 Section 1. Section 10-266aa of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) As used in this section:

4 (1) "Receiving district" means any school district that accepts
5 students under the program established pursuant to this section;

6 (2) "Sending district" means any school district that sends students it
7 would otherwise be legally responsible for educating to another school
8 district under the program; and

9 (3) "Minority students" means students who are "pupils of racial
10 minorities", as defined in section 10-226a.

11 (b) There is established, within available appropriations, an
12 interdistrict public school attendance program. The purpose of the
13 program shall be to: (1) Improve academic achievement; (2) reduce
14 racial, ethnic and economic isolation or preserve racial and ethnic
15 balance; and (3) provide a choice of educational programs. The
16 Department of Education shall provide oversight for the program,
17 including the setting of reasonable limits for the transportation of

18 students participating in the program, and may provide for the
19 incremental expansion of the program for the school year commencing
20 in 2000 for each town required to participate in the program pursuant
21 to subsection (c) of this section.

22 (c) The program shall be phased in as provided in this subsection.
23 (1) For the school year commencing in 1998, and for each school year
24 thereafter, the program shall be in operation in the Hartford, New
25 Haven and Bridgeport regions. The Hartford program shall operate as
26 a continuation of the program described in section 10-266j. Students
27 who reside in Hartford, New Haven or Bridgeport may attend school
28 in another school district in the region and students who reside in such
29 other school districts may attend school in Hartford, New Haven or
30 Bridgeport, provided, beginning with the 2001-2002 school year, the
31 proportion of students who are not minority students to the total
32 number of students leaving Hartford, Bridgeport or New Haven to
33 participate in the program shall not be greater than the proportion of
34 students who were not minority students in the prior school year to
35 the total number of students enrolled in Hartford, Bridgeport or New
36 Haven in the prior school year. The regional educational service center
37 operating the program shall make program participation decisions in
38 accordance with the requirements of this subdivision. (2) For the
39 school year commencing in 2000, and for each school year thereafter,
40 the program shall be in operation in New London, provided beginning
41 with the 2001-2002 school year, the proportion of students who are not
42 minority students to the total number of students leaving New London
43 to participate in the program shall not be greater than the proportion
44 of students who were not minority students in the prior year to the
45 total number of students enrolled in New London in the prior school
46 year. The regional educational service center operating the program
47 shall make program participation decisions in accordance with this
48 subdivision. (3) The Department of Education may provide, within
49 available appropriations, grants for the fiscal year ending June 30,
50 2003, to the remaining regional educational service centers to assist
51 school districts in planning for a voluntary program of student

52 enrollment in every priority school district, pursuant to section 10-
53 266p, which is interested in participating in accordance with this
54 subdivision. For the school year commencing in 2003, and for each
55 school year thereafter, the voluntary enrollment program may be in
56 operation in every priority school district in the state. Students from
57 other school districts in the area of a priority school district, as
58 determined by the regional educational service center pursuant to
59 subsection (d) of this section, may attend school in the priority school
60 district, provided such students bring racial, ethnic and economic
61 diversity to the priority school district and do not increase the racial,
62 ethnic and economic isolation in the priority school district.

63 (d) School districts which received students from New London
64 under the program during the 2000-2001 school year shall allow such
65 students to attend school in the district until they graduate from high
66 school. The attendance of such students in such program shall not be
67 supported by grants pursuant to subsections (f) and (g) of this section
68 but shall be supported, in the same amounts as provided for in said
69 subsections, by interdistrict cooperative grants pursuant to section 10-
70 74d to the regional educational service centers operating such
71 programs.

72 (e) Once the program is in operation in the region served by a
73 regional educational service center pursuant to subsection (c) of this
74 section, the Department of Education shall provide an annual grant to
75 such regional educational service center [to assist] for the purpose of
76 assisting school districts in its area in administering the program and
77 [to provide staff to assist] providing each receiving district that accepts
78 more than seventy-five students under the program with an education
79 advocate who is responsible for (1) assisting students participating in
80 the program to make the transition to a new school, [and to act] (2)
81 acting as a liaison between the parents of such students and the new
82 school district, and (3) providing academic and other social support to
83 such students. Each regional educational service center shall determine
84 which school districts in its area are located close enough to a priority

85 school district to make participation in the program feasible in terms of
86 student transportation pursuant to subsection (f) of this section. [,
87 provided any student participating in the program prior to July 1,
88 1999, shall be allowed to continue to attend the same school such
89 student attended prior to said date in the receiving district until the
90 student completes the highest grade in such school.] If there are more
91 students who seek to attend school in a receiving district than there are
92 spaces available, the regional educational service center shall assist the
93 school district in determining attendance by the use of a lottery or
94 lotteries designed to preserve or increase racial, ethnic and economic
95 diversity, except that the regional educational service center shall give
96 preference to siblings and to students who would otherwise attend a
97 school that has lost its accreditation by the New England Association
98 of Schools and Colleges or has been identified as in need of
99 improvement pursuant to the No Child Left Behind Act, P.L. 107-110.
100 The admission policies shall be consistent with section 10-15c and this
101 section. No receiving district shall recruit students under the program
102 for athletic or extracurricular purposes. Each receiving district shall
103 allow out-of-district students it accepts to attend school in the district
104 until they graduate from high school.

105 (f) The Department of Education shall provide grants to regional
106 educational service centers or local or regional boards of education for
107 the reasonable cost of transportation for students participating in the
108 program. For the fiscal years ending June 30, 2015, to June 30, 2017,
109 inclusive, the department shall provide such grants within available
110 appropriations, provided the state-wide average of such grants does
111 not exceed an amount equal to three thousand two hundred fifty
112 dollars for each student transported, except that the Commissioner of
113 Education may grant to regional educational service centers or local or
114 regional boards of education additional sums from funds remaining in
115 the appropriation for such transportation services if needed to offset
116 transportation costs that exceed such maximum amount. The regional
117 educational service centers shall provide reasonable transportation
118 services to high school students who wish to participate in supervised

119 extracurricular activities. For purposes of this section, the number of
120 students transported shall be determined on October first of each fiscal
121 year.

122 (g) (1) Except as provided in subdivision (2) of this subsection, the
123 Department of Education shall provide, within available
124 appropriations, an annual grant to the local or regional board of
125 education for each receiving district in an amount not to exceed two
126 thousand five hundred dollars for each out-of-district student who
127 attends school in the receiving district under the program.

128 (2) For the fiscal year ending June 30, 2013, and each fiscal year
129 thereafter, the department shall provide, within available
130 appropriations, an annual grant to the local or regional board of
131 education for each receiving district if one of the following conditions
132 are met as follows: (A) Three thousand dollars for each out-of-district
133 student who attends school in the receiving district under the program
134 if the number of such out-of-district students is less than two per cent
135 of the total student population of such receiving district, (B) four
136 thousand dollars for each out-of-district student who attends school in
137 the receiving district under the program if the number of such out-of-
138 district students is greater than or equal to two per cent but less than
139 three per cent of the total student population of such receiving district,
140 (C) six thousand dollars for each out-of-district student who attends
141 school in the receiving district under the program if the number of
142 such out-of-district students is greater than or equal to three per cent
143 but less than four per cent of the total student population of such
144 receiving district, (D) six thousand dollars for each out-of-district
145 student who attends school in the receiving district under the program
146 if the Commissioner of Education determines that the receiving district
147 has an enrollment of greater than four thousand students and has
148 increased the number of students in the program by at least fifty per
149 cent from the previous fiscal year, or (E) eight thousand dollars for
150 each out-of-district student who attends school in the receiving district
151 under the program if the number of such out-of-district students is

152 greater than or equal to four per cent of the total student population of
153 such receiving district.

154 (3) Each town which receives funds pursuant to this subsection shall
155 make such funds available to its local or regional board of education in
156 supplement to any other local appropriation, other state or federal
157 grant or other revenue to which the local or regional board of
158 education is entitled.

159 (h) Notwithstanding any provision of this chapter, each sending
160 district and each receiving district shall divide the number of children
161 participating in the program who reside in such district or attend
162 school in such district by two for purposes of the counts for
163 subdivision (22) of section 10-262f and subdivision (2) of subsection (a)
164 of section 10-261.

165 (i) In the case of an out-of-district student who requires special
166 education and related services, the sending district shall pay the
167 receiving district an amount equal to the difference between the
168 reasonable cost of providing such special education and related
169 services to such student and the amount received by the receiving
170 district pursuant to subsection (g) of this section and in the case of
171 students participating pursuant to subsection (d) of this section, the
172 per pupil amount received pursuant to section 10-74d. The sending
173 district shall be eligible for reimbursement pursuant to section 10-76g.

174 (j) Nothing in this section shall prohibit school districts from
175 charging tuition to other school districts that do not have a high school
176 pursuant to section 10-33.

177 (k) On or before March first of each year, the Commissioner of
178 Education shall determine if the enrollment in the program pursuant
179 to subsection (c) of this section for the fiscal year is below the number
180 of students for which funds were appropriated. If the commissioner
181 determines that the enrollment is below such number, the additional
182 funds shall not lapse at the end of the fiscal year but shall be carried

183 forward for the next fiscal year and used by the commissioner [in
184 accordance with this subsection] for the purpose of providing grants
185 for an education advocate in accordance with the provisions of
186 subsection (e) of this section.

187 [(1) Any amount up to five hundred thousand dollars of such
188 nonlapsing funds shall be used for supplemental grants to receiving
189 districts on a pro rata basis for each out-of-district student in the
190 program pursuant to subsection (c) of this section who attends the
191 same school in the receiving district as at least nine other such out-of-
192 district students, not to exceed one thousand dollars per student.

193 (2) Any amount of such nonlapsing funds equal to or greater than
194 five hundred thousand dollars, but less than one million dollars, shall
195 be used for supplemental grants, in an amount determined by the
196 commissioner, on a pro rata basis to receiving districts that report to
197 the commissioner on or before March first of the current school year
198 that the number of out-of-district students enrolled in such receiving
199 district is greater than the number of out-of-district students enrolled
200 in such receiving district from the previous school year.

201 (3) Any remaining nonlapsing funds shall be used by the
202 commissioner to increase enrollment in the interdistrict public school
203 attendance program described in this section.]

204 (l) For purposes of the state-wide mastery examinations under
205 section 10-14n, students participating in the program established
206 pursuant to this section shall be considered residents of the school
207 district in which they attend school.

208 (m) Within available appropriations, the commissioner may make
209 grants to regional education service centers which provide summer
210 school educational programs approved by the commissioner to
211 students participating in the program.

212 (n) The Commissioner of Education may provide grants for children
213 in the Hartford program described in this section to participate in

214 preschool and all day kindergarten programs. In addition to the
215 subsidy provided to the receiving district for educational services,
216 such grants may be used for the provision of before and after-school
217 care and remedial services for the preschool and kindergarten students
218 participating in the program.

219 (o) Within available appropriations, the commissioner may make
220 grants for academic student support for programs pursuant to this
221 section that assist the state in meeting the goals of the 2008 stipulation
222 and order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended,
223 or the goals of the 2013 stipulation and order for Milo Sheff, et al. v.
224 William A. O'Neill, et al., as extended, as determined by the
225 commissioner.

226 (p) Up to three and one-half per cent of the amount of the
227 appropriation for this section shall be used by the commissioner for the
228 purpose of providing grants for an education advocate in accordance
229 with the provisions of subsection (e) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	10-266aa

ED *Joint Favorable Subst.*