

## Introduction

Connecticut operates a number of school choice programs, including magnet schools, technical high schools, vocational agricultural centers, charter schools, endowed private schools<sup>A</sup>, designated high schools<sup>B</sup>, and the Open Choice program.<sup>1,2</sup> This policy brief focuses solely on the Open Choice program, and discusses its objectives, history, administration, and funding.

Open Choice is a program in which Connecticut students can attend schools in local public school districts outside the community in which they reside. Connecticut's statutes currently allow for districts in the Hartford, Bridgeport, New Haven, and New London areas to send and receive students from participating districts in their respective region.<sup>3,C</sup>

Overseen by the Connecticut State Department of Education (CSDE), the primary purpose of the Open Choice program is to reduce racial, ethnic, and economic isolation for students in Connecticut's local public schools.<sup>4</sup> Additionally, the Open Choice program's objectives include improving academic achievement and providing a choice of educational programs.<sup>5</sup>

Through the Open Choice program, receiving districts elect to offer seats to students from statutorily designated sending districts. The Regional Education Service Center (RESC) that represents the district with available Open Choice seats determines the eligibility and the feasibility for that district to receive Open Choice students.<sup>6</sup> The State provides a financial incentive to local and regional boards of education that elect to receive students through the Open Choice program.<sup>7</sup>

In fiscal year 2018, 49 local school districts and more than 3,000 students participated in the Open Choice program.<sup>8</sup>

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<sup>A</sup> Connecticut has three endowed academies currently in operation (Gilbert School, Norwich Free Academy, and Woodstock Academy). With state approval, an endowed academy may serve as a town's public high school with the sending town's board of education paying the tuition costs for its students to attend the academy.

Conn. Gen. Statutes ch. 164, § 10-34.

Sullivan, M. (2016). *Models of Public High School Education in Connecticut* (2016-R-0155). Hartford, CT: Connecticut General Assembly, Office of Legislative Research. Retrieved from <https://www.cga.ct.gov/2016/rpt/pdf/2016-R-0155.pdf>.

<sup>B</sup> "Designated high schools" are high schools that a Connecticut local public school district allows its high school age students to attend if the district does not maintain a high school. The sending district's board of education pays the tuition costs for their resident students attending the designated high schools.

Conn. Gen. Statutes ch. 164, § 10-33.

<sup>C</sup> For the Open Choice program, a district's "region" refers to its respective Regional Educational Service Center (RESC). Connecticut is divided into six RESCs that are outlined at [http://www.crec.org/docs/7056/Map\\_with\\_logos\\_2017.pdf](http://www.crec.org/docs/7056/Map_with_logos_2017.pdf).

## Program History

The origin of the Open Choice program can be traced back to 1966 when Connecticut implemented an interdistrict choice program called Project Concern.<sup>9</sup> Project Concern developed out of growing awareness of racial imbalances and concentrated poverty between Connecticut's suburban towns and its cities.<sup>10</sup> Under Project Concern, a group of randomly selected students from Hartford Public Schools were sent to suburban school districts that volunteered to participate in the program. These school districts were: Bolton, Farmington, Glastonbury, Plainville, and Simsbury.<sup>11</sup>

Initially, this effort was met with strong opposition from local officials in most surrounding suburban towns who were concerned the program would infringe on local autonomy and questioned the effects Hartford students would have in on their schools.<sup>12</sup> Eventually, these districts volunteered to receive students from Hartford.<sup>13</sup> The progress of the students participating in the program was extensively tracked. Robert Crain, sociologist and lead researcher of Project Concern, reported that Hartford students who attended suburban schools were less likely to drop out of school, and were more likely to socialize with people of other races.<sup>14</sup> These initial successes led to 10 additional suburban districts<sup>D</sup> participating in the program.<sup>15</sup>

Between 1966-1969, approximately eight percent of Hartford students participated in the experimental phase of Project Concern. However, in 1993 the plaintiffs in the Connecticut Supreme Court Case *Sheff v. O'Neill*, which concerned racial segregation in public schools in the Hartford area, argued the program did not do enough to reduce racial segregation.<sup>16</sup> In 1996, the Court ruled in favor of the plaintiffs finding Hartford's public schools racially segregated and in violation of the Connecticut Constitution's anti-segregation provision.<sup>17</sup> The Court ordered the State of Connecticut to take remedial measures but deferred to the Connecticut General Assembly to develop a constitutional remedy.<sup>18</sup>

In response to the Court's 1996 ruling in *Sheff v. O'Neill*, the General Assembly passed Conn. Acts 97-290, which formally established the current Open Choice program and included provisions for the creation of magnet schools and the construction of additional public charter schools.<sup>19</sup>

## Program Eligibility and Student Participation

The Open Choice program is available to students living in the Hartford, New Haven, Bridgeport, and New London<sup>E</sup> regions. Students living in these areas may attend school in a participating suburban town in their respective region, and suburban students can elect to attend a school in one of the four identified cities.<sup>20</sup>

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<sup>D</sup> The 10 additional districts were Granby, Canton, Windsor, South Windsor, Avon, West Hartford, East Hartford, Manchester, Wethersfield, and Newington.

<sup>E</sup> Although allowed by state statute, no New London area students currently participate in the Open Choice program.

Conn. Gen. Statutes ch. 172, § 10-266aa.

However, for the purposes of reducing segregation, the proportion of non-racial minority<sup>F</sup> students from Hartford, New Haven, Bridgeport, and New London attending school in another district may not exceed the proportion of non-racial minority students attending school in the sending districts.<sup>21,G</sup> If the proportion of non-racial minority students in a sending district decreases, the commissioner of the CSDE has the authority to withhold state grants.<sup>22</sup>

Once admitted into the Open Choice program, students must be allowed to continue their education in the receiving district until they graduate high school. In addition, students participating in the Open Choice program are considered residents of the towns in which they attend school for the purposes of statewide mastery testing.<sup>23</sup>

Receiving districts are empowered to determine whether they will participate in Open Choice and how many seats they will make available to for the program.<sup>24</sup> If student demand for participation in the program exceeds available seats, the RESCs operate regional lotteries to determine participation.<sup>25,H</sup> Lotteries are weighted to preserve or increase racial, ethnic, and economic diversity among the participating districts.<sup>26</sup> Additionally, in all lotteries, priority is given to students who have siblings in the program, and to students who would otherwise attend a school that has lost its accreditation by the New England Association of Schools and Colleges or a school that has been identified under the definitions of the federal No Child Left Behind Act as in need of improvement.<sup>27,I</sup> Furthermore, a student in the same region as a Priority School District may attend a school in the Priority School District, provided the student's attendance does not increase the racial, ethnic, and economic segregation of the Priority School District.<sup>28</sup>

## Program Administration

The CSDE administers the Open Choice grant program, and provides administrative support to RESCs to facilitate their oversight of the Open Choice program.<sup>29</sup> State statute allows RESCs to determine the feasibility of participation for a given district in its region, and to consider available transportation options, funding, and available seats

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<sup>F</sup> For the Open Choice program, "racial minorities" are statutorily defined as "those whose race is defined as other than white, or whose ethnicity is defined as Hispanic or Latino by the federal Office of Management and Budget for use by the Bureau of Census of the United States Department of Commerce."

Conn. Gen. Statutes ch. 172, § 10-266aa.

Conn. Gen. Statutes ch. 172, § 10-226a.

<sup>G</sup> "Receiving district" refers to any school district that accepts students participating in the Open Choice program. "Sending district" refers to any district that sends students it would legally be responsible for educating to another district.

Conn. Gen. Statutes ch. 172, § 10-266aa.

<sup>H</sup> In the Hartford region, Open Choice selection is included in the Regional School Choice Office lottery, operated by the CSDE, which also includes all magnet schools operating to further the goal of the *Sheff v. O'Neill* stipulated agreements.

Conn. Gen. Statutes ch. 172, § 10-266aa.

<sup>I</sup> The federal No Child Left Behind Act was replaced in 2015 by the Every Student Succeeds Act, however, the relevant Connecticut General Statute (Conn. Gen. Statutes ch. 172, § 10-266aa) has not been updated and currently references the No Child Left Behind Act.

Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802 (2015).

when making this determination. RESCs also place Open Choice students in receiving districts and oversee the placement lotteries when there are more student applications to the program than there are available seats.<sup>30</sup>

## Process of District Participation

Connecticut statutes only allow for districts in the Hartford, New Haven, Bridgeport, and New London regions to participate in the Open Choice program and there are no further provisions that allow for additional regions to participate.<sup>31</sup>

Currently, there are 49 school districts participating in the Open Choice program.<sup>32</sup> If a district elects to receive students through the Open Choice program, the district must determine the number of available seats it has available for participating students. Connecticut's statutes do not specify who in a district is responsible for deciding whether or not to receive students through the Open Choice program, nor do the state statutes explicitly require approval from the receiving district's local or regional board of education.<sup>33</sup>

Available seats are reported to the RESC to which the receiving district belongs. The RESC determines which districts are close enough to the sending district to receive students through the Open Choice program, and whether or not there are sufficient transportation funds in place to transport students from the sending district.<sup>34</sup> RESCs have the authority to approve new districts to receive students through the Open Choice program, with consideration to available transportation, which is largely funded through per-pupil state grants.<sup>35</sup>

## Funding

The CSDE distributes grants on a tiered, per-pupil basis to the local or regional boards of education that receive students through the Open Choice program. The grant amount is determined based on the percentage of Open Choice students in the receiving district's total enrollment. The per-pupil grant amount increases as the percentage of Open Choice students in the receiving district increases.<sup>36</sup> These grants are intended to incentivize greater Open Choice participation by increasing the per-pupil grant as districts increase available seats as a percent of total enrollment.<sup>37</sup>

For the purpose of calculating the Education Cost Sharing (ECS) grant, the sending and receiving school districts split the ECS allocation for each student participating in the Open Choice program. This is achieved by decreasing the aggregate resident student count by one half of a student for the sending district, and increasing the aggregate resident student count by one half of a student for the receiving district, for each Open Choice student.<sup>38</sup> Figure 1 below details the funding tiers for the per-pupil grants based off of Open Choice enrollment percentages.

Figure 1<sup>39</sup>

<b>Open Choice Enrollment Percentage and Corresponding Grant Amounts Per Pupil</b>	
<b>Percent of Receiving District's Total Enrollment Who are Open Choice Participants</b>	<b>Per-pupil Grant Amount to District Receiving Open Choice Students</b>
Less than 2%	\$3,000
2% to less than 3%	\$4,000
3% to less than 4%	\$6,000
Greater than 4%	\$8,000

Additionally, beyond the base grant amounts, a district with a total enrollment of more than 4,000 students can receive a \$6,000 per-pupil allocation for a given year if the district has increased its Open Choice enrollment by more than 50 percent over the previous fiscal year.<sup>40</sup> This \$6,000 per-pupil grant is a one-time incentive and districts do not receive the additional funding in the following year unless they again increase their seat allocation.<sup>41</sup>

Within available appropriations, the total amount of money received by a district receiving students through the Open Choice program is the per-pupil grant amount based on enrollment, multiplied by the district's number of Open Choice students, plus an additional per-pupil entitlement if the district has at least 10 Open Choice students in a given school.<sup>42</sup> The additional entitlement is derived from the total appropriation for the Open Choice program, which is then distributed proportionally on a per-pupil basis. In FY 2018, this appropriation was \$500,000, and it is codified at \$500,000 within available appropriations.<sup>43</sup> Additionally, Hartford is eligible to receive additional grants from the CSDE for the purposes of allowing Hartford students to participate in Open Choice preschool and all-day kindergarten programs.<sup>44</sup>

Furthermore, sending districts are responsible for additional costs associated with Open Choice students' special education services. Specifically, the sending district is responsible for the difference between the reasonable cost of special education and the Open Choice grant amount.<sup>45</sup>

Please see Figure 4 in the Appendix for Open Choice grant calculations for each receiving district in Connecticut.

The State of Connecticut also provides grants on a per-pupil basis for the purposes of funding transportation costs for Open Choice. Per statute, all RESCs except for the Capitol Region Education Council (CREC) receive \$1,300 per pupil for transporting Open Choice students. CREC receives \$2,000 per pupil for student transportation in support of the *Sheff v. O'Neill* stipulated agreement.<sup>46</sup> Under the *Sheff v. O'Neill* agreement, CREC is also eligible to receive supplemental grants within available appropriations.<sup>47</sup>

Figure 2 below shows the total Open Choice enrollment in each region, and the total state grant allocation to each RESC to support Open Choice in FY 2017.

**Figure 2<sup>48</sup>**

FY 2017 Open Choice Grant Payments to Individual RESCs  
(not including ECS Funds or per-pupil Open Choice enrollment grants)

RESC	Open Choice Region	Open Choice Enrollment	Open Choice Transportation	Administering Open Choice	Open Choice Support Programs	Open Choice Summer School	Open Choice Kindergarten	Total
Grant ID			11000-17053-82059-2017	11000-17053-82045-2017	11000-17053-82159-2017	11000-17053-82065-2017	11000-17053-82162-2017	
Capitol Region Education Services (CREC)	Hartford	2,340	\$12,223,214	\$539,762	\$345,771	\$300,000	\$2,276,702	\$15,685,449
Cooperative Educational Services (C.E.S.)	Bridgeport	260	\$1,178,475	\$129,234	\$0	\$0	\$0	\$1,307,709
Area Cooperative Education Services (ACES)	New Haven	455	\$2,293,563	\$181,005	\$0	\$0	\$0	\$2,474,568
LEARN	New London	0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>		<b>3,055</b>	<b>\$15,695,252</b>	<b>\$850,001</b>	<b>\$345,771</b>	<b>\$300,000</b>	<b>\$2,276,702</b>	<b>\$19,467,726</b>

## Appendix

The graph below details the total appropriation to the Open Choice program by fiscal year. The appropriation is the sum of the per-pupil incentive grants allocated to the participating districts and the allocations to the RESCs. There are no ECS funds included in this grant.

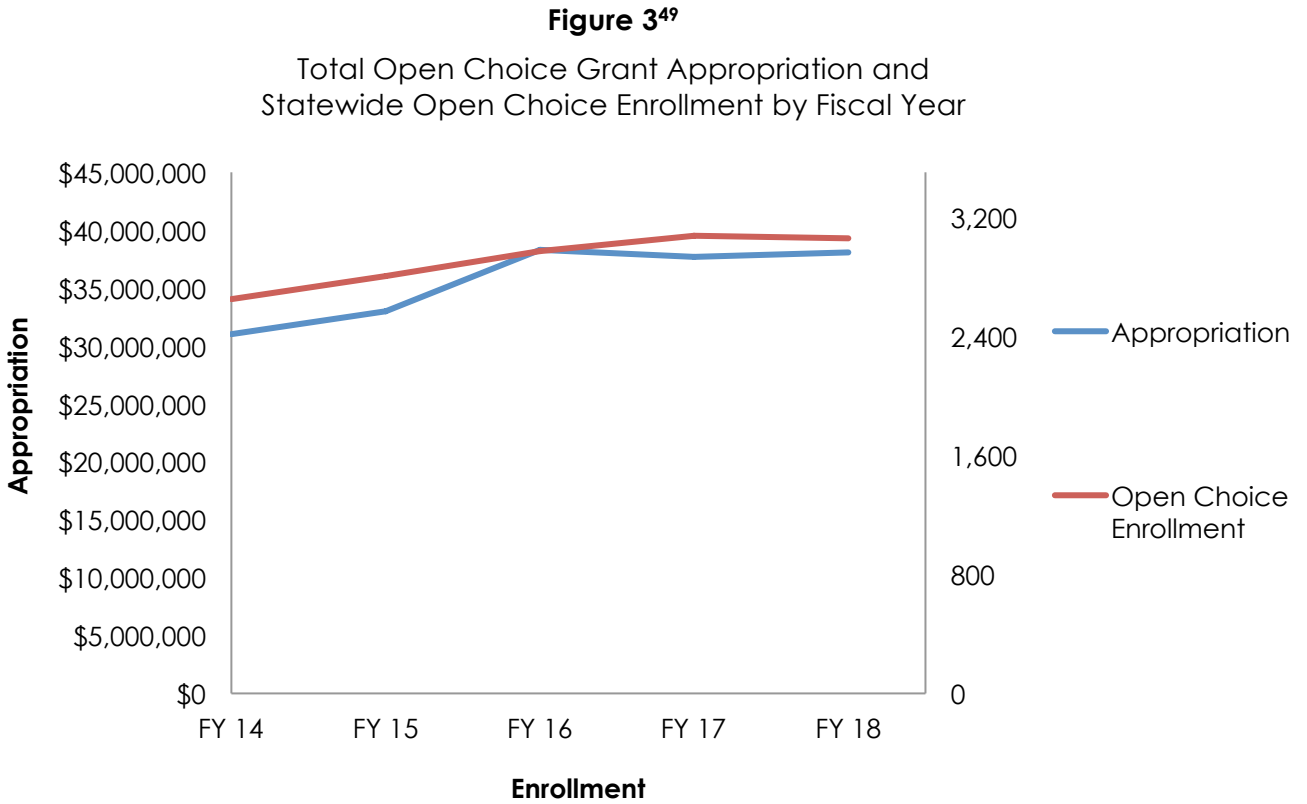


Figure 4<sup>50,J</sup>

Total District Open Choice Grant to each Receiving District, FY 2018

Town	Total Open Choice Students	Receiving District Enrollment	Open Choice Enrollment %	Grant Per Student	Students Eligible for Additional Entitlement	Additional Entitlement	Total Open Choice Allocation
Ansonia	11	2,283	0.48%	\$3,000	10	\$1,948	\$34,948
Avon	131	3,208	4.08%	\$8,000	131	\$25,516	\$1,073,516
Berlin	92	2,783	3.31%	\$6,000	85	\$16,556	\$568,556
Bethany	5	364	1.37%	\$3,000	0	\$0	\$15,000
Bolton	53	808	6.56%	\$8,000	53	\$10,323	\$434,323
Branford	55	2,901	1.90%	\$3,000	50	\$9,739	\$174,739
Bridgeport	26	20,729	0.13%	\$3,000	26	\$5,064	\$83,064
Canton	111	1,601	6.93%	\$8,000	111	\$21,621	\$909,621
Cheshire	37	4,284	0.86%	\$3,000	12	\$2,337	\$113,337
Cromwell	73	1,963	3.72%	\$6,000	73	\$14,219	\$452,219
East Granby	49	840	5.83%	\$8,000	41	\$7,986	\$399,986
East Haven	16	2,853	0.56%	\$3,000	0	\$0	\$48,000
Easton	21	904	2.32%	\$4,000	13	\$2,532	\$86,532
East Windsor	48	1,071	4.48%	\$8,000	48	\$9,349	\$393,349
Ellington	83	2,685	3.09%	\$6,000	76	\$14,803	\$512,803
Enfield	115	5,188	2.22%	\$4,000	103	\$20,062	\$480,062
Fairfield	65	9,928	0.65%	\$3,000	34	\$6,623	\$201,623
Farmington	134	4,098	3.27%	\$6,000	134	\$26,101	\$830,101
Glastonbury	62	5,905	1.05%	\$3,000	51	\$9,934	\$195,934
Granby	79	1,866	4.23%	\$8,000	79	\$15,388	\$647,388
Hamden	2	5,362	0.04%	\$3,000	0	\$0	\$6,000
Hartford	132	19,563	0.67%	\$3,000	107	\$20,841	\$416,841
Milford	40	5,751	0.70%	\$3,000	14	\$2,727	\$122,727
New Haven	179	21,433	0.84%	\$3,000	162	\$31,554	\$568,554
Newington	93	4,055	2.29%	\$4,000	77	\$14,998	\$386,998
North Branford	26	1,777	1.46%	\$3,000	17	\$3,311	\$81,311
North Haven	40	3,136	1.28%	\$3,000	27	\$5,259	\$125,259
Orange	7	1,173	0.60%	\$3,000	0	\$0	\$21,000
Plainville	122	2,364	5.16%	\$8,000	122	\$23,763	\$999,763
Portland	58	1,312	4.42%	\$8,000	40	\$7,791	\$471,791
Rocky Hill	33	2,700	1.22%	\$3,000	24	\$4,675	\$103,675
Simsbury	165	4,082	4.04%	\$8,000	165	\$32,139	\$1,352,139
Somers	20	1,432	1.40%	\$3,000	0	\$0	\$60,000
Southington	92	6,463	1.42%	\$3,000	67	\$13,050	\$289,050

<sup>J</sup> These amounts exclude the ECS grant allocation associated with increasing the receiving district's resident student count by half of a student.



Town	Total Open Choice Students	Receiving District Enrollment	Open Choice Enrollment %	Grant Per Student	Students Eligible for Additional Entitlement	Additional Entitlement	Total Open Choice Allocation
South Windsor	132	4,236	3.12%	\$6,000	123	\$23,958	\$815,958
Suffield	72	2,207	3.26%	\$6,000	72	\$14,024	\$446,024
Tolland	4	2,443	0.16%	\$3,000	0	\$0	\$12,000
Trumbull	55	6,717	0.82%	\$3,000	10	\$1,948	\$166,948
Vernon	2	3,086	0.06%	\$3,000	0	\$0	\$6,000
Wallingford	6	5,824	0.10%	\$3,000	0	\$0	\$18,000
West Hartford	196	9,679	2.03%	\$4,000	192	\$37,398	\$821,398
Weston	27	2,329	1.16%	\$3,000	11	\$2,143	\$83,143
Westport	62	5,572	1.11%	\$3,000	16	\$3,117	\$189,117
Wethersfield	92	3,577	2.57%	\$4,000	81	\$15,777	\$383,777
Windsor Locks	96	1,549	6.20%	\$8,000	96	\$18,699	\$786,699
Woodbridge	14	830	1.69%	\$3,000	14	\$2,727	\$44,727
District No. 5	17	2,197	0.77%	\$3,000	0	\$0	\$51,000
District No. 9	4	893	0.45%	\$3,000	0	\$0	\$12,000
District No. 10	1	2,335	0.04%	\$3,000	0	\$0	\$3,000
<b>Total</b>	<b>3,055</b>	<b>210,399</b>	<b>N/A</b>	<b>N/A</b>	<b>2,567</b>	<b>\$500,000</b>	<b>\$16,500,000</b>

## Endnotes

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<sup>1</sup> Connecticut State Department of Education. (n.d.). Public School Choice In Connecticut. Retrieved from <http://portal.ct.gov/SDE/School-Choice/CT-School-Choice/Public-School-Choice-in-Connecticut>.

<sup>2</sup> Sullivan, M. (2016). *Models of Public High School Education in Connecticut* (2016-R-0155). Hartford, CT: Connecticut General Assembly, Office of Legislative Research. Retrieved from <https://www.cga.ct.gov/2016/rpt/pdf/2016-R-0155.pdf>.

<sup>3</sup> Conn. Gen. Statutes ch. 172, § 10-266aa.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Connecticut State Department of Education, Bureau of Fiscal Services. (2018). *2017-18 Open Choice Attendance Grant*. Hartford, CT: Author. Retrieved from [http://portal.ct.gov/-/media/SDE/Grants-Management/Report1/opench\\_PDF.pdf?la=en](http://portal.ct.gov/-/media/SDE/Grants-Management/Report1/opench_PDF.pdf?la=en).

<sup>9</sup> Gurren, A. (2013, April 10). Connecticut Takes the Wheel on Education Reform: Project Concern. *ConnecticutHistory.org*. Retrieved from <https://connecticuthistory.org/connecticut-takes-the-wheel-on-education-reform-project-concern/>.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Judson, G. (1993, February 1). When Good Will Is Not Enough; Desegregation Project at Heart of Hartford Schools Suit. *The New York Times*. Retrieved from <https://www.nytimes.com/1993/02/01/nyregion/when-good-will-not-enough-desegregation-project-heart-hartford-school-suit.html?pagewanted=all&src=pm>.

<sup>13</sup> Gurren, A. (2013, April 10). Connecticut Takes the Wheel on Education Reform: Project Concern. *ConnecticutHistory.org*. Retrieved from <https://connecticuthistory.org/connecticut-takes-the-wheel-on-education-reform-project-concern/>.

<sup>14</sup> Ibid.

<sup>15</sup> Dougherty, J., & contributors. (2017). *On the Line: How Schooling, Housing, and Civil Rights Shaped Hartford and Its Suburbs*. Trinity College, book-in-progress. Retrieved from <http://ontheline.trincoll.edu>.

<sup>16</sup> Gurren, A. (2013, April 10). Connecticut Takes the Wheel on Education Reform: Project Concern. *ConnecticutHistory.org*. Retrieved from <https://connecticuthistory.org/connecticut-takes-the-wheel-on-education-reform-project-concern/>.

<sup>17</sup> *Sheff v. O'Neill*, 238 Conn. 1, 678 A.2d 1267 (1996).

<sup>18</sup> Ibid.

<sup>19</sup> Conn. Acts 97-290.

<sup>20</sup> Conn. Gen. Statutes ch. 172, § 10-266aa.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Connecticut State Department of Education, Bureau of Fiscal Services. (2018). *2017-18 Open Choice Attendance Grant*. Hartford, CT: Author. Retrieved from [http://portal.ct.gov/-/media/SDE/Grants-Management/Report1/opench\\_PDF.pdf?la=en](http://portal.ct.gov/-/media/SDE/Grants-Management/Report1/opench_PDF.pdf?la=en).

<sup>33</sup> Conn. Gen. Statutes ch. 172, § 10-266aa.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Connecticut State Department of Education. (2018). *2017-18 Open Choice Grant Payment*. Available from <https://www.csde.state.ct.us/public/dgm/grantreports1/HPayMain.aspx>.

<sup>44</sup> Conn. Gen. Statutes ch. 172, § 10-266aa.

<sup>45</sup> Ibid.

<sup>46</sup> Conn. Gen. Statutes ch. 172, § 10-264i.

<sup>47</sup> Ibid.

<sup>48</sup> Connecticut State Department of Education, Bureau of Fiscal Services. (2018). *2017-18 Open Choice Attendance Grant*. Hartford, CT: Author. Retrieved from [http://portal.ct.gov/-/media/SDE/Grants-Management/Report1/opench\\_PDF.pdf?la=en](http://portal.ct.gov/-/media/SDE/Grants-Management/Report1/opench_PDF.pdf?la=en).

<sup>49</sup> State of Connecticut, Office of the State Comptroller. (2018). Line-Item: Open Choice Program. Available from <http://openbudget.ct.gov/#!/year/2018/operating/0/program/Open+Choice+Program/0/departement?vis=barChart>.

<sup>50</sup> Connecticut State Department of Education, Bureau of Fiscal Services. (2018). *2017-18 Open Choice Attendance Grant*. Hartford, CT: Author. Retrieved from [http://portal.ct.gov/-/media/SDE/Grants-Management/Report1/opench\\_PDF.pdf?la=en](http://portal.ct.gov/-/media/SDE/Grants-Management/Report1/opench_PDF.pdf?la=en).