
OLR Bill Analysis

HB 6762 (as amended by House "A")*

AN ACT CONCERNING SCHOOLS.

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SUMMARY

This bill makes various changes in the education statutes, described below in a section-by-section analysis.

*House Amendment "A" replaces the underlying bill (File 535), which required the State Department of Education (SDE) to study the state's public schools and report its findings to the Education Committee.

EFFECTIVE DATE: Various; see below.

§ 1 — SCHOOL READINESS PROGRAM PER CHILD COST

Extends the FY 21 cap on the per child cost rate through FY 24 and increases it beginning in FY 25

The bill extends the FY 21 cap on the per child cost (i.e., \$9,027) of the Office of Early Childhood (OEC) school readiness program through FY 24. For FY 25 and subsequent fiscal years, the bill increases the cap to \$10,500.

By law, the OEC “school readiness program” is a nonsectarian program that (1) generally meets the office’s standards and program requirements and (2) provides a developmentally appropriate learning experience for at least 450 hours and 180 days for eligible children (e.g., certain three-, four-, and five-year-old children not eligible to enroll in school) (CGS § 10-16p).

EFFECTIVE DATE: July 1, 2023

§ 2 — CARE 4 KIDS PROGRAM

In conformity with federal law, allows OEC to establish a protective service class making certain foster care children, newly adopted children, and homeless children categorically eligible for Care4Kids

The Care 4 Kids program offers child care subsidies to income-eligible families whose parents or caretakers are working or participating in certain education or job training programs.

The bill allows the OEC commissioner to institute a protective service class in which the commissioner may waive current law’s Care 4 Kids eligibility requirements for certain at-risk populations, instead applying guidelines she prescribes and that OPM reviews. Specifically, she can institute this class for (1) children placed in a foster home by DCF and for whom the parent or legal guardian receives foster care payments; (2) adopted children for one year after the adoption; and (3) homeless children and youths, as defined in federal law. By instituting the class, as allowed in federal law, these at-risk populations become categorically eligible for Care 4 Kids.

EFFECTIVE DATE: July 1, 2023

§ 3 — EMERGENCY EPINEPHRINE AUTHORIZATION AT CHILD CARE FACILITIES

Authorizes child care providers, under certain conditions, to administer emergency first aid epinephrine to a child experiencing an allergic reaction; includes an option for parents to opt their child out

The bill authorizes an OEC-licensed child care provider to administer epinephrine for emergency first aid to a child in the provider's care who has an allergic reaction and does not have a parent's or guardian's prior written authorization or a qualified medical professional's prior written order.

The bill requires that the (1) person administering the epinephrine be trained (see below), (2) provider maintain a supply of epinephrine cartridge injectors, and (3) epinephrine cartridge injectors be stored according to state law. Specifically, the administering person must have received training, either through certain first aid courses or from specified health professionals, in recognizing the signs and symptoms of anaphylaxis; using an epinephrine cartridge injector; and following emergency protocols.

The bill allows a parent or guardian to give the child care provider a written statement that the child not receive these emergency administrations.

EFFECTIVE DATE: July 1, 2023

§ 4 — RENAMING EARLY CHILDHOOD COUNCILS AS COLLABORATIVES

Changes the name of "local and regional early childhood councils" to "local early childhood collaboratives"

The bill changes the name of "local and regional early childhood councils" to "local early childhood collaboratives." By law, OEC must collaborate with and may provide funding to these entities to implement early care and education and child development programs, such as school readiness, at the local level.

EFFECTIVE DATE: July 1, 2023

§ 5 — STATEWIDE MASTERY TEST AUDIT

Requires the education commissioner to audit statewide mastery test and local testing requirements and preparation and administration time

The bill requires the education commissioner, by January 1, 2025, and within available appropriations, to audit state and local testing requirements and administration. The commissioner must submit a report on the audit to the Appropriations and Education committees by this date.

The audit must focus on the following:

1. the statewide mastery examination (see *Background*) and local standardized assessments used to monitor student and district academic progress and achievement;
2. the amount of time devoted to student preparation or educator instruction for the statewide mastery exam and the local assessments, including the amount of time taken away from regular instruction; and
3. recommendations about any limitations on the amount of time that may be devoted to administering these exams and assessments.

Additionally, the bill specifies that the audit must comply with requirements in federal law for grant applications for state assessments and related activities (20 U.S.C. §§ 6361 to -6363) so that the commissioner may apply for a grant to conduct the audit and perform related activities under the federal Every Student Succeeds Act (ESSA; see *Background*).

EFFECTIVE DATE: July 1, 2023

Background — Statewide Mastery Exams

Public school students statewide must take the following State Board of Education (SBE)-approved mastery exams that measure essential and grade-appropriate skills:

1. for grades 3-8, exams measuring reading, writing, or mathematics skills;
2. for grades 5, 8, and 11, exams measuring science skills; and

3. for students in grade 11, a nationally recognized, SBE-approved college readiness assessment (e.g., the SAT) measuring reading, writing and mathematics skills (CGS § 10-14n(a)).

Background — ESSA

Among other things, this federal law requires every state to measure performance in reading, math, and science. Each state determines the way students are assessed. Every school in each state must inform parents about their standards and their results (P.L. 114-95).

Background — Related Bill

sSB 1 (File 551, as amended by Senate “A,” § 25) contains an identical requirement.

§§ 6 & 7 — CIVICS AND MEDIA LITERACY EDUCATION

Creates the Connecticut Civics Education, Civics Engagement, and Media Literacy Task Force; adds civics and media literacy to the required public schools social studies program of instruction

Task Force (§ 6)

Scope. The bill creates the 18-member Connecticut Civics Education, Civics Engagement, and Media Literacy Task Force (“task force”) to study and develop strategies to improve and promote “civic engagement,” which the bill defines as participation in improving a community’s quality of life and developing the knowledge and skills to enable this participation.

The task force must study and develop strategies to improve instruction on civics, citizenship, media literacy, and American government. Under the bill, (1) “civics” is the study of citizens’ rights and obligations and (2) “media literacy” is the ability to access, analyze, evaluate, create, and participate with media in all forms by understanding the media’s role in society and building inquiry and self-expression skills that are essential to participating and collaborating in a democratic society.

Specifically, the task force’s study must at least include the following:

1. reviewing existing state and national curricula and standards,

classroom practices, and high school and college graduation requirements to identify and publicize best practices in instruction on civics, citizenship, media literacy, and American government;

2. receiving recommendations from educators, administrators, government entities, nongovernmental organizations, and the public;
3. reviewing existing civics, citizenship, media literacy, and American government educational opportunities provided throughout Connecticut by governmental and nongovernmental entities and organizations; and
4. exploring the feasibility of establishing public and private partnerships to fund, coordinate, promote, and support enhancements to engagement and instruction.

Membership. Under the bill, the task force consists of seven legislative appointees, shown in the table below, and 11 ex-officio members. All initial appointments must be made within 30 days after the bill’s passage, and the appointing authority for each position must fill any vacancy that may arise. Each appointed member may be a legislator.

Table: Connecticut Civics Education, Civics Engagement, and Media Literacy Task Force Appointed Members

<i>Appointing Authority</i>	<i>Requirements</i>
House speaker	A certified social studies teacher who is a member of the American Federation of Teachers – Connecticut
Senate president pro tempore	A representative of the Connecticut Education Association
House majority leader	An officer or member of a nongovernmental organization that promotes civic education, civic engagement, or media literacy
Senate majority leader	An officer or member of a nongovernmental organization that promotes civic education, civic engagement, or media literacy

<i>Appointing Authority</i>	<i>Requirements</i>
House minority leader	A representative of the Connecticut Associate of Public School Superintendents
Senate minority leader	A representative of the Connecticut Association of Boards of Education
Black and Puerto Rican Caucus chairperson	One appointee

Additionally, the task force consists of the following ex-officio members or their designees:

1. secretary of the state,
2. education commissioner,
3. Connecticut State Colleges and Universities president,
4. UConn president,
5. Connecticut Bar Association president,
6. chief court administrator,
7. the two chairpersons of the Connecticut Hate Crimes Advisory Council,
8. Connecticut Humanities Council executive director,
9. Connecticut Democracy Center president, and
10. Commission on Women, Children, Seniors, Equity and Opportunity executive director.

Chairpersons and Staff. Under the bill, the House speaker and Senate president pro tempore must select the task force chairpersons from among its members. The chairpersons must schedule the first meeting within 60 days after the bill's passage.

The Education Committee's administrative staff must serve as the task force staff.

Duration and Final Report. The bill requires the task force to submit a report on its findings and recommendations to the Education Committee by January 1, 2025. The task force must terminate when it submits the report or on July 1, 2025, whichever is later.

Required Program of Instruction (§ 7)

Beginning in the 2025-26 school year, the bill requires public schools to add to their social studies program of instruction the topics of civics and media literacy.

By law, public schools must offer courses of study in the arts; language arts; mathematics; physical education; science; social studies, including citizenship, economics, geography, government, and history. Also included are career education; consumer education; and health and safety.

EFFECTIVE DATE: Upon passage, except the provisions adding civics and media literacy to the required public school program of instruction (§ 7) take effect on July 1, 2025.

Background — Related Bill

sHB 6760 (File 278), reported favorably by the Appropriations and Education committees, (1) adds the topics of civics and media literacy to the required social studies program of instruction in public schools beginning in the 2025-26 school year and (2) creates the 16-member Connecticut Civics Education and Media Literacy Task Force to study how schools provide civics, citizenship, media literacy, and American government instruction to students.

§ 8 — CTECS PROGRAM AND CAREER ALIGNMENT STUDY

Requires the CTECS board to study the programs it offers to determine whether they align with the technical careers available in Connecticut

The bill requires the Connecticut Technical Education and Career System (CTECS) board to study the programs offered at technical education and career high schools to determine whether they align with the technical careers available in the state.

The study must evaluate:

1. the skills or certifications required to fill the available jobs in the state,
2. any deficiencies in the training or availability of equipment at the schools to teach the skills required for the available jobs, and
3. opportunities to partner with Connecticut employers or labor organizations to provide students relevant apprenticeships or internships.

By January 1, 2025, the board must submit the report to the Education Committee with any legislative or policy recommendations for improving the technical high school programs to better align with the skills required for available jobs.

EFFECTIVE DATE: July 1, 2023

§§ 9-11 — STATE AID FOR SPECIAL EDUCATION

Prohibits the State Department of Education (SDE) from including specified pandemic relief funds received by school districts when determining their special education excess cost grant amount; revises terminology referenced in calculating state aid for special education

Excluding Pandemic Relief Funds From Grant Calculations (§ 9)

By law, boards of education may receive state special education grants, within available appropriations, under the following circumstances:

1. when the reasonable costs of special education for a child exceeds 4.5 times the board's average per pupil educational costs (CGS § 10-76g(b)),
2. when the town's ratio of (a) net special education costs for the prior fiscal year to the (b) product of its total need students and the average regular program expenditures exceeds the statewide average for all of these ratios (CGS § 10-76g(c)), and
3. when the total amount of state special education grants payable to a board in a fiscal year exceeds the amount appropriated (CGS § 10-76g(d)).

Beginning in FY 24, the bill prohibits SDE from including federal COVID-19 relief funds when calculating a board's "net current expenditures per pupil" (see below) for determining the amount of these three special education grants. Specifically, SDE must exclude from the calculation any funds received by a board under the following federal acts: the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136); the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act (P.L. 116-260); and the American Rescue Plan Act of 2021 (ARPA) (P.L. 117-2).

Terminology Revisions (§§ 10 & 11)

Beginning in FY 24, the bill revises terminology referenced in certain grant calculations but does not change the methodology by which grant amounts are calculated. Under the bill, a board is eligible for a special education excess cost grant if its costs exceed 4.5 times the "net current expenditures per pupil," rather than 4.5 times "average per pupil educational costs."

Relatedly, the bill revises the definition of "per pupil cost" in current special education state aid law to mean "net current expenditures per pupil." Under current law, the term means "net current expenses," an undefined term, divided by the school district's average daily membership. (The bill defines "net current expenditures per pupil" as a school district's "net current expenditures" divided by its average daily membership.)

It also makes various conforming changes.

EFFECTIVE DATE: July 1, 2023

Background — Related Bill

sSB 1200 (File 570), § 1, reported favorably by the Appropriations and Education committees, prohibits SDE from including specified pandemic relief funds received by school districts when determining their special education excess cost grant amount.

§ 12 — REMOTE LEARNING USING DUAL INSTRUCTION

Allows dual instruction as part of remote learning when (1) needed to implement a student's IEP or 504 plan and (2) part of an intradistrict or interdistrict cooperative learning program for students on school grounds during a regular school day

Existing law allows local and regional boards of education to authorize remote learning, limited by various conditions, for grades (1) 9-12 in the 2022-23 and 2023-24 school years and (2) kindergarten through 12 in the 2024-25 school year and after. "Remote learning" is instruction using one or more internet-based software platforms as part of a remote learning model.

Current law prohibits boards that authorize remote learning from providing dual instruction as part of it. "Dual instruction" is simultaneous instruction by a teacher to students in-person in the classroom and students engaged in remote learning.

The bill adds two exceptions to this prohibition. First, it allows dual instruction when required in, or necessary to implement, a student's individualized education program (IEP) or 504 plan (see *Background*).

Second, the bill allows dual instruction when part of an intradistrict or interdistrict cooperative learning program that provides remote learning opportunities to students present in a classroom on school grounds during a regular school day. At least one certified educator must be present in the classroom providing the dual instruction, and another must in the classroom supervising the students receiving the dual instruction. Also, the program must be implemented under an agreement between each local or regional board of education and the exclusive bargaining unit representatives for the certified employees chosen to participate in the cooperative learning program.

EFFECTIVE DATE: July 1, 2023

Background — IEP and 504 Plan

An IEP is a written statement detailing the student's academic achievement level, goals for future achievement, and specialized educational services needed to reach the goals. Federal law requires school boards to develop IEPs for students eligible to receive special education and related services (Individuals with Disabilities Education

Act, 20 U.S.C. § 1400 et seq.).

Section 504 of the federal Rehabilitation Act of 1973 protects students with mental or physical disabilities from discrimination in public schools (29 U.S.C. § 794). Students who receive school accommodations under this law have them memorialized in a written plan, commonly known as a “504 plan.”

Background — Related Bill

sSB 1200 (File 570), § 2, reported favorably by the Appropriations and Education committees, allows dual instruction as part of remote learning when needed to implement a student’s IEP or 504 plan.

§ 13 — SPECIAL EDUCATION TASK FORCE

Expands the charge and membership of the task force studying special education services and funding and also extends its reporting deadline and termination date

Expanded Scope

PA 21-95 (§ 3), as amended by PA 22-116 (§ 3), established a task force to study the provision and funding of special education during the 2016-17 through 2020-21 school years. The bill specifically requires that the task force focus on special education services delivery and eligibility in addition to funding as under current law. It also adds the following to the scope of the task force’s study:

1. the provision of services to gifted and talented students;
2. student services or accommodations as part of a 504 plan;
3. the cost of providing gifted and talented services and its effect on a board of education’s minimum budget requirement;
4. the level of state reimbursement to boards for gifted and talented services;
5. school districts’ methods for identifying students who are gifted and talented, including the criteria they are using and whether they are over- or under-identifying them;
6. the feasibility of authorizing independent special education

evaluators, from either SDE or hired by a student's parent or guardian, to observe special education services being provided in the classroom;

7. delaying the age when a child requiring special education and related services receives a classification category for the services;
8. special education student-to-teacher ratios prescribed by case load policies, regulations, and formulas in effect in other states, focusing on the number of students and intensity of services required;
9. prohibiting the use of seclusion and implementing alternative methods to address certain student behavior; and
10. any other issues or topics relating to special education that the task force finds necessary.

Membership

The bill also adds the following eight members to the 15-member task force, bringing the total membership to 23:

1. a representative from an educator preparation program offered a Connecticut public higher education institution, appointed by the House minority leader;
2. a representative from an educator preparation program offered at an independent higher education institution, appointed by the Senate minority leader;
3. the Education Committee chairpersons and ranking members, or their designees;
4. the Advisory Council for Special Education chairperson; and
5. a representative of the Connecticut Association of Private Special Education Facilities, designated by the association.

Reporting and Termination

The bill extends the deadline by which the task force must submit its final report to the Education Committee and also adds an interim report. Under the bill, the task force must submit (1) an interim, rather than a final, report by January 1, 2024, on its findings and (2) a final report on its findings and recommendations by January 1, 2025.

The bill also extends the task force’s termination date from January 1, 2024, to July 1, 2025, or when it submits the report, whichever is later.

EFFECTIVE DATE: Upon passage

Background — Related Bill

sSB 1200 (File 570), § 3, reported favorably by the Appropriations and Education committees, (1) expands the charge and membership of the task force studying special education services and funding and (2) extends its reporting deadline and termination date.

§ 14 — CHARTER SCHOOL ENROLLMENT CRITERIA

Generally prohibits charter schools from asking about or considering an applicant student’s need for or receipt of special education and related services, including as part of enrollment lottery criteria

The bill prohibits state or local charter schools, beginning on July 1, 2023, from requesting information about an applicant student’s need for special education and related services. It also prohibits these schools from considering need for these services as part of their enrollment lottery criteria. The bill makes an exception for schools that receive an SBE waiver from the enrollment lottery’s requirements because they have, among other things, a primary purpose of serving students who require special education.

The bill also makes a conforming change by referring to “English language learners” as “multilingual learners” (see §§ 17-35 below).

EFFECTIVE DATE: July 1, 2023

Background — Related Bill

sSB 1200 (File 570), § 5, reported favorably by the Appropriations and Education committees, prohibits charter schools from asking about or considering an applicant student’s need for or receipt of special

education and related services, including as part of enrollment lottery criteria.

§ 15 — SPECIAL EDUCATION COMPLAINTS FILED WITH SDE

Requires SDE to post online summaries of (1) special education complaints filed with the department and (2) corrective actions required by the department

Beginning July 1, 2023, the bill requires SDE to post on its website summaries of the (1) complaints filed with the department about a board of education's or other entity's provision of special education and related services to a student and (2) corrective actions required by the department. Before posting these decisions and documents online, SDE must redact any personally identifiable student information.

EFFECTIVE DATE: July 1, 2023

Background — Related Bill

sSB 1200 (File 570), § 8, reported favorably by the Appropriations and Education committees, requires SDE, beginning July 1, 2023, to post on its website (1) all special education due process decision documents and (2) any corrective actions taken in response to a complaint about a board of education or other entity's provision of special education and related services.

§ 16 — 504 PLANS AND SCHOOL EMPLOYEES

Prohibits boards of education from disciplining any school employee who discusses or makes recommendations about student services or accommodations during a 504 plan meeting

The bill prohibits local or regional boards of education from disciplining, suspending, terminating, or punishing any school employee who discusses or makes recommendations about the services or accommodations for a student's 504 plan during any meeting held to discuss the plan. The prohibition extends to the following employees:

1. teachers and substitute teachers;
2. school administrators and superintendents;
3. guidance counselors, school counselors, psychologists, and social workers;

4. nurses, physicians, school paraprofessionals, or coaches employed by a local or regional board of education or working in a public elementary, middle, or high school; or
5. any other people who, in performing their duties, (a) have regular contact with students and (b) provide services to or on behalf of students enrolled in a public elementary, middle, or high school, under a contract with the school board.

Under existing law, similar protections apply to planning and placement team members, birth-to-three services coordinators, and certain qualified personnel.

EFFECTIVE DATE: July 1, 2023

Background — Related Bills

sSB 1166 (File 446), favorably reported by the Education Committee, repeals CGS § 10-222d, which this bill cites to for the statutory definition of “school employee.”

sSB 1200 (File 570), § 9, reported favorably by the Appropriations and Education committees, prohibits local and regional boards of education from punishing a school employee for discussing or making recommendations about services or accommodations for a student’s 504 plan.

§§ 17 & 18 — MULTILINGUAL LEARNERS’ BILL OF RIGHTS

Changes the term “English learner” to “multilingual learner” in the education statutes; requires SBE to draft a written bill of rights for parents or guardians of multilingual learner students

This bill changes the term in education law for a student whose primary language is not English from “English learner” to “multilingual learner.” It defines “multilingual learner” using the federal definition of “English learner,” which means an individual who meets the following criteria:

1. is aged 3 through 21;
2. is enrolled or preparing to enroll in an elementary school or

- secondary school;
3. either (a) was not born in the United States or whose native language is a language other than English; (b) is a Native American or Alaska Native, or a native resident of the outlying areas, and comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (c) is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
 4. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual (a) the ability to meet the challenging state academic standards, (b) the ability to successfully achieve in classrooms where the language of instruction is English, or (c) the opportunity to participate fully in society (20 U.S.C. § 7801).

The bill also requires SBE to draft a written bill of rights for parents or guardians of multilingual learner (ML) students to guarantee that their rights are safeguarded and protected when bilingual education is provided as required under state law. Under the bill, the bill of rights must include declarations of 15 rights on topics including (1) attending school regardless of the student's immigration status, (2) having translation services provided by the school district, and (3) participating in a bilingual education program as prescribed by state law. Most of these rights are already provided either in a U.S. Supreme Court ruling (see *Background*) or a state law or regulation.

Beginning with the 2024-25 school year, the bill requires each local and regional board of education (i.e., "school board") that provides bilingual education or English as a new language to (1) give the parents and guardians of eligible students a copy of the bill of rights in the parents' and guardians' dominant language and (2) make the bill of rights available on its website.

EFFECTIVE DATE: July 1, 2023

Definitions

Under existing law and unchanged by the bill:

1. “Bilingual education” means a program that: (a) uses both English and an eligible student’s native language for instruction; (b) enables the students to achieve English proficiency and subject matter mastery and higher order skills, including critical thinking, to meet appropriate grade promotion and graduation requirements; (c) provides for the continuous increase in the use of English and corresponding decrease in the use of the native language within each year and from year to year and provides for the use of English for more than half of the instructional time by the end of the first year; (d) may develop eligible students’ native language skills; and (e) may include the participation of English-proficient students if the program is designed to enable all students to become more proficient in English and a second language (CGS § 10-17e(2)).
2. “English as a second language” means a program that uses only English as the instructional language for eligible students and enables the students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, to meet appropriate grade promotion and graduation requirements (CGS § 10-17e(3)). (The bill refers to these programs as “English as a new language.” Presumably, they are the same thing.)

Components of the Bill of Rights

The bill requires the bill of rights to include some components that are already law either by a court ruling or under state law. One item, translation services, is not explicitly guaranteed in any ruling or current law, but the federal government interprets certain federal laws to require it.

Right to Translation Services. The bill requires the bill of rights to include the right to have translation services provided (1) by an interpreter who is present in person or available by telephone or

through an online technology platform or (2) through a website or other SBE-approved electronic application, during critical interactions with teachers and administrators. These interactions must at least include (1) parent-teacher conferences, (2) meetings with school administrators attended by the student, and (3) at properly noticed regular or special meetings of or with members of the school board responsible for the student's education.

Guidance from the U.S. departments of Justice and Education states that schools must provide language translation or interpretation from appropriate and competent individuals whenever it is requested by a parent or guardian who has limited English proficiency. The school must communicate to the parent or guardian in a language they can understand. Related federal guidance cites Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) and the Equal Educational Opportunities Act of 1974 (20 U.S.C. § 1701-1758) as the legal authority.

But under the bill, school boards must provide the services guaranteed by the bill of rights, including the right for translation, to the parents without them requesting it for critical interactions such as parent-teacher conferences and meetings with school administrators attended by the student. Although for properly noticed special or regular meetings of the school board, the parent or guardian must request translation services at least one day in advance of the meeting.

Other Rights. The following table shows the remaining components and, if already provided in law, which law is applicable.

Table: Minimum Components Required in Bill of Rights

<i>Right of a Multilingual Learner (or Their Parent or Guardian)</i>	<i>Bill Sub-Division (§)</i>	<i>Relevant Decision or Law</i>
Enrollment To enroll in school without being required to submit documentation of immigration or citizenship	17(a)(2)	Supreme Court, <i>Plyler v. Doe</i> provides same (see <i>Background</i>)
Attend School To attend public school regardless of immigration status	17(a)(1)	Supreme Court, <i>Plyler v. Doe</i> provides same (see <i>Background</i>)

<i>Right of a Multilingual Learner (or Their Parent or Guardian)</i>	<i>Bill Sub-Division (§)</i>	<i>Relevant Decision or Law</i>
Bilingual Education To participate in a bilingual education program offered by the school board when there are 20 or more eligible students classified as dominant in a language other than English	17(a)(4) & (9)	Bilingual education, CGS § 10-17f provides same; the law requires boards to provide bilingual education when there are 20 or more students in a school dominant in one language other than English
Notice of Eligibility To receive written notice, in both the parent's dominant language and English, of student eligibility for bilingual education or English as a new language	17(a)(5)	State law requires school districts to hold a meeting with parents of an eligible student on the benefits of language programs (CGS § 10-17f(e)); and by state regulation any written communication with parents or guardian must be in their dominant language and English (Conn. Agencies Regs., § 10-17h-13)
Orientation To receive a school district-provided, high quality orientation session in the dominant language before starting a bilingual or English as a new language program; session must include information on state standards, tests, expectations, goals, and program requirements	17(a)(6)	Required meeting with parents (as referenced above) to explain the benefits of the language programs; parent may bring an interpreter or advisor to the meeting (CGS § 10-17f(e))
Student Progress Of the parent or guardian to receive information about the progress of the student's English language development	17(a)(7)	Parents or guardians must be notified when the student attains English proficiency sufficient to leave the program (Conn. Agencies. Regs., § 10-17h-10)
Meetings With Staff Of an English learner student and the parent or guardian to meet with school personnel to discuss the student's language development	17(a)(8)	Not specifically addressed in law or regulation
Equal Access School Programming To have equal access to all grade-level school programming and core grade-level subject matter	17(a)(10) & (11)	Requires all public schools to give all age-eligible students an equal opportunity to participate in the activities, programs and courses of study offered in the public schools without discrimination due to race, color, sex, gender identity or

<i>Right of a Multilingual Learner (or Their Parent or Guardian)</i>	<i>Bill Sub-Division (§)</i>	<i>Relevant Decision or Law</i>
		expression, religion, national origin, sexual orientation, or disability (CGS § 10-15c) Federal guidance (similar to that mentioned above regarding translation services) indicates English learners must have equal access to grade-level curricula and equal access to all school programming
Proficiency Testing To receive annual language proficiency testing	17(a)(12)	English language proficiency testing must be done annually (Conn. Agencies Regs., § 10-17h-10)
Intervention Support Services To receive support services aligned with any intervention plan that the school or school district provides to all students	17(a)(13)	No specific requirement in state law or regulations, but may be captured in the broad equal opportunity law mentioned above (CGS § 10-15c)
Continuous Enrollment To be continuously and annually enrolled in a bilingual education or English as a new language program while the student remains an eligible student under state law	17(a)(14)	State law provides for 30 months of bilingual education, and the time may be extended an additional 30 months if the school board asks the SDE for the extension or SDE determines it is necessary (CGS § 10-17f(d))
Recourse for Failure to Provide Services A parent or guardian of a multilingual learner student to contact SDE with any questions or concerns about the student's right to receive English learner services or accommodations available to the student or parent or guardian, including information on any recourse for failure of the school board to provide or ensure the services or accommodations	17(a)(15)	Regulations allow a parent or guardian to request a review of any decision related to placing or not placing a student in a program; a parent can also ask for a hearing by the school board and if the school board decision is not satisfactory to the parent, seek an appeal with the SBE; and, if the parents are aggrieved by the agency decision, an appeal to Superior Court is allowed (Conn. Agencies Regs., § 10-17h-14)

Background — Plyler v. Doe, 457 U.S. 202 (1982)

Under this decision, the Supreme Court ruled that school districts

cannot inquire about a potential student’s immigration status and cannot use this type of inquiry to refuse to enroll the student. The Court held that a Texas statute that withheld state funds from local school districts for the education of children who were not “legally admitted” into the United States, and that authorized local school districts to deny enrollment to these children, violated the Equal Protection Clause of the Fourteenth Amendment.

§§ 19-35 — CONFORMING CHANGES

Makes conforming changes throughout various education statutes

The bill makes conforming changes throughout various education statutes by changing “English learner” to “multilingual learner.” It also makes other conforming and technical changes.

EFFECTIVE DATE: July 1, 2023

§ 36 — REPEALER

Repeals two obsolete sections related to English learners or bilingual education

The bill repeals two obsolete sections: one created an English language learner pilot program (CGS § 10-17n), and the other required regional education service centers to conduct a survey on English language learner services and bilingual education provided in their respective regions (CGS § 10-66t).

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Education Committee

Joint Favorable

Yea 35 Nay 9 (03/24/2023)