



# House of Representatives

General Assembly

**File No. 711**

January Session, 2023

Substitute House Bill No. 6663

*House of Representatives, May 4, 2023*

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT ESTABLISHING THE ENGLISH LEARNERS' BILL OF RIGHTS.***

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

1 Section 1. (NEW) (*Effective July 1, 2023*) (a) The State Board of  
2 Education shall draft a written bill of rights for parents or guardians of  
3 students who are English learners to guarantee that the rights of such  
4 parents and students are adequately safeguarded and protected in the  
5 provision of bilingual education under chapter 164 of the general  
6 statutes. Such bill of rights shall include, but not be limited to, the  
7 following declarations:

8 (1) The right of an English learner student to attend a public school  
9 in the state regardless of such student's immigration status or the  
10 immigration status of such student's parent or guardian;

11 (2) The right of a parent or guardian of an English learner student to  
12 enroll such student in a public school without being required to submit  
13 immigration documentation, including, but not limited to, a Social

14 Security number, visa documentation or proof of citizenship;

15 (3) The right of an English learner student to have translation services  
16 provided (A) by a certified interpreter who is present in person or  
17 available by telephone or through an online technology platform, or (B)  
18 through an Internet web site or other electronic application, during  
19 critical interactions with teachers and administrators, including, but not  
20 limited to, parent-teacher conferences, meetings with administrators of  
21 the school in which such student is attending and meetings of or with  
22 members of the board of education responsible for educating such  
23 student;

24 (4) The right of an English learner student to participate in a program  
25 of bilingual education offered by the local or regional board of education  
26 when there are twenty or more eligible students classified as dominant  
27 in a language other than English as such student, in accordance with the  
28 provisions of section 10-17f of the general statutes;

29 (5) The right of a parent or guardian of an English learner student to  
30 receive written notice, in both English and the dominant language of  
31 such parent or guardian, that such student is eligible to participate in a  
32 program of bilingual education or English as a new language program  
33 offered by the local or regional board of education;

34 (6) The right of an English learner student and the parent or guardian  
35 of such student to receive a high quality orientation session, in the  
36 dominant language of such student and parent or guardian, from the  
37 local or regional board of education that provides information relating  
38 to state standards, tests and expectations at the school for English  
39 learner students, as well as the goals and requirements for programs of  
40 bilingual education and English as a new language, prior to  
41 participation in such program of bilingual education or English as a new  
42 language;

43 (7) The right of the parent or guardian of an English learner student  
44 to receive information about the progress of such student's English  
45 language development and acquisition;

46 (8) The right of an English learner student and the parent or guardian  
47 of such student to meet with school personnel to discuss such student's  
48 English language development and acquisition;

49 (9) The right of an English learner student to be placed in a program  
50 of bilingual education or English as a new language, if offered by the  
51 local or regional board of education;

52 (10) The right of an English learner student to have equal access to all  
53 grade-level school programming;

54 (11) The right of an English learner student to have equal access to all  
55 core grade-level subject matter;

56 (12) The right of an English learner student to receive annual  
57 language proficiency testing;

58 (13) The right of an English learner student to receive support  
59 services aligned with any intervention plan that the school or school  
60 district provides to all students;

61 (14) The right of an English learner student to be continuously and  
62 annually enrolled in a program of bilingual education or English as a  
63 new language while such student remains an eligible student, as defined  
64 in section 10-17e of the general statutes; and

65 (15) The right of a parent or guardian of an English learner student to  
66 contact the Department of Education with any questions or concerns  
67 regarding such student's right to receive English learner services or  
68 accommodations available to such student or parent or guardian,  
69 including information regarding any recourse for failure of the board of  
70 education to provide or ensure such services or accommodations.

71 (b) For the school year commencing July 1, 2024, and each school year  
72 thereafter, each local and regional board of education providing a  
73 program of bilingual education or English as a new language shall (1)  
74 provide the parents and guardians of eligible students with a copy of  
75 the English learner bill of rights in the dominant language of such

76 parents and guardians, and (2) make such copies of the English learner  
77 bill of rights available on the Internet web site of such board.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section

**ED**      *Joint Favorable Subst. C/R*      APP

**APP**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 24 \$	FY 25 \$
Local and Regional School Districts	STATE MANDATE <sup>1</sup> - Cost	None	Minimal
Local and Regional School Districts	Potential Cost	See Below	See Below

**Explanation**

The bill results in a minimal cost beginning in FY 25 and potential costs annually to local and regional boards of education by requiring the State Board of Education (SBE) to create an English learners bill of rights, specifying several of the rights that SBE must include in the document, and requiring annual distribution of the bill of rights.

Costs to districts will vary based on the final document created by SBE and the degree to which districts are required to establish new services or expand services they currently provide.

Districts are currently required by Federal and state law to meet many of the rights specified in the bill. For example, under Federal law, translation services must be provided by school districts upon parent request. To the extent that the bill requires school districts to provide

<sup>1</sup> State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

translation services regardless of whether a parent requested them, there would be a cost.

Translation services typically cost between \$125 and \$175 per hour with a two-hour minimum. Costs to districts will vary based on the number of instances translation services are provided without parent request, and whether translators, Internet websites, or other types of translation services are used. As the bill does not specify a date by which the bill of rights must be completed, any such costs could begin in FY 24 or FY 25.

The bill requires districts to begin annually providing copies of the bill of rights to eligible students and their parents in FY 25, which will result in annual minimal printing costs to districts.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of English learners and parents requiring services.

**OLR Bill Analysis**

**sHB 6663**

***AN ACT ESTABLISHING THE ENGLISH LEARNERS' BILL OF RIGHTS.***

**SUMMARY**

This bill requires the State Board of Education (SBE) to draft a written bill of rights for parents or guardians of English learner (EL) students to guarantee that parents' and students' rights are safeguarded and protected when bilingual education is provided as required under state law. Under the bill, the bill of rights lists 15 rights on topics including (1) attending school regardless of the student's immigration status, (2) having translation services, 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 or under state law.

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. (The bill does not give SBE a deadline to draft the bill of rights. Presumably, it will be before the 2024-2025 year, which begins on July 1, 2024.)

EFFECTIVE DATE: July 1, 2023

**DEFINITIONS**

Under current 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, so as 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 the native language skills of eligible students; 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.
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, in order to meet appropriate grade promotion and graduation requirements (CGS § 10-17f). (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.

The bill requires the bill of rights to include the right to have translation services provided (1) by a certified interpreter who is present in person or available by telephone or through an online technology platform or (2) through a website or other electronic application, during critical interactions with teachers and administrators. The interactions include, but are not limited to, (1) parent-teacher conferences, (2)



meetings with school administrators attended by the student, and (3) 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.

The federal agencies say the translation or interpretation must be provided when it is requested, but under the bill, school boards must provide the bill of rights, including the right for translation, to the parents without them requesting it.

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

**Table: Minimum Components Required in Bill of Rights**

<b><i>Right of an English Learner (or Their Parent or Guardian)</i></b>	<b><i>Bill Sub-Division</i></b>	<b><i>Relevant Decision or Law</i></b>
<b>Enrollment</b> To enroll in school without being required to submit documentation of immigration or citizenship	1(a)(2)	Supreme Court, <i>Plyler v. Doe</i> provides same (see BACKGROUND)
<b>Attend School</b> To attend public school regardless of immigration status	1(a)(1)	Supreme Court, <i>Plyler v. Doe</i> provides same (see BACKGROUND)
<b>Bilingual Education</b> 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	1(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
<b>Notice of Eligibility</b>	1(a)(5)	State law requires school districts to hold a meeting with

<b><i>Right of an English Learner (or Their Parent or Guardian)</i></b>	<b><i>Bill Sub-Division</i></b>	<b><i>Relevant Decision or Law</i></b>
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		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)
<b>Orientation</b> 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; which must include information on state standards, tests and expectations, and goals and program requirements	1(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))
<b>Student Progress</b> Of the parent or guardian to receive information about the progress of the student's English language development	1(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)
<b>Meetings With Staff</b> Of an English learner student and the parent or guardian to meet with school personnel to discuss the student's language development	1(a)(8)	Not specifically addressed in law or regulation
<b>Equal Access School Programming</b> To have equal access to all grade-level school programming and core grade-level subject matter	1(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 expression, religion, national origin, sexual orientation, or disability (CGS § 10-15c)  Federal guidance (similar to that mentioned above)

<b><i>Right of an English Learner (or Their Parent or Guardian)</i></b>	<b><i>Bill Sub-Division</i></b>	<b><i>Relevant Decision or Law</i></b>
		regarding translation services) indicates English learners must have equal access to grade-level curricula and equal access to all school programming
<b>Proficiency Testing</b> To receive annual language proficiency testing	1(a)(12)	English language proficiency testing must be done annually (Conn. Agencies. Regs., § 10-17h-10)
<b>Intervention Support Services</b> To receive support services aligned with any intervention plan that the school or school district provides to all students	1(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)
<b>Continuous Enrollment</b> 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	1(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))
<b>Recourse for Failure to Provide Services</b> A parent or guardian of an English 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	1(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.

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute Change of Reference - APP  
Yea 40 Nay 1 (03/10/2023)

Appropriations Committee

Joint Favorable  
Yea 42 Nay 6 (04/21/2023)