



# House of Representatives

**File No. 859**

General Assembly

January Session, 2023

**(Reprint of File No. 535)**

House Bill No. 6762  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
June 2, 2023

**AN ACT CONCERNING EARLY CHILDHOOD EDUCATION, AN AUDIT OF THE STATE-WIDE MASTERY EXAMINATION, THE ESTABLISHMENT OF THE CONNECTICUT CIVICS EDUCATION AND MEDIA LITERACY TASK FORCE, THE PROVISION OF SPECIAL EDUCATION, AND A BILL OF RIGHTS FOR MULTILINGUAL LEARNER STUDENTS.**

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

1 Section 1. Subdivision (1) of subsection (b) of section 10-16q of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2023*):

4 (b) (1) For the fiscal year ending June 30, 2020, the per child cost of  
5 the Office of Early Childhood school readiness program offered by a  
6 school readiness provider shall not exceed eight thousand nine hundred  
7 twenty-seven dollars. For the fiscal [year] years ending June 30, 2021,  
8 [and each fiscal year thereafter] to June 30, 2024, inclusive, the per child  
9 cost of the Office of Early Childhood school readiness program offered  
10 by a school readiness provider shall not exceed nine thousand twenty-

11 seven dollars. For the fiscal year ending June 30, 2025, the per child cost  
12 of the Office of Early Childhood full-time school readiness program  
13 offered by a school readiness provider shall not exceed ten thousand  
14 five hundred dollars.

15 Sec. 2. Subsection (a) of section 17b-749 of the general statutes is  
16 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
17 *2023*):

18 (a) The Commissioner of Early Childhood shall establish and operate  
19 a child care subsidy program to increase the availability, affordability  
20 and quality of child care services for families with a parent or caretaker  
21 who (1) is (A) working or attending high school, or (B) subject to the  
22 provisions of subsection (d) of this section, is enrolled or participating  
23 in (i) a public or independent institution of higher education, (ii) a  
24 private career school authorized pursuant to sections 10a-22a to 10a-22o,  
25 inclusive, (iii) a job training or employment program administered by a  
26 regional workforce development board, (iv) an apprenticeship program  
27 administered by the Labor Department's office of apprenticeship  
28 training, (v) an alternate route to certification program approved by the  
29 State Board of Education, (vi) an adult education program pursuant to  
30 section 10-69 or other high school equivalency program, or (vii) a local  
31 Even Start program or other adult education program approved by the  
32 Commissioner of Early Childhood; or (2) receives cash assistance under  
33 the temporary family assistance program from the Department of Social  
34 Services and is participating in an education, training or other job  
35 preparation activity approved pursuant to subsection (b) of section 17b-  
36 688i or subsection (b) of section 17b-689d. Services available under the  
37 child care subsidy program shall include the provision of child care  
38 subsidies for children under the age of thirteen or children under the  
39 age of nineteen with special needs. The Commissioner of Early  
40 Childhood may institute a protective service class in which the  
41 commissioner may waive eligibility requirements for at-risk  
42 populations that meet the guidelines prescribed by the commissioner,  
43 and subject to review by the Secretary of the Office of Policy and  
44 Management. Such at-risk populations are children placed in a foster

45 home by the Department of Children and Families and for whom the  
46 parent or legal guardian receives foster care payments, adopted children  
47 for one year from the date of adoption and homeless children and  
48 youths, as defined in 42 USC 11434a, as amended from time to time. The  
49 Office of Early Childhood shall open and maintain enrollment for the  
50 child care subsidy program and shall administer such program within  
51 the existing budgetary resources available. The office shall issue a notice  
52 on the office's Internet web site any time the office closes the program to  
53 new applications, changes eligibility requirements, changes program  
54 benefits or makes any other change to the program's status or terms,  
55 except the office shall not be required to issue such notice when the  
56 office expands program eligibility. Any change in the office's acceptance  
57 of new applications, eligibility requirements, program benefits or any  
58 other change to the program's status or terms for which the office is  
59 required to give notice pursuant to this subsection, shall not be effective  
60 until thirty days after the office issues such notice.

61 Sec. 3. (NEW) (*Effective July 1, 2023*) Any provider of child care  
62 services, as described in section 19a-77 of the general statutes, licensed  
63 by the Office of Early Childhood, that maintains a supply of epinephrine  
64 cartridge injectors pursuant to section 19a-909 of the general statutes,  
65 may administer such epinephrine for the purpose of emergency first aid  
66 to a child in the care of such provider who experiences an allergic  
67 reaction and does not have a prior written authorization of a parent or  
68 guardian or a prior written order of a qualified medical professional for  
69 the administration of epinephrine, provided the person administering  
70 such epinephrine is a person with training, as defined in section 19a-909  
71 of the general statutes. The parent or guardian of a child may submit, in  
72 writing, to such child's provider of child care services, that epinephrine  
73 shall not be administered to such child pursuant to this section.

74 Sec. 4. Section 10-502 of the general statutes is repealed and the  
75 following is substituted in lieu thereof (*Effective July 1, 2023*):

76 The Office of Early Childhood shall collaborate with and may, within  
77 available appropriations, provide funding to local [and regional] early

78 childhood [councils] collaboratives for the implementation of early care  
79 and education and child development programs at the local level. Such  
80 local early childhood [councils] collaboratives shall: (1) Develop and  
81 implement a comprehensive plan for an early childhood system for the  
82 community served by such local early childhood [council] collaborative,  
83 (2) develop policy and program planning, (3) encourage community  
84 participation by emphasizing substantial parental involvement, (4)  
85 collect, analyze and evaluate data with a focus on program and service  
86 outcomes, (5) allocate resources, and (6) perform any other functions  
87 that will assist in the provision of early childhood programs and  
88 services. Such local early childhood [councils] collaboratives may enter  
89 into memoranda of agreement with the local or regional school  
90 readiness council, described in section 10-16r, of the town or region  
91 served by such local early childhood [council] collaborative to perform  
92 the duties and functions of a school readiness council, in accordance  
93 with the provisions of section 10-16r, or if no such local or regional  
94 school readiness council exists for the town or region of such local early  
95 childhood [council] collaborative, perform the duties and functions of a  
96 school readiness council, in accordance with the provisions of section  
97 10-16r.

98 Sec. 5. (*Effective July 1, 2023*) (a) Not later than January 1, 2025, the  
99 Commissioner of Education shall, within available appropriations,  
100 conduct an audit of state and local testing requirements and  
101 administration. Such audit shall focus on (1) the state-wide mastery  
102 examination, as described in section 10-14n of the general statutes, as  
103 amended by this act, and local standardized assessments used to  
104 monitor student and district academic progress and achievement, (2) the  
105 amount of time devoted to student preparation or educator instruction  
106 for the state-wide mastery examination and such local standardized  
107 assessments, including the amount of time that such preparation and  
108 instruction takes away from regular instruction. Such audit shall also  
109 include recommendations relating to any limitations on the amount of  
110 time that may be devoted to administering the state-wide mastery  
111 examination and such local standardized assessments. If a grant to

112 conduct such audit is available under 20 USC 6361 to 20 USC 6363,  
113 inclusive, as amended from time to time, the commissioner shall submit  
114 an application for such grant and conduct such audit in a manner that  
115 complies with the requirements set forth in said 20 USC 6361 to 20 USC  
116 6363, inclusive, as amended from time to time.

117 (b) Not later than January 1, 2025, the commissioner shall submit a  
118 report of the audit described in subsection (a) of this section to the joint  
119 standing committees of the General Assembly having cognizance of  
120 matters relating to education and appropriations and the budgets of  
121 state agencies, in accordance with the provisions of section 11-4a of the  
122 general statutes.

123 Sec. 6. (*Effective from passage*) (a) As used in this section:

124 (1) "Civic engagement" means participation in improving the quality  
125 of life in a community and developing the combination of knowledge  
126 and skills to enable such participation;

127 (2) "Civics" means the study of the rights and obligations of citizens;  
128 and

129 (3) "Media literacy" means the ability to access, analyze, evaluate,  
130 create and participate with media in all forms by understanding the role  
131 of media in society, and building skills of inquiry and self-expression  
132 essential to participation and collaboration in a democratic society.

133 (b) There is established the Connecticut Civics Education, Civics  
134 Engagement and Media Literacy Task Force to study and develop  
135 strategies to improve and promote civic engagement and instruction on  
136 civics, citizenship, media literacy and American government. Such  
137 study shall include, but need not be limited to (1) reviewing existing  
138 state and national curricula and standards, classroom practices and high  
139 school and college graduation requirements to identify and publicize  
140 best practices in instruction on civics, citizenship, media literacy and  
141 American government, (2) receiving recommendations from educators,  
142 administrators, governmental entities, nongovernmental organizations

143 and the public, (3) a review of existing civics, citizenship, media literacy  
144 and American government educational opportunities provided by  
145 governmental entities and nongovernmental organizations throughout  
146 the state, and (4) exploring the feasibility of establishing public and  
147 private partnerships to fund, coordinate, promote and support  
148 enhancements to such engagement and instruction.

149 (c) The task force shall consist of the following members:

150 (1) One appointed by the speaker of the House of Representatives,  
151 who shall be a certified social studies teacher and a member of the  
152 American Federation of Teachers-Connecticut;

153 (2) One appointed by the president pro tempore of the Senate, who  
154 shall be a representative of the Connecticut Education Association;

155 (3) One appointed by the majority leader of the House of  
156 Representatives, who shall be an officer or member of a  
157 nongovernmental organization that promotes civic education, civic  
158 engagement or media literacy;

159 (4) One appointed by the majority leader of the Senate, who shall be  
160 an officer or member of a nongovernmental organization that promotes  
161 civic education, civic engagement or media literacy;

162 (5) One appointed by the minority leader of the House of  
163 Representatives, who shall be a representative of the Connecticut  
164 Association of Public School Superintendents;

165 (6) One appointed by the minority leader of the Senate, who shall be  
166 a representative of the Connecticut Association of Boards of Education;

167 (7) One appointed by the chairperson of the Black and Puerto Rican  
168 Caucus of the General Assembly;

169 (8) The Secretary of the State, or the Secretary's designee;

170 (9) The Commissioner of Education, or the commissioner's designee;

171 (10) The president of the Connecticut State Colleges and Universities,  
172 or the president's designee;

173 (11) The president of The University of Connecticut, or the president's  
174 designee;

175 (12) The president of the Connecticut Bar Association, or the  
176 president's designee;

177 (13) The Chief Court Administrator, or the Chief Court  
178 Administrator's designee;

179 (14) The chairpersons of the Connecticut Hate Crimes Advisory  
180 Council, or the chairpersons' designees;

181 (15) The executive director of the Connecticut Humanities Council, or  
182 the executive director's designee;

183 (16) The president of the Connecticut Democracy Center, or the  
184 president's designee; and

185 (17) The executive director of the Commission on Women, Children,  
186 Seniors, Equity and Opportunity, or the executive director's designee.

187 (d) Any member of the task force appointed under subdivision (1),  
188 (2), (3), (4), (5), (6) or (7) of subsection (c) of this section may be a member  
189 of the General Assembly.

190 (e) All initial appointments to the task force shall be made not later  
191 than thirty days after the effective date of this section. Any vacancy shall  
192 be filled by the appointing authority.

193 (f) The speaker of the House of Representatives and the president pro  
194 tempore of the Senate shall select the chairpersons of the task force from  
195 among the members of the task force. Such chairpersons shall schedule  
196 the first meeting of the task force, which shall be held not later than sixty  
197 days after the effective date of this section.

198 (g) The administrative staff of the joint standing committee of the  
199 General Assembly having cognizance of matters relating to education  
200 shall serve as administrative staff of the task force.

201 (h) Not later than January 1, 2025, the task force shall submit a report  
202 on its findings and recommendations to the joint standing committee of  
203 the General Assembly having cognizance of matters relating to  
204 education, in accordance with the provisions of section 11-4a of the  
205 general statutes. The task force shall terminate on the date that it  
206 submits such report or July 1, 2025, whichever is later.

207 Sec. 7. Section 10-16b of the general statutes, as amended by section  
208 32 of public act 22-80, is repealed and the following is substituted in lieu  
209 thereof (*Effective July 1, 2025*):

210 (a) In the public schools the program of instruction offered shall  
211 include at least the following subject matter, as taught by legally  
212 qualified teachers, the arts; career education; consumer education;  
213 health and safety, including, but not limited to, human growth and  
214 development, nutrition, first aid, including cardiopulmonary  
215 resuscitation training in accordance with the provisions of section 10-  
216 16qq, disease prevention and cancer awareness, including, but not  
217 limited to, age and developmentally appropriate instruction in  
218 performing self-examinations for the purposes of screening for breast  
219 cancer and testicular cancer, community and consumer health, physical,  
220 mental and emotional health, including youth suicide prevention,  
221 substance abuse prevention, including instruction relating to opioid use  
222 and related disorders, safety, which shall include the safe use of social  
223 media, as defined in section 9-601, and may include the dangers of gang  
224 membership, and accident prevention; language arts, including reading,  
225 writing, grammar, speaking and spelling; mathematics; physical  
226 education; science, which may include the climate change curriculum  
227 described in subsection (d) of this section; social studies, including, but  
228 not limited to, civics and media literacy, citizenship, economics,  
229 geography, government, history and Holocaust and genocide education  
230 and awareness in accordance with the provisions of section 10-18f;



231 African-American and black studies in accordance with the provisions  
232 of section 10-16ss; Puerto Rican and Latino studies in accordance with  
233 the provisions of section 10-16ss; Native American studies, in  
234 accordance with the provisions of section 10-16vv; Asian American and  
235 Pacific Islander studies, in accordance with the provisions of section 10-  
236 66ww; computer programming instruction; and in addition, on at least  
237 the secondary level, one or more world languages; vocational education;  
238 and the black and Latino studies course in accordance with the  
239 provisions of sections 10-16tt and 10-16uu. For purposes of this  
240 subsection, world languages shall include American Sign Language,  
241 provided such subject matter is taught by a qualified instructor under  
242 the supervision of a teacher who holds a certificate issued by the State  
243 Board of Education. For purposes of this subsection, the "arts" means  
244 any form of visual or performing arts, which may include, but not be  
245 limited to, dance, music, art and theatre.

246 (b) If a local or regional board of education requires its pupils to take  
247 a course in a world language, the parent or guardian of a pupil  
248 identified as deaf or hard of hearing may request in writing that such  
249 pupil be exempted from such requirement and, if such a request is  
250 made, such pupil shall be exempt from such requirement.

251 (c) Each local and regional board of education shall on September 1,  
252 1982, and annually thereafter at such time and in such manner as the  
253 Commissioner of Education shall request, attest to the State Board of  
254 Education that such local or regional board of education offers at least  
255 the program of instruction required pursuant to this section, and that  
256 such program of instruction is planned, ongoing and systematic.

257 (d) The State Board of Education shall make available curriculum  
258 materials and such other materials as may assist local and regional  
259 boards of education in developing instructional programs pursuant to  
260 this section. The State Board of Education, within available  
261 appropriations and utilizing available resource materials, shall assist  
262 and encourage local and regional boards of education to include: (1)  
263 Holocaust and genocide education and awareness; (2) the historical

264 events surrounding the Great Famine in Ireland; (3) African-American  
265 and black studies; (4) Puerto Rican and Latino studies; (5) Native  
266 American studies; (6) Asian American and Pacific Islander studies; (7)  
267 personal financial management, including, but not limited to, financial  
268 literacy as developed in the plan provided under section 10-16pp; (8)  
269 training in cardiopulmonary resuscitation and the use of automatic  
270 external defibrillators; (9) labor history and law, including organized  
271 labor, the collective bargaining process, existing legal protections in the  
272 workplace, the history and economics of free market capitalism and  
273 entrepreneurialism, and the role of labor and capitalism in the  
274 development of the American and world economies; (10) climate change  
275 consistent with the Next Generation Science Standards; (11) topics  
276 approved by the state board upon the request of local or regional boards  
277 of education as part of the program of instruction offered pursuant to  
278 subsection (a) of this section; and (12) instruction relating to the Safe  
279 Haven Act, sections 17a-57 to 17a-61, inclusive. The Department of  
280 Energy and Environmental Protection shall be available to each local  
281 and regional board of education for the development of curriculum on  
282 climate change as described in this subsection.

283       Sec. 8. (*Effective July 1, 2023*) (a) The board of the Technical Education  
284 and Career System shall study the programs offered at technical  
285 education and career schools to determine whether such programs align  
286 with the technical careers available in the state. Such study shall include,  
287 but need not be limited to, an evaluation of (1) the skills or certifications  
288 required to fill the available jobs in the state, (2) any deficiencies in the  
289 training or the availability of equipment at the technical education and  
290 career schools to teach the skills required for such available jobs, and (3)  
291 opportunities to partner with employers or labor organizations in the  
292 state to provide relevant apprenticeships or internships to students.

293       (b) Not later than January 1, 2025, the board of the Technical  
294 Education and Career System shall submit a report, in accordance with  
295 the provisions of section 11-4a of the general statutes, to the joint  
296 standing committee of the General Assembly having cognizance of  
297 matters relating to education concerning the study conducted pursuant

298 to subsection (a) of this section. Such report shall include, but need not  
299 be limited to, any legislative or policy recommendations for improving  
300 the programs offered at technical education and career schools to align  
301 with the skills required for available jobs.

302 Sec. 9. (*Effective July 1, 2023*) For the fiscal year ending June 30, 2024,  
303 and each fiscal year thereafter, the Department of Education shall not  
304 include any federal funds received by a local or regional board of  
305 education pursuant to the Coronavirus Aid, Relief, and Economic  
306 Security Act, P.L. 116-136, as amended from time to time, the  
307 Coronavirus Response and Relief Supplemental Appropriations Act,  
308 P.L. 116-260, as amended from time to time, and the American Rescue  
309 Plan Act of 2021, P.L. 117-2, as amended from time to time, in the  
310 calculation of such board's net current expenditures per pupil for  
311 purposes of determining the amount of the grant paid by the State Board  
312 of Education to such board under section 10-76g of the general statutes.

313 Sec. 10. Subsection (b) of section 10-76g of the general statutes, as  
314 amended by section 8 of public act 23-1, is repealed and the following is  
315 substituted in lieu thereof (*Effective July 1, 2023*):

316 (b) Any local or regional board of education which provides special  
317 education pursuant to the provisions of sections 10-76a to 10-76g,  
318 inclusive, as amended by public act 23-1 and this act, for any exceptional  
319 child described in subparagraph (A) of subdivision (5) of section 10-76a,  
320 under its jurisdiction, excluding (1) children placed by a state agency for  
321 whom a board of education receives payment pursuant to the  
322 provisions of subdivision (2) of subsection (e) of section 10-76d, as  
323 amended by [this act] public act 23-1, and (2) children who require  
324 special education, who reside on state-owned or leased property, and  
325 who are not the educational responsibility of the unified school districts  
326 established pursuant to sections 17a-37 and 18-99a, shall be financially  
327 responsible for the reasonable costs of special education instruction, as  
328 defined in the regulations of the State Board of Education, in an amount  
329 equal to [(A) for any fiscal year commencing prior to July 1, 2005, five  
330 times the average per pupil educational costs of such board of education

331 for the prior fiscal year, determined in accordance with the provisions  
332 of subsection (a) of section 10-76f, and (B)] for the fiscal year  
333 commencing July 1, [2005] 2023, and each fiscal year thereafter, four and  
334 one-half times [such average per pupil educational costs] the net current  
335 expenditures per pupil of such board of education. Except as otherwise  
336 provided in subsection (d) of this section, the State Board of Education  
337 shall, within available appropriations, pay on a current basis any costs  
338 in excess of the local or regional board's basic contribution paid by such  
339 board in accordance with the provisions of this subsection. Any  
340 amounts paid by the State Board of Education on a current basis  
341 pursuant to this subsection shall not be reimbursable in the subsequent  
342 year. Application for such grant shall be made by filing with the  
343 Department of Education, in such manner as prescribed by the  
344 commissioner, annually on or before December first a statement of the  
345 cost of providing special education pursuant to this subsection,  
346 provided a board of education may submit, not later than March first,  
347 claims for additional children or costs not included in the December  
348 filing. Payment by the state for such excess costs shall be made to the  
349 local or regional board of education as follows: Seventy-five per cent of  
350 the cost in February and the balance in May. The amount due each town  
351 pursuant to the provisions of this subsection shall be paid to the  
352 treasurer of each town entitled to such aid, provided the treasurer shall  
353 treat such grant, or a portion of the grant, which relates to special  
354 education expenditures incurred in excess of such town's board of  
355 education budgeted estimate of such expenditures, as a reduction in  
356 expenditures by crediting such expenditure account, rather than town  
357 revenue. Such expenditure account shall be so credited no later than  
358 thirty days after receipt by the treasurer of necessary documentation  
359 from the board of education indicating the amount of such special  
360 education expenditures incurred in excess of such town's board of  
361 education budgeted estimate of such expenditures.

362 Sec. 11. Section 10-76f of the general statutes is repealed and the  
363 following is substituted in lieu thereof (*Effective July 1, 2023*):

364 For the purposes of sections 10-76a to 10-76g, inclusive, as amended

365 by this act:

366 [(a)] (1) "Per pupil cost" in a school district is the quotient of net  
367 current [expenses, as defined in section 10-261, divided by]  
368 expenditures and such school district's average daily membership. [, as  
369 defined in section 10-261.]

370 [(b)] (2) "Special education instructional personnel" includes those  
371 employees of a board of education who, for at least one-half of their  
372 employment time, are assigned exclusively to the task of implementing  
373 or supervising special education programs. "Pupil personnel staff"  
374 includes those employees of a board of education who, for at least one-  
375 third of their employment time, are assigned exclusively to the task of  
376 identifying and implementing special education programs and services.

377 [(c)] (3) "Special education equipment and materials" means such  
378 equipment and materials as are used primarily to implement special  
379 education in accordance with regulations made pursuant to said  
380 sections.

381 [(d)] (4) "Special education tuition" means the tuition, board, room  
382 and other fees paid to another public or private school, agency or  
383 institution by a board of education to meet the educational needs of  
384 children requiring special education, provided such payments have  
385 been pursuant to an agreement approved by the commissioner.

386 [(e)] (5) "Special education transportation costs" are the amounts paid  
387 by a claimant town or regional board of education for transporting any  
388 child to and from any clinic, physician's office, agency or institution to  
389 which the board requests the child go for the purposes of determining  
390 the need for special education and amounts paid for transporting such  
391 child to and from any school, agency or institution for the purposes of  
392 special education unless such transportation is on a bus which is  
393 transporting, at the same time, children in the standard educational  
394 program provided by the claimant board.

395 [(f)] (6) "Special education rent" means any expenditure for rental of

396 space or equipment to implement special education in accordance with  
397 regulations made pursuant to said sections.

398 [(g)] (7) "Special education consultant services" means  
399 noninstructional services rendered concerning children requiring  
400 special education by professional persons other than employees of a  
401 board of education for programs approved pursuant to said sections.

402 [(h)] (8) "Net cost of special education" means the result obtained by  
403 subtracting from the expenditures made by a claimant board for special  
404 education personnel, equipment, materials, tuition, transportation, rent  
405 and consultant services, [(1)] (A) the total amount of any funds from  
406 other state or federal grants, private grants or special education tuition  
407 received by the board or town in such year and used to implement  
408 special education programs approved pursuant to said sections, [(2)] (B)  
409 the total amount of any funds from Medicaid payments expended by  
410 the board in such year and used to implement special education  
411 programs, and [(3)] (C) expenditures for special education provided to  
412 children requiring special education who are described in subparagraph  
413 (B) of subdivision (5) of section 10-76a.

414 (9) "Net current expenditures" has the same meaning as provided in  
415 section 10-261.

416 (10) "Average daily membership" has the same meaning as provided  
417 in section 10-261.

418 (11) "Net current expenditures per pupil" means the quotient of net  
419 current expenditures of a school district and such school district's  
420 average daily membership.

421 Sec. 12. Section 10-4w of the general statutes is repealed and the  
422 following is substituted in lieu thereof (*Effective July 1, 2023*):

423 (a) As used in this section:

424 (1) "Remote learning" means instruction by means of one or more  
425 Internet-based software platforms as part of a remote learning model;

426 and

427 (2) "Dual instruction" means the simultaneous instruction by a  
428 teacher to students in-person in the classroom and students engaged in  
429 remote learning.

430 (b) Not later than January 1, 2022, the Commissioner of Education  
431 shall develop, and update as necessary, standards for remote learning.

432 (c) For the school years commencing July 1, 2022, and July 1, 2023, a  
433 local or regional board of education may authorize remote learning to  
434 students in grades nine to twelve, inclusive, provided such board (1)  
435 provides such instruction in compliance with the standards developed  
436 pursuant to subsection (b) of this section, (2) adopts a policy regarding  
437 the requirements for student attendance during remote learning, which  
438 shall (A) be in compliance with the Department of Education's guidance  
439 on student attendance during remote learning, and (B) count the  
440 attendance of any student who spends not less than one-half of the  
441 school day during such instruction engaged in (i) virtual classes, (ii)  
442 virtual meetings, (iii) activities on time-logged electronic systems, and  
443 (iv) the completion and submission of assignments, and (3) prohibits the  
444 provision of dual instruction as part of remote learning, except such  
445 dual instruction may be provided in cases when such dual instruction is  
446 (A) required in, or necessary to implement, the individualized  
447 education program of a student who requires special education and  
448 related services or a plan pursuant to Section 504 of the Rehabilitation  
449 Act of 1973, as amended from time to time, or (B) provided as part of an  
450 intradistrict or interdistrict cooperative learning program that provides  
451 remote learning opportunities to students who are present in a  
452 classroom on school grounds during the regular school day and in  
453 which a certified educator is present in each such classroom providing  
454 such dual instruction or supervising the students receiving such dual  
455 instruction, provided such program is implemented in accordance with  
456 an agreement between each local or regional board of education and the  
457 representatives of each exclusive bargaining unit for certified employees  
458 chosen pursuant to section 10-153b participating in such intradistrict or

459 interdistrict cooperative learning program.

460 (d) For the school year commencing July 1, 2024, and each school year  
461 thereafter, a local or regional board of education may authorize remote  
462 learning to students in grades kindergarten to twelve, inclusive,  
463 provided such board (1) provides such instruction in compliance with  
464 the standards developed pursuant to subsection (b) of this section, (2)  
465 adopts a policy regarding the requirements for student attendance  
466 during remote learning, which shall (A) be in compliance with the  
467 Department of Education's guidance on student attendance during  
468 remote learning, and (B) count the attendance of any student who  
469 spends not less than one-half of the school day during such instruction  
470 engaged in (i) virtual classes, (ii) virtual meetings, (iii) activities on time-  
471 logged electronic systems, and (iv) the completion and submission of  
472 assignments, and (3) prohibits the provision of dual instruction as part  
473 of remote learning, except such dual instruction may be provided in  
474 cases when such dual instruction is (A) required in, or necessary to  
475 implement, the individualized education program of a student who  
476 requires special education and related services or a plan pursuant to  
477 Section 504 of the Rehabilitation Act of 1973, as amended from time to  
478 time, or (B) provided as part of an intradistrict or interdistrict  
479 cooperative learning program that provides remote learning  
480 opportunities to students who are present in a classroom on school  
481 grounds during the regular school day and in which a certified educator  
482 is present in each such classroom providing such dual instruction or  
483 supervising the students receiving such dual instruction, provided such  
484 program is implemented in accordance with an agreement between  
485 each local or regional board of education and the representatives of each  
486 exclusive bargaining unit for certified employees chosen pursuant to  
487 section 10-153b participating in such intradistrict or interdistrict  
488 cooperative learning program.

489 Sec. 13. Section 3 of public act 21-95, as amended by section 3 of public  
490 act 22-116, is repealed and the following is substituted in lieu thereof  
491 (*Effective from passage*):



492 (a) There is established a task force to study issues relating to the  
493 provision and funding of special education in the state during the school  
494 years commencing July 1, 2016, to July 1, 2020, inclusive. Such study  
495 shall focus on funding, eligibility and delivery of special education  
496 services and include, but need not be limited to, an examination of (1)  
497 the provision of special education and related services, including the  
498 provision of services to students identified as gifted and talented, and  
499 services or accommodations for a student as part of a plan pursuant to  
500 Section 504 of the Rehabilitation Act of 1973, as amended from time to  
501 time, and whether local and regional boards of education are providing  
502 such services directly or partnering with regional educational service  
503 centers, contracting with a private provider of special education  
504 services, as defined in section 10-91g of the general statutes, or as part  
505 of a cooperative arrangement pursuant to section 10-158a of the general  
506 statutes, (2) the cost of providing special education and related services,  
507 including gifted and talented services, the total aggregate amount per  
508 school district per year and the annual percentage increase or decrease  
509 per school district of such cost, (3) the effect that the cost of special  
510 education and gifted and talented services has on a board of education's  
511 minimum budget requirement, (4) the level of state reimbursement to  
512 boards of education for special education and gifted and talented  
513 services, including the total amount for reimbursement submitted by  
514 each school district per year and the total amount received by such  
515 school district per year, and the percentage increase or decrease per year  
516 of the difference of the total amount submitted and the total amount  
517 received for each school district, [and] (5) the criteria and manner by  
518 which school districts are identifying students who require special  
519 education and related services or as gifted and talented, including  
520 whether school districts are overidentifying or underidentifying such  
521 students and the causes and reasons for such overidentification and  
522 underidentification, (6) the feasibility of authorizing independent  
523 evaluators from the Department of Education or hired by the parents  
524 and guardians of students receiving special education and related  
525 services to observe the provision of such services in the classroom, (7)  
526 delaying the age in which a classification category of special education

527 services shall be made for a child requiring special education and related  
528 services, (8) special education student-to-teacher ratios prescribed by  
529 case load policies, regulations and formulas in effect in other states, with  
530 a focus on provisions regarding the numbers of special education  
531 students and intensity of services required for such students, (9) the  
532 prohibition of the use of seclusion under section 10-236b of the general  
533 statutes and the implementation of alternative methods in lieu of  
534 seclusion for certain student behavior, and (10) any other issues or topics  
535 relating to special education that the task force deems necessary.

536 (b) The task force shall consist of the following members:

537 (1) Three appointed by the speaker of the House of Representatives,  
538 one of whom is a representative of the Special Education Equity for Kids  
539 of Connecticut, one of whom is a representative of the Connecticut  
540 Association of Boards of Education and one of whom is the parent or  
541 guardian of a student who is enrolled in a public school and receiving  
542 special education services;

543 (2) Three appointed by the president pro tempore of the Senate, one  
544 of whom is a representative of the Connecticut Association of Public  
545 School Superintendents, one of whom is a representative of the  
546 Connecticut Education Association and one of whom is the parent or  
547 guardian of a student who is enrolled in a public school and receiving  
548 special education services;

549 (3) Two appointed by the majority leader of the House of  
550 Representatives, one of whom is a representative of the American  
551 Federation of Teachers-Connecticut and one of whom is a representative  
552 of the Connecticut Parent Advocacy Center;

553 (4) Two appointed by the majority leader of the Senate, one of whom  
554 is a representative of the Connecticut Council of Administrators of  
555 Special Education and one of whom is a representative of the RESC  
556 Alliance;

557 (5) [Two] Three appointed by the minority leader of the House of

558 Representatives, one of whom is a representative of the Connecticut  
559 Association of School Administrators, [and] one of whom is a  
560 representative of the School and State Finance Project and one of whom  
561 is a representative from an educator preparation program offered at a  
562 public institution of higher education in the state;

563 (6) [Two] Three appointed by the minority leader of the Senate, one  
564 of whom is a representative of the Connecticut Association of Schools,  
565 [and] one of whom is a representative of the Connecticut Association of  
566 School Business Officials and one of whom is a representative from an  
567 educator preparation program offered at an independent institution of  
568 higher education in the state; [and]

569 (7) The Commissioner of Education, or the commissioner's designee;

570 (8) The chairpersons and ranking members of the joint standing  
571 committee of the General Assembly having cognizance of matters  
572 relating to education, or their designees;

573 (9) The chairperson of the Advisory Council for Special Education,  
574 established pursuant to section 10-76i of the general statutes; and

575 (10) A representative of the Connecticut Association of Private  
576 Special Education Facilities, designated by the association.

577 (c) All appointments to the task force shall be made not later than  
578 thirty days after the effective date of this section. Any vacancy shall be  
579 filled by the appointing authority.

580 (d) The speaker of the House of Representatives and the president  
581 pro tempore of the Senate shall select the cochairpersons of the task force  
582 from among the members of the task force. Such cochairpersons shall  
583 schedule the first meeting of the task force, which shall be held not later  
584 than sixty days after the effective date of this section.

585 (e) The administrative staff of the joint standing committee of the  
586 General Assembly having cognizance of matters relating to education  
587 shall serve as administrative staff of the task force.

588 (f) (1) Not later than January 1, 2024, the task force shall submit [a] an  
589 interim report on its findings [and recommendations] to the joint  
590 standing committee of the General Assembly having cognizance of  
591 matters relating to education, in accordance with the provisions of  
592 section 11-4a of the general statutes.

593 (2) Not later than January 1, 2025, the task force shall submit a final  
594 report on its findings and recommendations to the joint standing  
595 committee of the General Assembly having cognizance of matters  
596 relating to education, in accordance with the provisions of section 11-4a  
597 of the general statutes.

598 (3) The task force shall terminate on the date that it submits such  
599 report or [January 1, 2024] July 1, 2025, whichever is later.

600 Sec. 14. Subsection (j) of section 10-66bb of the general statutes is  
601 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
602 *2023*):

603 (j) (1) The governing council of a state or local charter school may  
604 apply to the State Board of Education for a waiver of the requirements  
605 of the enrollment lottery described in subdivision (8) of subsection (d)  
606 of this section, provided such state or local charter school has as its  
607 primary purpose the establishment of education programs designed to  
608 serve one or more of the following populations: (A) Students with a  
609 history of behavioral and social difficulties, (B) students identified as  
610 requiring special education, (C) students who are [English language]  
611 multilingual learners, or (D) students of a single gender.

612 (2) An enrollment lottery described in subdivision (8) of subsection  
613 (d) of this section shall not be held for a local charter school that is  
614 established at a school that is among the schools with a percentage equal  
615 to or less than five per cent when all schools are ranked highest to lowest  
616 in accountability index scores, as defined in section 10-223e.

617 (3) Except as otherwise provided in subdivision (1) of this subsection,  
618 on and after July 1, 2023, no application for enrollment in a state or local

619 charter school shall inquire or request information about an applicant  
620 student's need for or receipt of special education and related services,  
621 and the criteria for administering an enrollment lottery for a state or  
622 local charter school shall not include consideration of a student's need  
623 for or status as requiring special education and related services.

624 Sec. 15. (NEW) (*Effective July 1, 2023*) On and after July 1, 2023, the  
625 Department of Education shall make available on the department's  
626 Internet web site summaries of the complaints filed with and corrective  
627 actions required by the department regarding the provision of special  
628 education and related services by a local or regional board of education  
629 or other entity responsible for the provision of special education and  
630 related services to a student. The department shall redact any personally  
631 identifiable information of a student prior to making such decisions and  
632 documents available.

633 Sec. 16. Subsection (i) of section 10-76d of the general statutes is  
634 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
635 *2023*):

636 (i) (1) No local or regional board of education shall discipline,  
637 suspend, terminate or otherwise punish any member of a planning and  
638 placement team employed by such board who discusses or makes  
639 recommendations concerning the provision of special education and  
640 related services for a child during a planning and placement team  
641 meeting for such child.

642 (2) No birth-to-three service coordinator or qualified personnel, as  
643 those terms are defined in section 17a-248, who discusses or makes  
644 recommendations concerning the provision of special education and  
645 related services for a child during a planning and placement team  
646 meeting for such child or in a transition plan, as required by section 17a-  
647 248e, shall be subject to discipline, suspension, termination or other  
648 punishment on the basis of such recommendations.

649 (3) No local or regional board of education shall discipline, suspend,  
650 terminate or otherwise punish any school employee, as defined in

651 section 10-222d, who discusses or makes recommendations concerning  
652 the provision of services or accommodations for a student as part of a  
653 plan pursuant to Section 504 of the Rehabilitation Act of 1973, as  
654 amended from time to time, during any meeting held to discuss such  
655 plan for such student.

656 Sec. 17. (NEW) (*Effective July 1, 2023*) (a) The State Board of Education  
657 shall draft a written bill of rights for parents or guardians of students  
658 who are multilingual learners to guarantee that the rights of such  
659 parents and students are adequately safeguarded and protected in the  
660 provision of bilingual education under chapter 164 of the general  
661 statutes. Such bill of rights shall include, but need not be limited to, the  
662 following declarations:

663 (1) The right of a multilingual learner student to attend a public  
664 school in the state regardless of such student's immigration status or the  
665 immigration status of such student's parent or guardian;

666 (2) The right of a parent or guardian of a multilingual learner student  
667 to enroll such student in a public school without being required to  
668 submit immigration documentation, including, but not limited to, a  
669 Social Security number, visa documentation or proof of citizenship;

670 (3) The right of a multilingual learner student to have translation  
671 services provided (A) by an interpreter who is present in person or  
672 available by telephone or through an online technology platform, or (B)  
673 through an Internet web site or other electronic application approved  
674 by the State Board of Education, during critical interactions with  
675 teachers and administrators, including, but not limited to, parent-  
676 teacher conferences, meetings with administrators of the school in  
677 which such student is attending, and at properly noticed regular or  
678 special meetings of the board of education or scheduled meetings with  
679 a member or members of the board of education responsible for  
680 educating such student, in accordance with section 18 of this act;

681 (4) The right of a multilingual learner student to participate in a  
682 program of bilingual education offered by the local or regional board of

683 education when there are twenty or more eligible students classified as  
684 dominant in a language, other than English, as such student, in  
685 accordance with the provisions of section 10-17f of the general statutes;

686 (5) The right of a parent or guardian of a multilingual learner student  
687 to receive written notice, in both English and the dominant language of  
688 such parent or guardian, that such student is eligible to participate in a  
689 program of bilingual education or English as a new language program  
690 offered by the local or regional board of education;

691 (6) The right of a multilingual learner student and the parent or  
692 guardian of such student to receive a high-quality orientation session,  
693 in the dominant language of such student and parent or guardian, from  
694 the local or regional board of education that provides information  
695 relating to state standards, tests and expectations at the school for  
696 multilingual learner students, as well as the goals and requirements for  
697 programs of bilingual education and English as a new language, prior  
698 to participation in such program of bilingual education or English as a  
699 new language;

700 (7) The right of the parent or guardian of a multilingual learner  
701 student to receive information about the progress of such student's  
702 English language development and acquisition;

703 (8) The right of a multilingual learner student and the parent or  
704 guardian of such student to meet with school personnel to discuss such  
705 student's English language development and acquisition;

706 (9) The right of a multilingual learner student to be placed in a  
707 program of bilingual education or English as a new language, if offered  
708 by the local or regional board of education;

709 (10) The right of a multilingual learner student to have equal access  
710 to all grade-level school programming;

711 (11) The right of a multilingual learner student to have equal access  
712 to all core grade-level subject matter;

713 (12) The right of a multilingual learner student to receive annual  
714 language proficiency testing;

715 (13) The right of a multilingual learner student to receive support  
716 services aligned with any intervention plan that the school or school  
717 district provides to all students;

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

722 (15) The right of a parent or guardian of a multilingual learner  
723 student to contact the Department of Education with any questions or  
724 concerns regarding such student's right to receive multilingual learner  
725 services or accommodations available to such student or parent or  
726 guardian, including information regarding any recourse for failure of  
727 the board of education to provide or ensure such services or  
728 accommodations.

729 (b) For the school year commencing July 1, 2024, and each school year  
730 thereafter, each local and regional board of education providing a  
731 program of bilingual education or English as a new language shall (1)  
732 provide the parents and guardians of eligible students with a copy of  
733 the multilingual learner bill of rights in the dominant language of such  
734 parents and guardians, and (2) make such copies of the multilingual  
735 learner bill of rights available on the Internet web site of such board.

736 (c) For purposes of this section, "multilingual learner" means "English  
737 learner", as defined in 20 USC 7801, as amended from time to time.

738 Sec. 18. (NEW) (*Effective July 1, 2023*) Each local and regional board of  
739 education shall, upon request of the parent or guardian of a multilingual  
740 learner student or of the multilingual learner student, provide  
741 translation services to such parent or guardian and student at a properly  
742 noticed regular or special meeting of such board or a scheduled meeting  
743 with a member or members of such board. Such request for translation



744 services shall be made at least one day in advance of such meeting of the  
745 board or with a member or members of such board. As used in this  
746 section, "multilingual learner" has the same meaning as provided in  
747 section 17 of this act.

748 Sec. 19. Section 10-3c of the general statutes is repealed and the  
749 following is substituted in lieu thereof (*Effective July 1, 2023*):

750 There shall be a director of reading initiatives within the Department  
751 of Education. The director shall be responsible for (1) administering the  
752 intensive reading instruction program to improve student literacy in  
753 kindergarten to grade three, inclusive, and close the achievement gaps  
754 that result from opportunity gaps, pursuant to section 10-14u, as  
755 amended by this act, (2) assisting in the development and  
756 administration of the program of professional development for teachers  
757 and principals in scientifically based reading research and instruction,  
758 pursuant to section 10-148b, (3) administering the coordinated state-  
759 wide reading plan for students in kindergarten to grade three, inclusive,  
760 pursuant to section 10-14v, (4) administering, within available  
761 appropriations, the incentive program described in section 10-14w, (5)  
762 providing assistance to local and regional boards of education in the  
763 administration of the reading assessments described in section 10-14t,  
764 and the implementation of school district reading plans, (6) providing  
765 information and assistance to parents and guardians of students relating  
766 to reading and literacy instruction, (7) addressing reading and literacy  
767 issues related to students who are [English language] multilingual  
768 learners, and (8) developing and administering any other state-wide  
769 reading and literacy initiatives for students in kindergarten to grade  
770 twelve, inclusive.

771 Sec. 20. Subsection (f) of section 10-14n of the general statutes is  
772 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
773 *2023*):

774 (f) (1) For the school year commencing July 1, 2015, and each school  
775 year thereafter, the scores on each component of the mastery

776 examination for students who are [English language] multilingual  
777 learners, as defined in section 10-76kk, as amended by this act, and who  
778 have been enrolled in a school in this state or another state for fewer  
779 than twenty school months, shall not be used for purposes of calculating  
780 the accountability index, as defined in section 10-223e, for a school or  
781 school district.

782 (2) For the school year commencing July 1, 2015, and each school year  
783 thereafter, mastery examinations pursuant to subsection (b) of this  
784 section shall be offered in the most common native language of students  
785 who are [English language] multilingual learners taking such mastery  
786 examinations and any additional native languages of such students  
787 when mastery examinations in such native languages are developed  
788 and have been approved by the United States Department of Education.

789 Sec. 21. Subdivision (1) of subsection (a) of section 10-14u of the  
790 general statutes is repealed and the following is substituted in lieu  
791 thereof (*Effective July 1, 2023*):

792 (1) "Achievement gaps" means the existence of a significant disparity  
793 in the academic performance of students among and between (A) racial  
794 groups, (B) ethnic groups, (C) socioeconomic groups, (D) genders, and  
795 (E) [English language] multilingual learners and students whose  
796 primary language is English.

797 Sec. 22. Section 10-14x of the general statutes is repealed and the  
798 following is substituted in lieu thereof (*Effective July 1, 2023*):

799 To the extent permitted by federal law or the terms of a federal waiver  
800 of the Elementary and Secondary Education Act of 1965, 20 USC 6301,  
801 et seq., as amended from time to time, as it relates to the grade eleven  
802 mastery examination requirement pursuant to section 10-14n, as  
803 amended by this act, not later than January 1, 2016, the State Board of  
804 Education, in consultation with the Mastery Examination Committee,  
805 established pursuant to section 1 of public act 15-238, shall enter into an  
806 agreement with a provider of a nationally recognized college readiness  
807 assessment for the provision and administration of such college

808 readiness assessment as part of such grade eleven mastery examination  
809 requirement, provided such college readiness assessment offers  
810 accommodations for students with disabilities and students who are  
811 [English language] multilingual learners.

812 Sec. 23. Subsection (a) of section 10-16mm of the general statutes is  
813 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
814 *2023*):

815 (a) There is established a task force to address the academic  
816 achievement gaps in Connecticut by considering effective approaches to  
817 closing the achievement gaps in elementary, middle and high schools.  
818 The task force shall develop, in consultation with the Department of  
819 Education, the Connecticut State University System, the Interagency  
820 Council for Ending the Achievement Gap established pursuant to  
821 section 10-16nn, and the joint standing committee of the General  
822 Assembly having cognizance of matters relating to education, a master  
823 plan to eliminate the academic achievement gaps by January 1, 2020.  
824 Such master plan shall: (1) Identify the achievement gaps that exist  
825 among and between (A) racial groups, (B) ethnic groups, (C)  
826 socioeconomic groups, (D) genders, and (E) [English language]  
827 multilingual learners and students whose primary language is English;  
828 (2) focus efforts on closing the achievement gaps identified in  
829 subdivision (1) of this subsection; (3) establish annual benchmarks for  
830 implementation of the master plan and closing the achievement gaps;  
831 and (4) make recommendations regarding the creation of a Secretary of  
832 Education. The task force may amend such master plan at any time. For  
833 purposes of this section, "achievement gaps" means the existence of a  
834 significant disparity in the academic performance of students among  
835 and between (A) racial groups, (B) ethnic groups, (C) socioeconomic  
836 groups, (D) genders, and (E) [English language] multilingual learners  
837 and students whose primary language is English.

838 Sec. 24. Section 10-17g of the general statutes is repealed and the  
839 following is substituted in lieu thereof (*Effective July 1, 2023*):

840 For the fiscal year ending June 30, 2023, and each fiscal year  
841 thereafter, the board of education for each local and regional school  
842 district that is required to provide a program of bilingual education,  
843 pursuant to section 10-17f, may make application to the State Board of  
844 Education and shall annually receive, within available appropriations,  
845 a grant in an amount equal to the product obtained by multiplying three  
846 million eight hundred thirty-two thousand two hundred sixty by the  
847 ratio which the number of eligible children in the school district bears to  
848 the total number of such eligible children state-wide. The board of  
849 education for each local and regional school district receiving funds  
850 pursuant to this section shall annually, on or before September first,  
851 submit to the State Board of Education a progress report which shall  
852 include (1) measures of increased educational opportunities for eligible  
853 students, including language support services and language transition  
854 support services provided to such students, (2) program evaluation and  
855 measures of the effectiveness of its bilingual education and English as a  
856 second language programs, including data on students in bilingual  
857 education programs and students educated exclusively in English as a  
858 second language programs, and (3) certification by the board of  
859 education submitting the report that any funds received pursuant to this  
860 section have been used for the purposes specified. The State Board of  
861 Education shall annually evaluate programs conducted pursuant to  
862 section 10-17f. For purposes of this section, measures of the effectiveness  
863 of bilingual education and English as a second language programs  
864 include, but need not be limited to, mastery examination results, under  
865 section 10-14n, as amended by this act, and graduation and school  
866 dropout rates. Any amount appropriated under this section in excess of  
867 three million eight hundred thirty-two thousand two hundred sixty  
868 dollars shall be spent in accordance with the provisions of [sections]  
869 section 10-17k, [ 10-17n and 10-66t.] Any unexpended funds, as of  
870 November first, appropriated to the Department of Education for  
871 purposes of providing a grant to a local or regional board of education  
872 for the provision of a program of bilingual education, pursuant to  
873 section 10-17f, shall be distributed on a pro rata basis to each local and  
874 regional board of education receiving a grant under this section.

875 Notwithstanding the provisions of this section, for the fiscal years  
876 ending June 30, 2009, to June 30, 2023, inclusive, the amount of grants  
877 payable to local or regional boards of education for the provision of a  
878 program of bilingual education under this section shall be reduced  
879 proportionately if the total of such grants in such year exceeds the  
880 amount appropriated for such grants for such year.

881 Sec. 25. Subsection (c) of section 10-66bb of the general statutes is  
882 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
883 *2023*):

884 (c) On and after July 1, 2015, the State Board of Education shall  
885 review, annually, all applications and grant initial certificates of  
886 approval for charters, in accordance with subsections (e) and (f) of this  
887 section, for a local or state charter school located in a town that has one  
888 or more schools that have been designated as a commissioner's network  
889 school, pursuant to section 10-223h, at the time of such application, or a  
890 town that has been designated as a low achieving school district,  
891 pursuant to section 10-223e, at the time of such application. (1) Except  
892 as provided for in subdivision (2) of this subsection, no state charter  
893 school shall enroll (A) (i) more than two hundred fifty students, or (ii)  
894 in the case of a kindergarten to grade eight, inclusive, school, more than  
895 three hundred students, or (B) twenty-five per cent of the enrollment of  
896 the school district in which the state charter school is to be located,  
897 whichever is less. (2) In the case of a state charter school found by the  
898 State Board of Education to have a demonstrated record of achievement,  
899 said board shall, upon application by such school to said board, waive  
900 the provisions of subdivision (1) of this subsection for such school. (3)  
901 The State Board of Education shall give preference to applicants for  
902 charter schools (A) whose primary purpose is the establishment of  
903 education programs designed to serve one or more of the following  
904 student populations: (i) Students with a history of low academic  
905 performance, (ii) students who receive free or reduced priced lunches  
906 pursuant to federal law and regulations, (iii) students with a history of  
907 behavioral and social difficulties, (iv) students identified as requiring  
908 special education, (v) students who are [English language] multilingual

909 learners, or (vi) students of a single gender; (B) whose primary purpose  
910 is to improve the academic performance of an existing school that has  
911 consistently demonstrated substandard academic performance, as  
912 determined by the Commissioner of Education; (C) that will serve  
913 students who reside in a priority school district pursuant to section 10-  
914 266p; (D) that will serve students who reside in a district in which  
915 seventy-five per cent or more of the enrolled students are members of  
916 racial or ethnic minorities; (E) that demonstrate highly credible and  
917 specific strategies to attract, enroll and retain students from among the  
918 populations described in subparagraph (A)(i) to (A)(vi), inclusive, of  
919 this subdivision; or (F) that, in the case of an applicant for a state charter  
920 school, such state charter school will be located at a work-site or such  
921 applicant is an institution of higher education. In determining whether  
922 to grant an initial certificate of approval for a charter, the State Board of  
923 Education shall consider (i) the effect of the proposed charter school on  
924 (I) the reduction of racial, ethnic and economic isolation in the region in  
925 which it is to be located, (II) the regional distribution of charter schools  
926 in the state, (III) the potential of over-concentration of charter schools  
927 within a school district or in contiguous school districts, and (IV) the  
928 state's efforts to close achievement gaps, as defined in section 10-1600,  
929 and (ii) the comments made at a public hearing conducted pursuant to  
930 subdivision (2) of subsection (e) of this section or subparagraph (B)(ii)  
931 of subdivision (1) of subsection (f) of this section.

932 Sec. 26. Subdivision (2) of subsection (f) of section 10-66bb of the  
933 general statutes is repealed and the following is substituted in lieu  
934 thereof (*Effective July 1, 2023*):

935 (2) On and after July 1, 2012, and before July 1, 2015, the State Board  
936 of Education shall not approve more than four applications for the  
937 establishment of new state charter schools unless two of the four such  
938 applications are for the establishment of two new state charter schools  
939 whose mission, purpose and specialized focus is to provide dual  
940 language programs or other models focusing on language acquisition  
941 for [English language] multilanguage learners. Approval of applications  
942 under this subdivision shall be in accordance with the provisions of this

943 section.

944 Sec. 27. Subsection (g) of section 10-66bb of the general statutes is  
945 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
946 *2023*):

947 (g) Charters may be renewed, upon application, in accordance with  
948 the provisions of this section for the granting of such charters. Upon  
949 application for such renewal, the State Board of Education may  
950 commission an independent appraisal of the performance of the charter  
951 school that includes, but is not limited to, an evaluation of the school's  
952 compliance with the provisions of this section and, on and after July 1,  
953 2015, progress in meeting the academic and organizational performance  
954 goals set forth in the charter granted to the charter school. The State  
955 Board of Education shall consider the results of any such appraisal in  
956 determining whether to renew such charter. The State Board of  
957 Education may deny an application for the renewal of a charter if (1)  
958 student progress has not been sufficiently demonstrated, as determined  
959 by the commissioner, (2) the governing council has not been sufficiently  
960 responsible for the operation of the school or has misused or spent  
961 public funds in a manner that is detrimental to the educational interests  
962 of the students attending the charter school, (3) the school has not been  
963 in compliance with the terms of the charter, applicable laws and  
964 regulations, (4) the efforts of the school have been insufficient to  
965 effectively attract, enroll and retain students from among the following  
966 populations: (A) Students with a history of low academic performance,  
967 (B) students who receive free or reduced priced lunches pursuant to  
968 federal law and regulations, (C) students with a history of behavioral  
969 and social difficulties, (D) students identified as requiring special  
970 education, or (E) students who are [English language] multilingual  
971 learners, or (5) the governing council of the state or local charter school  
972 has not provided evidence that such council has initiated substantive  
973 communication with the local or regional board of education of the town  
974 in which the state or local charter school is located to share student  
975 learning practices and experiences. If the State Board of Education does  
976 not renew a charter, it shall notify the governing council of the charter

977 school of the reasons for such nonrenewal. On and after July 1, 2015, any  
978 charter renewed by the State Board of Education shall include academic  
979 and organizational performance goals, developed by the state board,  
980 that set forth the performance indicators, measures and metrics that will  
981 be used by the state board to evaluate the charter school.

982 Sec. 28. Subparagraph (A) of subdivision (1) of subsection (d) of  
983 section 10-66ee of the general statutes is repealed and the following is  
984 substituted in lieu thereof (*Effective July 1, 2023*):

985 (A) "Total charter need students" means the sum of (i) the number of  
986 students enrolled in state charter schools under the control of the  
987 governing authority for such state charter schools for the school year,  
988 and (ii) for the school year commencing July 1, 2021, and each school  
989 year thereafter, (I) thirty per cent of the number of children enrolled in  
990 such state charter schools eligible for free or reduced price meals or free  
991 milk, (II) fifteen per cent of the number of such children eligible for free  
992 or reduced price meals or free milk in excess of the number of such  
993 children eligible for free or reduced price meals or free milk that is equal  
994 to sixty per cent of the total number of children enrolled in such state  
995 charter schools, and (III) twenty-five per cent of the number of students  
996 enrolled in such state charter schools who are [English language]  
997 multilingual learners, as defined in section 10-76kk, as amended by this  
998 act.

999 Sec. 29. Subsection (b) of section 10-66nn of the general statutes is  
1000 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1001 *2023*):

1002 (b) In order to be eligible for a grant under this section, an applicant  
1003 for a grant shall submit an application to the Commissioner of  
1004 Education, pursuant to section 10-66bb, as amended by this act, for the  
1005 establishment of a local charter school to be established on or after July  
1006 1, 2012, and such application shall satisfy one of the following  
1007 conditions: (1) Such applicant has high quality, feasible strategies or a  
1008 record of success in serving students from among the following



1009 populations: (A) Students with histories of low academic performance,  
1010 (B) students who receive free or reduced price school lunches, (C)  
1011 students with histories of behavioral and social difficulties, (D) students  
1012 eligible for special education services, (E) students who are [English  
1013 language] multilingual learners, or (F) students of a single gender; or (2)  
1014 such applicant has a high quality, feasible plan for turning around  
1015 existing schools that have demonstrated consistently substandard  
1016 student performance, or a record of success in turning around such  
1017 schools. The department shall determine whether such applicant  
1018 satisfies the provisions of subdivision (1) or (2) of this subsection.

1019 Sec. 30. Section 10-76kk of the general statutes is repealed and the  
1020 following is substituted in lieu thereof (*Effective July 1, 2023*):

1021 (a) Any local or regional board of education identified by the  
1022 Department of Education that disproportionately and inappropriately  
1023 identifies (1) minority students, or (2) [English language] multilingual  
1024 learners as requiring special education services because such students  
1025 have a reading deficiency in contravention of the provisions of  
1026 subparagraph (A) of subdivision (4) of subsection (a) of section 10-76ff  
1027 shall annually submit a report to the department on the plan adopted  
1028 by such board that reduces the misidentification of such minority  
1029 students or [English language] multilingual learners by improving  
1030 reading assessments and interventions for students in kindergarten to  
1031 grade three, inclusive.

1032 (b) The Department of Education shall study the plans and strategies  
1033 used by a local or regional board of education that demonstrate  
1034 improvement in the reduction of the misidentification of minority  
1035 students or [English language] multilingual learners requiring special  
1036 education under this section. Such study shall examine the association  
1037 between improvements in teacher training in the science of reading and  
1038 the reduction in misidentification of students requiring special  
1039 education services.

1040 (c) For purposes of this section, "minority students" means those

1041 whose race is defined as other than white, or whose ethnicity is defined  
1042 as Hispanic or Latino by the federal Office of Management and Budget  
1043 for use by the Bureau of Census of the United States Department of  
1044 Commerce; and ["English language learners" means those students  
1045 reported as English language learners by the local or regional board of  
1046 education for such students to the Department of Education]  
1047 "multilingual learners" has the same meaning as provided in section 17  
1048 of this act.

1049 Sec. 31. Subsection (b) of section 10-233n of the general statutes is  
1050 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1051 *2023*):

1052 (b) The Department of Education shall annually examine data  
1053 relating to in-school suspensions, out-of-school suspensions, expulsions  
1054 and school-based arrests that has been submitted as part of the strategic  
1055 school profile report pursuant to section 10-220, and shall disaggregate  
1056 such data by school, race, ethnicity, gender, age, students with  
1057 disabilities, [English language] multilingual learners, as defined in  
1058 section 10-76kk, as amended by this act, students who are eligible for  
1059 free or reduced priced lunch pursuant to federal law and regulations,  
1060 and type of offense for which the school-based arrests were made and  
1061 the number of arrests made annually at each school within the school  
1062 district. The department shall annually submit a report to the State  
1063 Board of Education regarding the examination and disaggregation of  
1064 such data and make the report available on the department's Internet  
1065 web site.

1066 Sec. 32. Subdivision (25) of section 10-262f of the general statutes is  
1067 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1068 *2023*):

1069 (25) "Total need students" means the sum of (A) the number of  
1070 resident students of the town for the school year, (B) for the school year  
1071 commencing July 1, 2021, and each school year thereafter, (i) thirty per  
1072 cent of the number of children eligible for free or reduced price meals or

1073 free milk, (ii) fifteen per cent of the number of children eligible for free  
1074 or reduced price meals or free milk in excess of the number of children  
1075 eligible for free or reduced price meals or free milk that is equal to sixty  
1076 per cent of the total number of resident students of the town for the  
1077 school year, and (iii) twenty-five per cent of the number of resident  
1078 students who are [English language] multilingual learners, as defined  
1079 in section 10-76kk, as amended by this act.

1080 Sec. 33. Subsection (d) of section 10-262u of the general statutes is  
1081 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
1082 *2023*):

1083 (d) The local or regional board of education for a town designated as  
1084 an alliance district may apply to the Commissioner of Education, at such  
1085 time and in such manner as the commissioner prescribes, to receive any  
1086 increase in funds received over the amount the town received for the  
1087 prior fiscal year pursuant to subsection (a) of section 10-262i.  
1088 Applications pursuant to this subsection shall include objectives and  
1089 performance targets and a plan that are developed, in part, on the  
1090 strategic use of student academic performance data. Such plan may  
1091 include, but not be limited to, the following: (1) A tiered system of  
1092 interventions for the schools under the jurisdiction of such board based  
1093 on the needs of such schools, (2) ways to strengthen the foundational  
1094 programs in reading, through the intensive reading instruction program  
1095 pursuant to section 10-14u, as amended by this act, to ensure reading  
1096 mastery in kindergarten to grade three, inclusive, with a focus on  
1097 standards and instruction, proper use of data, intervention strategies,  
1098 current information for teachers, parental engagement, and teacher  
1099 professional development, (3) additional learning time, including  
1100 extended school day or school year programming administered by  
1101 school personnel or external partners, (4) a talent strategy that includes,  
1102 but is not limited to, teacher and school leader recruitment and  
1103 assignment, career ladder policies that draw upon guidelines for a  
1104 model teacher evaluation program adopted by the State Board of  
1105 Education, pursuant to section 10-151b, and adopted by each local or  
1106 regional board of education. Such talent strategy may include

1107 provisions that demonstrate increased ability to attract, retain, promote  
1108 and bolster the performance of staff in accordance with performance  
1109 evaluation findings and, in the case of new personnel, other indicators  
1110 of effectiveness, (5) training for school leaders and other staff on new  
1111 teacher evaluation models, (6) provisions for the cooperation and  
1112 coordination with early childhood education providers to ensure  
1113 alignment with district expectations for student entry into kindergarten,  
1114 including funding for an existing local Head Start program, (7)  
1115 provisions for the cooperation and coordination with other  
1116 governmental and community programs to ensure that students receive  
1117 adequate support and wraparound services, including community  
1118 school models, (8) provisions for implementing and furthering state-  
1119 wide education standards adopted by the State Board of Education and  
1120 all activities and initiatives associated with such standards, (9) strategies  
1121 for attracting and recruiting minority teachers and administrators, (10)  
1122 provisions for the enhancement of bilingual education programs,  
1123 pursuant to section 10-17f, or other language acquisition services to  
1124 [English language] multilingual learners, [including, but not limited to,  
1125 participation in the English language learner pilot program, established  
1126 pursuant to section 10-17n,] (11) entering into the model school district  
1127 responsibilities agreement, described in section 10-223l, (12) leadership  
1128 succession plans that provide training and learning opportunities for  
1129 administrators and are designed to assist in the seamless transition of  
1130 school and district personnel in and out of leadership positions in the  
1131 school district and the continuous implementation of plans developed  
1132 under this subsection, (13) implementing the policy adopted pursuant  
1133 to section 10-223m to improve completion rates of the Free Application  
1134 for Federal Student Aid by students enrolled in grade twelve in a high  
1135 school under the jurisdiction of such board or students enrolled in an  
1136 adult education program maintained by such board pursuant to section  
1137 10-69, and, as applicable, the parent and guardians of such students, and  
1138 (14) any additional categories or goals as determined by the  
1139 commissioner. Such plan shall demonstrate collaboration with key  
1140 stakeholders, as identified by the commissioner, with the goal of  
1141 achieving efficiencies and the alignment of intent and practice of current

1142 programs with conditional programs identified in this subsection. The  
1143 commissioner may (A) require changes in any plan submitted by a local  
1144 or regional board of education before the commissioner approves an  
1145 application under this subsection, and (B) permit a local or regional  
1146 board of education, as part of such plan, to use a portion of any funds  
1147 received under this section for the purposes of paying tuition charged  
1148 to such board pursuant to subdivision (1) of subsection (k) of section 10-  
1149 264l or subsection (b) of section 10-264o.

1150 Sec. 34. Section 10-264r of the general statutes is repealed and the  
1151 following is substituted in lieu thereof (*Effective July 1, 2023*):

1152 Not later than July 1, 2017, the Commissioner of Education shall  
1153 develop reduced-isolation setting standards for interdistrict magnet  
1154 school programs that shall serve as the enrollment requirements for  
1155 purposes of section 10-264l. Such standards shall (1) define the term  
1156 "reduced-isolation student" for purposes of the standards, (2) establish  
1157 a requirement for the minimum percentage of reduced-isolation  
1158 students that can be enrolled in an interdistrict magnet school program,  
1159 provided such minimum percentage is not less than twenty per cent of  
1160 the total school enrollment, (3) allow an interdistrict magnet school  
1161 program to have a total school enrollment of reduced-isolation students  
1162 that is not more than one per cent below the minimum percentage  
1163 established by the commissioner, provided the commissioner approves  
1164 a plan that is designed to bring the number of reduced-isolation  
1165 students of such interdistrict magnet school program into compliance  
1166 with the minimum percentage, and (4) for the school year commencing  
1167 July 1, 2018, authorize the commissioner to establish on or before May  
1168 1, 2018, an alternative reduced-isolation student enrollment percentage  
1169 for an interdistrict magnet school program located in the Sheff region,  
1170 as defined in subsection (k) of section 10-264l, provided the  
1171 commissioner (A) determines that such alternative (i) increases  
1172 opportunities for students who are residents of Hartford to access an  
1173 educational setting with reduced racial isolation or other categories of  
1174 diversity, including, but not limited to, geography, socioeconomic  
1175 status, special education, [English language] multilingual learners and

1176 academic achievement, (ii) complies with the decision of Sheff v.  
 1177 O'Neill, 238 Conn. 1 (1996), or any related stipulation or order in effect,  
 1178 and (B) approves a plan for such interdistrict magnet school program  
 1179 that is designed to bring the number of reduced-isolation students of  
 1180 such interdistrict magnet school program into compliance with such  
 1181 alternative or the minimum percentage described in subdivision (2) of  
 1182 this section. Not later than May 1, 2018, the commissioner shall submit  
 1183 a report on each alternative reduced-isolation student enrollment  
 1184 percentage established, pursuant to subdivision (4) of this section, for  
 1185 an interdistrict magnet school program located in the Sheff region to the  
 1186 joint standing committee of the General Assembly having cognizance of  
 1187 matters relating to education, in accordance with the provisions of  
 1188 section 11-4a. The reduced-isolation setting standards for interdistrict  
 1189 magnet school programs shall not be deemed to be regulations, as  
 1190 defined in section 4-166.

1191 Sec. 35. Subsection (a) of section 10a-19j of the general statutes is  
 1192 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
 1193 *2023*):

1194 (a) There is established [an English language] a multilingual learner  
 1195 educator incentive program to be administered by the Office of Higher  
 1196 Education.

1197 Sec. 36. Sections 10-17n and 10-66t of the general statutes are  
 1198 repealed. (*Effective from passage*)

|   |                     |              |
|---|---------------------|--------------|
| This act shall take effect as follows and shall amend the following sections: |                     |              |
| Section 1   | <i>July 1, 2023</i> | 10-16q(b)(1) |
| Sec. 2  | <i>July 1, 2023</i> | 17b-749(a)   |
| Sec. 3  | <i>July 1, 2023</i> | New section  |
| Sec. 4  | <i>July 1, 2023</i> | 10-502       |
| Sec. 5  | <i>July 1, 2023</i> | New section  |
| Sec. 6  | <i>from passage</i> | New section  |
| Sec. 7  | <i>July 1, 2025</i> | 10-16b       |
| Sec. 8  | <i>July 1, 2023</i> | New section  |

|         |                     |                  |
|---------|---------------------|------------------|
| Sec. 9  | <i>July 1, 2023</i> | New section      |
| Sec. 10 | <i>July 1, 2023</i> | 10-76g(b)        |
| Sec. 11 | <i>July 1, 2023</i> | 10-76f           |
| Sec. 12 | <i>July 1, 2023</i> | 10-4w            |
| Sec. 13 | <i>from passage</i> | PA 21-95, Sec. 3 |
| Sec. 14 | <i>July 1, 2023</i> | 10-66bb(j)       |
| Sec. 15 | <i>July 1, 2023</i> | New section      |
| Sec. 16 | <i>July 1, 2023</i> | 10-76d(i)        |
| Sec. 17 | <i>July 1, 2023</i> | New section      |
| Sec. 18 | <i>July 1, 2023</i> | New section      |
| Sec. 19 | <i>July 1, 2023</i> | 10-3c            |
| Sec. 20 | <i>July 1, 2023</i> | 10-14n(f)        |
| Sec. 21 | <i>July 1, 2023</i> | 10-14u(a)(1)     |
| Sec. 22 | <i>July 1, 2023</i> | 10-14x           |
| Sec. 23 | <i>July 1, 2023</i> | 10-16mm(a)       |
| Sec. 24 | <i>July 1, 2023</i> | 10-17g           |
| Sec. 25 | <i>July 1, 2023</i> | 10-66bb(c)       |
| Sec. 26 | <i>July 1, 2023</i> | 10-66bb(f)(2)    |
| Sec. 27 | <i>July 1, 2023</i> | 10-66bb(g)       |
| Sec. 28 | <i>July 1, 2023</i> | 10-66ee(d)(1)(A) |
| Sec. 29 | <i>July 1, 2023</i> | 10-66nn(b)       |
| Sec. 30 | <i>July 1, 2023</i> | 10-76kk          |
| Sec. 31 | <i>July 1, 2023</i> | 10-233n(b)       |
| Sec. 32 | <i>July 1, 2023</i> | 10-262f(25)      |
| Sec. 33 | <i>July 1, 2023</i> | 10-262u(d)       |
| Sec. 34 | <i>July 1, 2023</i> | 10-264r          |
| Sec. 35 | <i>July 1, 2023</i> | 10a-19j(a)       |
| Sec. 36 | <i>from passage</i> | Repealer section |

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:**

| Agency Affected       | Fund-Effect | FY 24 \$  | FY 25 \$  |
|-----------------------|-------------|-----------|-----------|
| Education, Dept.      | GF - Cost   | See Below | See Below |
| Early Childhood, Off. | GF - Cost   | See Below | See Below |

Note: GF=General Fund

**Municipal Impact:**

| Municipalities                      | Effect | FY 24 \$  | FY 25 \$  |
|-------------------------------------|--------|-----------|-----------|
| Local and Regional School Districts | Cost   | See Below | See Below |

**Explanation**

The bill makes a variety of changes to education statutes and results in the fiscal impacts described below by section.

**Section 1** results in a cost to the Office of Early Childhood (OEC) in FY 25 of \$15.5 million to increase the full-time School Readiness per child cost up to \$10,500 and supports approximately 9,830 seats.

**Section 2** results in a potential cost to OEC to the extent that the Commissioner waives Care4Kids eligibility requirements for certain at-risk populations who may not otherwise qualify. For reference, the average monthly per child cost under Care4Kids is approximately \$788.

**Section 3** addresses the administration of epinephrine by child care providers, which results in no fiscal impact.

**Section 4** makes technical changes, which results in no fiscal impact.

**Section 5** results in a cost in FY 24 and FY 25 to the State Department



of Education to (1) perform a one-time audit of the administration of certain assessments and exam preparation time, and (2) issue recommendations regarding time limits on the assessments. It is anticipated that SDE will need to hire a consultant to perform the audit and to develop the plan, which can result in significant costs depending on the scope of the audit and the plan.

To the extent that SDE is able to obtain Federal funding to conduct the audit, such costs would be at least partially offset. The extent to which costs are offset would depend on the amount of Federal funding SDE is able to obtain.

**Section 6** establishes a Connecticut Civics Education and Media Literacy Task Force to study strategies to improve civic engagement and instruction on civics. This results in no fiscal impact to the state because the task force has the expertise to meet the requirements of the bill.

**Section 7** results in a potential minimal cost to local and regional school districts beginning in FY 26. The section expands the required program of study for public schools by specifying that social studies must include civics and media literacy.

Social studies is a required part of the public school program of study under current law. To the extent that a district's social studies curriculum does not currently include civics and media literacy, there is a potential cost associated with purchasing materials to cover the topic, if free materials are unavailable. Any cost will vary based on the number of materials that must be purchased.

**Section 8** has no fiscal impact. It requires the Connecticut Technical Education and Career System and the Office of Workforce Strategy to study and report on various technical career related issues. It is anticipated that both agencies have the staff and expertise necessary to complete the requirement.

**Section 9** exempts federal COVID-related education funding from use in the calculation of the Excess Cost grant. This would result in a

cost to SDE if the Excess Cost grant is fully funded beginning in FY 24. The grant has not been fully funded since FY 09.

The impact to districts will vary significantly based on the per-pupil level of federal COVID-related education funding each district received. Districts with relatively high levels of federal COVID-related education funding will have a larger positive impact on their Excess Cost reimbursements (all other factors held constant). Other districts may receive less than they would have, without this provision.

**Sections 10 and 11** make technical and clarifying changes which have no fiscal impact.

**Section 12** allows dual instruction when it is deemed necessary by a student's individualized education plan (IEP) or Section 504 plan, or as part of an intradistrict or interdistrict cooperative learning program, beginning in FY 24. There is a cost, anticipated to be minimal, associated with any equipment a district would need to purchase to facilitate dual instruction (i.e., extra computers or monitors).

**Section 13** expands the requirements of an existing task force studying special education funding in the state. This has no fiscal impact as it is not anticipated to increase the cost of completing the study.

**Section 14** prohibits charter school student applications from inquiring about such students' need for or receipt of special education. This has no fiscal impact, as the provision is not anticipated to impact the level of grant funding for charter schools.

**Section 15** requires SDE to make available on its Web site information regarding certain complaint investigations. This has no fiscal impact as SDE has sufficient resources to post information online.

**Section 16** prohibits local and regional school districts from disciplining employees who make recommendations concerning the provision of services to students with Section 504 plans. This has no fiscal impact.

**Sections 17 and 18** result 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 amendment. 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 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 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 amendment 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.

**Sections 19 to 36** make technical and conforming changes that have no fiscal impact.

House "A" strikes the underlying bill and results in the above identified fiscal impact.

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

The annualized ongoing fiscal impact identified above would

continue into the future subject to inflation.

*The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does 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.*

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**OLR Bill Analysis****HB 6762 (as amended by House "A")\*****AN ACT CONCERNING SCHOOLS.**

## TABLE OF CONTENTS:

SUMMARY§ 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

§ 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

§ 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

§ 4 — RENAMING EARLY CHILDHOOD COUNCILS AS COLLABORATIVES

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

§ 5 — STATEWIDE MASTERY TEST AUDIT

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

§§ 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

§ 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

§§ 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

§ 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

§ 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

§ 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

§ 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

§ 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

§§ 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

§§ 19-35 — CONFORMING CHANGES

Makes conforming changes throughout various education statutes

**§ 36 — REPEALER**

Repeals two obsolete sections related to English learners or bilingual education

**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 |
| 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>  |
|---|------------------------------|--|
| <b>Enrollment</b><br>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> ) |
| <b>Attend School</b><br>To attend public school   | 17(a)(1)                     | Supreme Court, <i>Plyler v. Doe</i> provides same (see <i>Background</i> ) |

| <b>Right of a Multilingual Learner (or Their Parent or Guardian)</b>   | <b>Bill Sub-Division (§)</b> | <b>Relevant Decision or Law</b>   |
|--|------------------------------|---|
| regardless of immigration status   |                              |   |
| <p><b>Bilingual Education</b><br/>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</p>  | 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  |
| <p><b>Notice of Eligibility</b><br/>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</p>   | 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) |
| <p><b>Orientation</b><br/>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</p> | 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))   |
| <p><b>Student Progress</b><br/>Of the parent or guardian to receive information about the progress of the student’s English language development</p>   | 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)   |
| <p><b>Meetings With Staff</b><br/>Of an English learner student and the parent or guardian to meet with school personnel to discuss the student’s language development</p>   | 17(a)(8)                     | Not specifically addressed in law or regulation   |
| <p><b>Equal Access School Programming</b><br/>To have equal access to all grade-level school programming</p>   | 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  |

| <b>Right of a Multilingual Learner<br/>(or Their Parent or Guardian)</b>  | <b>Bill<br/>Sub-Division<br/>(§)</b> | <b>Relevant Decision or Law</b>  |
|---|--------------------------------------|--|
| and core grade-level subject matter   |                                      | <p>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)</p> <p>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</p>               |
| <p><b>Proficiency Testing</b><br/>To receive annual language proficiency testing</p>  | 17(a)(12)                            | English language proficiency testing must be done annually (Conn. Agencies Regs., § 10-17h-10)   |
| <p><b>Intervention Support Services</b><br/>To receive support services aligned with any intervention plan that the school or school district provides to all students</p>  | 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)   |
| <p><b>Continuous Enrollment</b><br/>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</p>  | 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))   |
| <p><b>Recourse for Failure to Provide Services</b><br/>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</p> | 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)