
OLR Bill Analysis

sHB 6663

AN ACT ESTABLISHING THE ENGLISH LEARNERS' BILL OF RIGHTS.

SUMMARY

This bill requires the State Board of Education (SBE) to draft a written bill of rights for parents or guardians of English learner (EL) students to guarantee that parents' and students' rights are safeguarded and protected when bilingual education is provided as required under state law. Under the bill, the bill of rights lists 15 rights on topics including (1) attending school regardless of the student's immigration status, (2) having translation services, and (3) participating in a bilingual education program as prescribed by state law. Most of these rights are already provided either in a U.S. Supreme Court ruling or under state law.

Beginning with the 2024-25 school year, the bill requires each local and regional board of education (i.e., "school board") that provides bilingual education or English as a new language to (1) give the parents and guardians of eligible students a copy of the bill of rights in the parents' and guardians' dominant language and (2) make the bill of rights available on its website. (The bill does not give SBE a deadline to draft the bill of rights. Presumably, it will be before the 2024-2025 year, which begins on July 1, 2024.)

EFFECTIVE DATE: July 1, 2023

DEFINITIONS

Under current law and unchanged by the bill:

1. "Bilingual education" means a program that: (a) uses both English and an eligible student's native language for instruction; (b) enables the students to achieve English proficiency and subject matter mastery and higher order skills, including critical

thinking, so as to meet appropriate grade promotion and graduation requirements; (c) provides for the continuous increase in the use of English and corresponding decrease in the use of the native language within each year and from year to year and provides for the use of English for more than half of the instructional time by the end of the first year; (d) may develop the native language skills of eligible students; and (e) may include the participation of English-proficient students if the program is designed to enable all students to become more proficient in English and a second language.

2. “English as a second language” means a program that uses only English as the instructional language for eligible students and enables the students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, in order to meet appropriate grade promotion and graduation requirements (CGS § 10-17f). (The bill refers to these programs as “English as a new language.” Presumably, they are the same thing.)

COMPONENTS OF THE BILL OF RIGHTS

The bill requires the bill of rights to include some components that are already law either by a court ruling or under state law.

One item, translation services, is not explicitly guaranteed in any ruling or current law, but the federal government interprets certain federal laws to require it.

The bill requires the bill of rights to include the right to have translation services provided (1) by a certified interpreter who is present in person or available by telephone or through an online technology platform or (2) through a website or other electronic application, during critical interactions with teachers and administrators. The interactions include, but are not limited to, (1) parent-teacher conferences, (2) meetings with school administrators attended by the student, and (3) meetings of or with members of the school board responsible for the student’s education.

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

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

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

Table: Minimum Components Required in Bill of Rights

<i>Right of an English Learner (or Their Parent or Guardian)</i>	<i>Bill Sub-Division</i>	<i>Relevant Decision or Law</i>
Enrollment To enroll in school without being required to submit documentation of immigration or citizenship	1(a)(2)	Supreme Court, <i>Plyler v. Doe</i> provides same (see BACKGROUND)
Attend School To attend public school regardless of immigration status	1(a)(1)	Supreme Court, <i>Plyler v. Doe</i> provides same (see BACKGROUND)
Bilingual Education To participate in a bilingual education program offered by the school board when there are 20 or more eligible students classified as dominant in a language other than English	1(a)(4) & (9)	Bilingual education, CGS § 10-17f provides same; the law requires boards to provide bilingual education when there are 20 or more students in a school dominant in one language other than English
Notice of Eligibility To receive written notice, in both the parent's dominant language and English, of student eligibility for bilingual education or English as a new language	1(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

<i>Right of an English Learner (or Their Parent or Guardian)</i>	<i>Bill Sub-Division</i>	<i>Relevant Decision or Law</i>
		their dominant language and English (Conn. Agencies Regs., § 10-17h-13)
Orientation To receive a school district-provided high quality orientation session in the dominant language before starting a bilingual or English as a new language program; which must include information on state standards, tests and expectations, and goals and program requirements	1(a)(6)	Required meeting with parents (as referenced above) to explain the benefits of the language programs; parent may bring an interpreter or advisor to the meeting (CGS § 10-17f(e))
Student Progress Of the parent or guardian to receive information about the progress of the student's English language development	1(a)(7)	Parents or guardians must be notified when the student attains English proficiency sufficient to leave the program (Conn. Agencies. Regs., § 10-17h-10)
Meetings With Staff Of an English learner student and the parent or guardian to meet with school personnel to discuss the student's language development	1(a)(8)	Not specifically addressed in law or regulation
Equal Access School Programming To have equal access to all grade-level school programming and core grade-level subject matter	1(a)(10) & (11)	Requires all public schools to give all age-eligible students an equal opportunity to participate in the activities, programs and courses of study offered in the public schools without discrimination due to race, color, sex, gender identity or expression, religion, national origin, sexual orientation, or disability (CGS § 10-15c) Federal guidance (similar to that mentioned above regarding translation services) indicates English learners must have equal access to grade-level curricula and equal access to all school programming
Proficiency Testing	1(a)(12)	English language proficiency

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To receive annual language proficiency testing		testing must be done annually (Conn. Agencies. Regs., § 10-17h-10)
Intervention Support Services To receive support services aligned with any intervention plan that the school or school district provides to all students	1(a)(13)	No specific requirement in state law or regulations but may be captured in the broad equal opportunity law mentioned above (CGS § 10-15c)
Continuous Enrollment To be continuously and annually enrolled in a bilingual education or English as a new language program while the student remains an eligible student under state law	1(a)(14)	State law provides for 30 months of bilingual education and the time may be extended an additional 30 months if the school board asks the SDE for the extension or SDE determines it is necessary (CGS § 10-17f(d))
Recourse for Failure to Provide Services A parent or guardian of an English learner student to contact SDE with any questions or concerns about the student's right to receive English learner services or accommodations available to the student or parent or guardian, including information on any recourse for failure of the school board to provide or ensure the services or accommodations	1(a)(15)	Regulations allow a parent or guardian to request a review of any decision related to placing or not placing a student in a program; a parent can also ask for a hearing by the school board and if the school board decision is not satisfactory to the parent, seek an appeal with the SBE; and, if the parents are aggrieved by the agency decision, an appeal to Superior Court is allowed (Conn. Agencies Regs., § 10-17h-14)

BACKGROUND

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

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

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute Change of Reference - APP

Yea 40 Nay 1 (03/10/2023)

Appropriations Committee

Joint Favorable

Yea 42 Nay 6 (04/21/2023)