

*Regulations of Connecticut State Agencies*

TITLE 10. Education and Culture

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*Agency*

**State Board of Education**

*Subject*

**Programs of Bilingual Education (Revised)**

*Inclusive Sections*

**§§ 10-17h-1—10-17h-15**

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**Programs of Bilingual Education (Revised)**

**Sec. 10-17h-1. Authority**

These regulations are authorized by Public Act 77-588 concerning bilingual education programs.

(Effective November 1, 1977)

**Sec. 10-17h-2. Definitions**

As used in sections 10-17h-1 to 10-17h-15, inclusive:

(a) “Board of education” means the board of education for any local or regional school district.

(b) “Dominant language” means the language most relied upon for communication in the home and in school.

(c) “Eligible children” means children enrolled in public schools in grades kindergarten to twelve, inclusive, where required programs of bilingual education are or shall be offered, whose dominant language is other than English and whose proficiency in English is not sufficient to assure equal educational opportunity in the regular school program.

(d) “Program of bilingual education” means a required program of instruction in which eligible children are placed until such time as such children attain a level of proficiency in English which is sufficient to assure equal educational opportunity in the regular school program, including, but not limited to, educational experiences to enable eligible children to become proficient in English, subject matter instruction in the dominant language of eligible children, and opportunities for eligible children to participate with and learn from children from other linguistic and cultural backgrounds.

(e) “Regular school program” means the educational program, except required programs of bilingual education.

(f) “Secretary” means the Secretary of the State Board of Education.

(Effective November 1, 1977)

**Sec. 10-17h-3. Preliminary assessment of dominant language**

(a) **The Preliminary Assessment.** On or before February 1, 1978 and each October 1 thereafter, each board of education shall make a preliminary assessment of the dominant language of each child enrolled in the public schools in the district, provided that each child placed in a required program of bilingual education in accordance with section 10-17h-7 as of October 1 in any year shall be considered dominant in a language other than English for purposes of this section. Such assessment shall be made by school.

(b) **Methods.** The board of education shall use one of the following methods in the preliminary assessment of the dominant language of each child who is enrolled in grades kindergarten to three, inclusive:

(1) personal contacts with the persons with whom the child lives by individuals who are fluent in the presumed dominant language of the child; or

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(2) questionnaires which are written in English and in the presumed dominant language of the child to be completed by the persons with whom the child lives.

As an alternative to the methods listed in this subsection, the board of education may conduct personal interviews with children who are enrolled in grades 4 to 12, inclusive, to make the preliminary assessment of the child's dominant language. If the board of education is unable to perform a preliminary assessment of a child's dominant language in the manner prescribed in this subsection, the board of education may make such assessment from the student's school records.

(c) **Criteria.** Each board of education shall use the following three criteria in the preliminary assessment of the dominant language of each child:

- (1) the language that the child learned to speak first;
- (2) the primary language spoken by the child's parents, guardians or other persons where the child lives; and
- (3) the primary language spoken by the child when he or she is at home.

For the purpose of the preliminary assessment, the child's dominant language shall be the language which satisfies two or three of the criteria enumerated in this subsection.

(Effective November 1, 1977)

**Sec. 10-17h-4. Final determination of dominant language**

(a) **The Final Determination.** If on or before February 1, 1978 and each October 1 thereafter, (1) the preliminary assessment in accordance with section 10-17h-3 indicates there are in a school twenty or more children whose dominant language is any single language other than English, or (2) if the sum of the number of children indicated by the preliminary assessment and the number of children for whom the board of education could reasonably conclude that an inaccurate preliminary assessment was conducted is twenty or more, then the board of education shall make a final determination of the dominant language of such children. However, each child placed in a required program of bilingual education in accordance with section 10-17h-7 as of October 1 in any year shall be considered to be dominant in a language other than English for purposes of this section.

(b) **Methods.** The board of education shall make a final determination of a child's dominant language by either of the following methods:

- (1) applying a measure of dominance based upon the administration of equivalent tests in the language ascertained from the preliminary assessment of the child's dominant language and in English; or
- (2) conducting formal observations of the child in unstructured situations with his or her peers by a teacher, or other person, trained to conduct such observations. Such a person shall be proficient in the presumed dominant language of the child and in English.

The State Board of Education shall issue supplemental guidelines to boards of education which shall include standards for tests, formal observations and training persons to perform observations.

(c) **Dominant Language.** After performance of at least one of the methods enumerated

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in subsection (b) of this section, the board of education shall make a final determination of each child's dominant language based upon the following:

- (1) the language of the test on which the student scores higher; or
- (2) the language which the student speaks in unstructured situations as determined by the formal observations.

(Effective November 1, 1977)

**Sec. 10-17h-5. Determination of English language proficiency**

(a) **English Proficiency Determination.** If on or before February 1, 1978 and each October 1 thereafter, it is ascertained in accordance with section 10-17h-4 that in any public school there are twenty or more children whose dominant language is any single language other than English, the board of education shall determine the English proficiency of such children. However, each child placed in a required program of bilingual education in accordance with section 10-17h-7 as of October 1 in any year shall be considered to have limited proficiency in English for the purposes of this section.

(b) **Testing English Proficiency.** The board of education shall use all of the following indicators to determine a child's English proficiency:

- (1) standardized English language proficiency tests;
- (2) academic grades or other periodic indicators of achievement received by each child in classes taught in English; and
- (3) a personal interview with the child conducted in English by a person trained to conduct such an interview.

The State Board of Education shall issue supplemental guidelines to boards of education which shall include criteria for selecting standardized English language proficiency tests, a list of approved tests, standards for personal interviews and standards for training persons to conduct such interviews.

(c) **Limited English Proficiency.** Indications of a child's limited proficiency in English shall be as follows:

- (1) when the child's score on a standardized English language proficiency test is at or below the thirtieth percentile according to national norms or at an equivalent level on tests for which percentile ranks are not available;
- (2) when the child receives academic grades or other periodic indicators of achievement in classes taught in English which are significantly below average; and
- (3) when as determined by the interviewer the child is unable to communicate in English well enough to participate fully in the regular school program.

(Effective November 1, 1977)

**Sec. 10-17h-6. Filing data**

(a) **Filing Dominant Language Data.** On or before February 17, 1978 and each October 15 thereafter, each board of education shall file with the Secretary the number of children by school and by language whose dominant language is other than English and the number

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of children by school whose dominant language is English, as assessed in accordance with sections 10-17h-3 and 10-17h-4.

(b) **Filing Limited English Proficiency Data.** On or before February 17, 1978 and each November 1 thereafter, each board of education which has identified twenty or more children in any public school in the district whose dominant language is any single language other than English shall file with the Secretary the number of such children by school and by language, as determined in accordance with section 10-17h-5, whose proficiency in English is limited.

(Effective November 1, 1977)

**Sec. 10-17h-7. Bilingual education requirement**

(a) **When a Program Must Be Provided.** If on February 1, 1978 or any November 1 thereafter there are in any public school within a local or regional school district twenty or more children who are classified dominant in any single language other than English and whose proficiency in English is limited, the board of education of such school district shall provide a program of bilingual education in accordance with section 10-17h-11 for such eligible children for the following school year.

(b) **Notification.**

(1) Before a child is placed in a required program of bilingual education, the board of education shall fully inform the parents, guardians or others with whom the child lives about the program.

(2) In addition to the notification in subparagraph (1) of this subsection, the board of education shall send to each parent, guardian or other person with whom the child lives, a written notice stating: a) that the child has been classified as dominant in a language other than English and of limited English proficiency, b) the language in which the child is dominant, and c) that the board of education intends to place the child in a required program of bilingual education. This notification shall be mailed or delivered to the parent, guardian or other person with whom the child lives at least sixty (60) days before a child is placed in a required program of bilingual education. If the circumstances of a particular case dictate a shorter period of time, reasonable notification shall be provided as indicated herein.

(Effective November 1, 1977)

**Sec. 10-17h-8. Bilingual education grants**

(a) **Grant Applications.** Each board of education which is required in accordance with section 10-17h-7(a) of these regulations to provide a program of bilingual education may apply with the Secretary for the following grants:

(1) a grant for the 1977/1978 school year for planning and developing a required program, which grant may also be used for operating an existing program of bilingual education; and

(2) a grant for any school year thereafter for the purpose of implementing a required program of bilingual education.

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(b) **1977-1978 Grant Application.** The application for the 1977/1978 grant shall include an estimate of the percentages of the grant the board of education intends to spend on planning and developing the required program of bilingual education and operating any existing programs of bilingual education. It shall also include the number of eligible children.

(c) **Grant Applications Beginning with 1978/1979.** An application for a grant for a required program of bilingual education for the 1978/1979 school year or any school year thereafter shall include the number of eligible children in the school district. If the grant will be used to fund a required program of bilingual education which was not offered during the previous school year or which has been modified, the application shall include for review and approval by the Secretary (1) a description of such program in accordance with subsection (g) of this section and (2) a plan to implement such program in accordance with subsection (h) of this section. Each application shall also include for review and approval by the Secretary a proposed budget for the expenditure of the estimated amount of the grant.

(d) **When to Apply.** The application for the 1977/1978 grant shall be filed with the Secretary. An application for a grant for a school year thereafter shall be filed not later than July 1, beginning with July 1, 1978.

(e) **Amount of Grants.** The amount of each grant shall be equal to the product obtained by multiplying the total appropriation available for required programs of bilingual education pursuant to Public Act 77-588 by the ratio which the number of eligible children in the school district bears to the total number of eligible children statewide:

$$\frac{\text{Number of eligible children in district}}{\text{Number of eligible children statewide}} \times \text{Total appropriation} = \text{Amount of Grant.}$$

(f) **Receipt of Grants.** Grants for the 1977-1978 school year will be received by boards of education on or before May 1, 1978. Grants during subsequent school years will be received by boards of education on or before September 1 of the school year for which the program of bilingual education is required. Prior to the receipt of such grants, but not later than September 1, the superintendent of schools and the town fiscal officer shall file with the Secretary the Affidavit for Federal/State Funds (BEMF-1) certifying that said grant shall be expended for the purposes intended and shall not be commingled with the general funds.

(g) **Description of the Program.** A description of a required program of bilingual education shall include, but shall not be limited to, the goals and objectives of such program. It shall address the characteristics of required programs of bilingual education in section 10-17h-11 of these regulations.

(h) **Plan to Implement.** A plan to implement shall include, but shall not be limited to, the following:

- (1) methods used to inform the school district and the parents, guardians, or others with whom an eligible child lives about the required program of bilingual education;
- (2) a list of the skills required for people who are or will be hired to work in a required

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program of bilingual education;

(3) the manner in which the board of education will initially endeavor to implement a required program of bilingual education through in-service training for existing, certified professional employees, and thereafter, if necessary, will give preference in hiring to such certified professional employees as will be required to maintain the program; and

(4) procedures for assuring parental and community involvement in the development of the plan, including, but not limited to, provisions for a public hearing to be held by each board of education in order to receive public comment on the plan to implement prior to submission of said plan to the Secretary.

(Effective November 1, 1977)

**Sec. 10-17h-9. Student transfers**

(a) **Placing Transfers.** A board of education may place in a required program of bilingual education any child whose dominant language is the language of the program and whose English proficiency is limited, but who was not identified and included in the total of that school district's eligible children which was used to determine the amount of the bilingual education grant that the district received. However, the board of education shall not receive bilingual education funding for the programs for such children until the school year following the first time such children shall have been counted as eligible children.

(b) **Transfer within a District.** If a child who was last placed in a required program of bilingual education is enrolled in another school within the same school district, which school has or will have a required program of bilingual education in the child's dominant language, the board of education shall offer the child the required program of bilingual education immediately or as soon as it has been implemented in the school where the child is newly enrolled.

(Effective November 1, 1977)

**Sec. 10-17h-10. Continuing placement**

(a) **Annual Review.** The proficiency in English of each child placed in a required program of bilingual education shall be reviewed annually. Whenever this annual review indicates that the child may have become proficient in English for the purposes of these regulations, the board of education shall determine in accordance with subsections (b) and (c) of this section whether the child shall remain in the required program of bilingual education.

(b) **Measurements of Increased English Proficiency.** For the purpose of deciding whether a child shall remain in a required program, the board of education shall use all of the following indicators of proficiency in English:

(1) a standardized English language proficiency test;

(2) the academic grades or, where grades are not given, other periodic indicators of achievement received by the child for classes taught in English while he or she has been enrolled in a required program of bilingual education; and



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(3) a personal interview conducted in English by a person who has been trained to conduct such an interview.

The State Board of Education shall issue supplemental guidelines to boards of education which will include criteria for selecting standardized English language proficiency tests, a list of approved tests, standards for personal interviews and standards for training persons to conduct such interviews.

(c) **Standards for Increased English Proficiency.** A child shall not remain in a required program of bilingual education if, on at least two out of three of the indicators of proficiency in English used in accordance with subsection (b) of this section, the child:

(1) scores at or above the fiftieth percentile according to national norms on a standardized English language proficiency test or at an equivalent level on tests for which percentile ranks are not available;

(2) receives academic grades or other periodic indicators of achievement for classes taught in English while he or she has been in a required program of bilingual education which are at least average;

(3) as determined by the interviewer is able to communicate well enough in English to participate fully in the regular school program.

(d) **Notification.** The board of education shall notify the parents, guardians or other persons with whom the child lives of the following:

(1) when the child has been determined to be sufficiently proficient in English to be removed from a required program of bilingual education; and

(2) the basis for the determination of removal of the child from the required program of bilingual education.

(Effective November 1, 1977)

**Sec. 10-17h-11. Characteristics of required programs of bilingual education**

A required program of bilingual education shall have, but need not be limited to, the following characteristics.

(a) The curricular content and practices shall be designed to bring children who are dominant in a language other than English to the same educational performance level that is expected of English dominant children.

(b) Bilingual program goals and objectives shall include, but shall not be limited to, goals and objectives which are similar to those established for the regular school program.

(c) Children shall receive appropriate instruction designed to establish and increase proficiency in English.

(d) Subject matter instruction shall be offered using the dominant language of the children as the medium of instruction but otherwise comparable to the regular school program.

(e) There shall be opportunities for children who are dominant in a language other than English to be integrated with English dominant children, particularly in activities which do not require a high proficiency in English.



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(f) Children in a required bilingual program at the secondary level shall be made aware of and permitted to enroll in courses in the regular school program for which they are qualified.

(g) Instructional personnel shall be familiar with the dominant language and sensitive to the cultural background of the children they are teaching. In addition, those who teach subject matter courses in the children's dominant language shall be proficient in that language.

(h) Children in required programs of bilingual education shall be offered all educational programs in the regular school program, including, but not limited to, programs for exceptional children, as defined in accordance with section 10-76a of the Connecticut General Statutes.

(Effective November 1, 1977)

**Sec. 10-17h-12. Annual progress report**

On or before July 1, 1979 and each July 1 thereafter each board of education receiving funds pursuant to Public Act 77-588 shall file an annual progress report with the Secretary. The report shall include the following:

(a) **Measures of Increased and Broadened Educational Opportunities for Eligible Children.** The board of education may measure increased educational opportunities by noting changes in the environment of the child or by gathering related statistical data which, by reasonable inference, can give evidence of the degree of achievement of the characteristics of required programs of bilingual education in accordance with section 10-17h-11 of these regulations. Included may be changes that have taken place in the staff, the facilities and equipment use, and statistical counts such as absence and dropout rates.

(b) **A Program Evaluation.** The board of education shall evaluate the educational effectiveness of the required program of bilingual education in meeting the characteristics in accordance with section 10-17h-11, and the measures of the accomplishment of the goals and objectives indicated in the most recent approved description filed with the Secretary in accordance with section 10-17h-8 (g). Included shall be counts of the number of children entering and leaving the required program, an accounting of the number of years children have remained in the program, and results of followup studies on the educational success of children who have been placed subsequently in the regular school program. The State Board of Education shall issue supplemental guidelines which will include criteria for designing a program evaluation.

(c) **A Certification by the Board of Education.** The superintendent of schools shall sign an affidavit attesting that funds were expended solely for the purposes of Public Act 77-588. The board of education shall at its own expense, provide for an audit acceptable to the State Board of Education in accordance with section 7-396a of the general statutes.

(Effective November 1, 1977)

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**Sec. 10-17h-13. Communications**

All oral communications with the parents, guardians, or other persons with whom the child lives shall be conducted in such persons' dominant language. All written communications shall be in such persons' dominant language and in English.

(Effective November 1, 1977)

**Sec. 10-17h-14. Right to a review and hearing**

(a) A parent, guardian, a child's attorney, or other person responsible for a child may request the board of education for a review of:

- (1) the determination that the child is dominant in a language other than English;
- (2) the identification of the dominant language;
- (3) the placement of the child in the required program of bilingual education designated by the board of education;
- (4) the determination that the child is proficient in English;
- (5) the removal of the child from a required program of bilingual education; and
- (6) the failure of the board of education to evaluate the child and the failure of the board of education to classify the child as dominant in a language other than English.

(b) The board of education or its designee shall review the issues raised by such a request and shall attempt to work out a solution which is acceptable to the board of education and the parents, guardian, child's attorney or other person responsible for the child.

(c) In the event that no agreement can be reached within ten (10) days of the request, the board of education shall grant a hearing in closed session in accordance with the provisions of the section 10-186 of the Connecticut General Statutes. Any parent, guardian, child's attorney or other person aggrieved by the decision of the board of education may take an appeal therefrom to the State Board of Education in the manner provided in section 10-186 of the Connecticut General Statutes. In the event of an appeal, upon request and at the expense of the board of education of the school district, said board shall supply a copy of the transcript to the parent, guardian, child's attorney or other person responsible for the child and to the State Board of Education. The appeal provisions of section 4-183 of the Connecticut General Statutes shall apply.

(d) At all hearings under section 10-17h-14, parents, guardians, or other persons responsible for a child may be represented by counsel. Notices sent pursuant to section 10-17h-7 (b) and section 10-17h-10 (d) shall be written in English and the child's dominant language and shall inform the parents, guardians or other persons responsible for the child of their right to a hearing, how to request it and their right to be represented by counsel.

(Effective November 1, 1977)

**Sec. 10-17h-15. Effective date**

These regulations shall take effect November 1, 1977.

(Effective November 1, 1977)