



House of Representatives

General Assembly

File No. 35

January Session, 2001

House Bill No. 6655

House of Representatives, March 9, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING DISCRIMINATION IN EDUCATIONAL OPPORTUNITIES.

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

1 Section 1. Subdivision (8) of section 46a-51 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
4 60a, 10-15c, as amended by this act, 46a-58, 46a-59, 46a-60, 46a-64, 46a-
5 64c, 46a-66, 46a-68, sections 46a-70 to 46a-78, inclusive, subsection (a)
6 of section 46a-80, or sections 46a-81b to 46a-81o, inclusive.

7 Sec. 2. Section 10-15c of the general statutes is repealed and the
8 following is substituted in lieu thereof:

9 (a) The public schools shall be open to all children five years of age
10 and over who reach age five on or before the first day of January of
11 any school year, and each such child shall have, and shall be so
12 advised by the appropriate school authorities, an equal opportunity to

13 participate in the activities, programs and courses of study offered in
14 such public schools, at such time as the child becomes eligible to
15 participate in such activities, programs and courses of study, without
16 discrimination on account of race, color, sex, religion, national origin
17 or sexual orientation; provided boards of education may, by vote at a
18 meeting duly called, admit to any school children under five years of
19 age.

20 (b) Nothing in subsection (a) of this section shall be deemed to
21 amend other provisions of the general statutes with respect to
22 curricula, facilities or extracurricular activities.

23 (c) The Department of Education and the Commission on Human
24 Rights and Opportunities shall have concurrent jurisdiction to enforce
25 the provisions of subsection (a) of this section and complaints filed
26 pursuant to section 46a-64 alleging discrimination in educational
27 opportunities in public schools. On or before January 1, 2002, the
28 department and the commission shall enter into a memorandum of
29 understanding concerning the processing of complaints filed with the
30 department or commission pursuant to subsection (a) of this section or
31 section 46a-64. The memorandum of understanding may include: (1) A
32 division of the complaint processing responsibilities to take advantage
33 of the respective expertise of the department and the commission; (2)
34 investigatory and technical assistance to the agency investigating the
35 complaint; and (3) such other matters as the department and the
36 commission deem appropriate.

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Education, Commission on Human Rights and Opportunities

Municipal Impact: None

Explanation**State Impact:**

This bill clarifies the authority of both the Department of Education and the Commission on Human Rights and Opportunities with regard to certain complaints in the area of education opportunities. In as much as the bill clarifies current practice, it has no fiscal impact.

OLR Bill Analysis

HB 6655

AN ACT CONCERNING DISCRIMINATION IN EDUCATIONAL OPPORTUNITIES.**SUMMARY:**

This bill explicitly allows the Commission on Human Rights and Opportunities (CHRO) to investigate complaints that a child of school age has been denied the opportunity to participate in public school activities, programs, or course work because of his race, color, sex, religion, national origin, or sexual orientation. Two court cases are pending to determine whether CHRO already has this authority.

The bill gives CHRO the same authority in this area concurrent as the Department of Education, which currently investigates these complaints.

The bill gives CHRO and the Department of Education concurrent jurisdiction to investigate allegations of discrimination in educational opportunities in public schools under the public accommodation laws. This change broadens the Department of Education's authority by allowing it to investigate allegations of discrimination in educational opportunities based on additional factors, including ancestry; mental retardation; and mental, learning, and physical disability.

By January 1, 2002, the bill requires the department and the commission to enter a memorandum of understanding describing how each will process these complaints. The memorandum may include:

1. how to divide complaint processing to take advantage of their respective expertise,
2. how to share investigatory and technical assistance, and
3. any other matters they deem appropriate.

EFFECTIVE DATE: October 1, 2001

BACKGROUND

Public Accommodations

The law prohibits a place of public accommodation, resort, or amusement from:

1. segregating or separating people based on their race, creed; color; national origin; ancestry; sex; marital status; age; lawful source of income; mental retardation; or mental, learning, or physical disability;
2. denying full and equal accommodations based on race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, mental retardation, or mental or physical disability;
3. restricting or limiting a mother's right to breast-feed her child;
4. failing or refusing to post a notice that guide dogs wearing a harness or orange-colored leash and collar can accompany a blind, deaf, or mobility impaired person on the premises; or
5. denying equal access to accommodations to any person using or training a guide dog (CGS § 46a-64).

Public Schools as Public Accommodations

Although no Connecticut court has ruled on whether a public school is a "public accommodation" within the meaning of the accommodation statute, two human rights referees have ruled that they are not. Both of the cases are on appeal to superior court (*Alston v. East Haven Board of Education*, CHRO No. 9830205, (May 3, 2000) and *Ballard v. Cheshire Board of Education*, CHRO No. 9830294, (May 31, 2000)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 37 Nay 0