



State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Central Office ~ 450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

September 24, 2021

Dear Colleague:

The state of Connecticut Commission on Human Rights and Opportunities (CHRO), an administrative agency of the state's Executive branch is responsible for enforcing the state civil rights laws that prohibit discrimination based on twenty seven protected class statuses, including but not limited to disability, learning disability, intellectual disability, mental disability, race, color, national origin, sex, etc. in: any place of public accommodation, such as a school, employment, housing and credit transactions. (See Conn. Gen. Stat. 46a-64, 46a-75 46a-60,46a-64c, and). During these unprecedented times that have been unsettling and difficult to navigate, the CHRO is sending this reminder letter to school districts and post-secondary institutions regarding the state's civil rights laws. As schools embark on reopening virtually and in-person the CHRO wants to ensure that there is clarity with respect to the state law prohibiting discrimination in schools and institutions receiving state funding. Specifically, Conn. Gen. Stat. Sec. 46a-64 provides in pertinent part that "(a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement..." (See Conn. Gen. Stat. 46a-64). Further, "(a) All educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical disability, including, but not limited to, blindness, or status as a veteran. (b) Such programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all students and trainees, with special attention to the problems of culturally deprived, educationally handicapped, learning disabled, economically disadvantaged, or physically disabled, including, but not limited to, blind persons."

Additionally, state and federal law requires that individuals with disabilities are reasonably accommodated in schools (See the ADA, the Rehabilitation Act, chapter 814c of the Connecticut General Statutes). Reasonable accommodation requires an interactive process.

One issue that has been repeatedly raised and requires specific clarity here is the required use of a mask or face covering in school. While public health is of utmost importance during a pandemic, a blanket policy regarding wearing masks may violate the state or federal civil rights of an individual with a disability. Thus, if an individual has expressed that they are unable to wear a face covering and need a reasonable accommodation, the school, administrator, district, etc. should engage in the interactive process with that individual and discuss alternatives to wearing a mask or face covering that will allow for equal participation while simultaneously protecting those who have compromised immunity. There is no one-size-fits-all solution to this problem which is why discussion, thoughtfulness and innovation are required. The key here is that the school or district

must accommodate all of these competing needs in order to comply with state and/or federal law. Hereunder please find some examples of reasonable accommodations that may modify existing policies (be mindful that this list is not exhaustive):

- face shield instead of a face mask
- training on mask wearing/ include repeated instructions on how to wear a mask safely or effectively
- a visual guide on how to wear a face mask
- desensitization supports to get used to mask wearing
- mask wearing breaks.

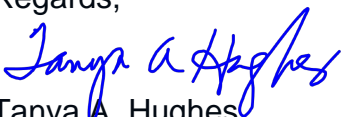
As we transition to schools reopening, there will continue to be a multitude of issues raised regarding special education, mask wearing requirements, equal access to education and equity and equality across the districts in the state.

The ability of individuals to be free of discriminatory practices, to oppose discriminatory practices, and to participate in CHRO investigations and other proceedings, is critical to ensuring equal educational opportunity in accordance with state civil rights laws. Discriminatory practices are often only raised and remedied when students, parents, teachers, coaches, and others can report such practices to school administrators in an environment where equity and equality are a priority. CHRO is here to support the state and its school districts in creating equity and equality for the benefit of all students.

Through CHRO's Business Training Institute, our staff lawyers provide free training to schools on various issues of discrimination. Should you be interested, please contact us at CHRO.training@ct.gov. If you have any questions or concerns, feel free to reach out to our office.

Thank you for your assistance in ensuring that the state's educational institutions are free from discrimination and retaliation so that concerns about equal educational opportunity can be openly raised and addressed.

Regards,


Tanya A. Hughes
Executive Director


Attorney Cheryl A. Sharp
Deputy Director