



General Assembly

January Session, 2001

Raised Bill No. 6807

LCO No. 3868

Referred to Committee on Education

Introduced by:
(ED)

AN ACT RESPONDING TO THE NEEDS OF GIFTED AND TALENTED STUDENTS.

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

1 Section 1. Section 10-76d of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) (1) In accordance with the regulations and procedures
4 established by the Commissioner of Education and approved by the
5 State Board of Education, each local or regional board of education
6 shall provide the professional services requisite to identification of
7 school-age children requiring special education, identify each such
8 child within its jurisdiction, determine the eligibility of such children
9 for special education pursuant to sections 10-76a to 10-76h, inclusive,
10 as amended by this act, prescribe suitable educational programs for
11 eligible children, maintain a record thereof and make such reports as
12 the commissioner may require.

13 (2) Any local or regional board of education, through the planning
14 and placement team established in accordance with regulations
15 adopted by the State Board of Education under this section, may

16 determine a child's Medicaid enrollment status. In determining
17 Medicaid enrollment status, the planning and placement team shall:
18 (A) Inquire of the parents or guardians of each such child whether the
19 child is enrolled in or may be eligible for Medicaid; and (B) if the child
20 may be eligible for Medicaid, request that the parent or guardian of the
21 child apply for Medicaid. For the purpose of determining Medicaid
22 rates for Medicaid eligible special education and related services based
23 on a representative cost sampling method, the board of education shall
24 make available documentation of the provision and costs of Medicaid
25 eligible special education and related services for any students
26 receiving such services, regardless of an individual student's Medicaid
27 enrollment status, to the Commissioner of Social Services or to the
28 commissioner's authorized agent at such time and in such manner as
29 prescribed. For the purpose of determining Medicaid rates for
30 Medicaid eligible special education and related services based on an
31 actual cost method, the local or regional board of education shall
32 submit documentation of the costs and utilization of Medicaid eligible
33 special education and related services for all students receiving such
34 services to the Commissioner of Social Services or to the
35 commissioner's authorized agent at such time and in such manner as
36 prescribed. The commissioner or such agent may use information
37 received from local or regional boards of education for the purposes of
38 (i) ascertaining students' Medicaid eligibility status, (ii) submitting
39 Medicaid claims, (iii) complying with state and federal audit
40 requirements and (iv) determining Medicaid rates for Medicaid
41 eligible special education and related services. No child shall be denied
42 special education and related services in the event the parent or
43 guardian refuses to apply for Medicaid.

44 (3) Beginning with the fiscal year ending June 30, 2000, the
45 Commissioner of Social Services shall make grant payments to local or
46 regional boards of education in amounts representing sixty per cent of
47 the federal portion of Medicaid claims processed for Medicaid eligible
48 special education and related services provided to Medicaid eligible
49 students in the school district. Such grant payments shall be made on

50 at least a quarterly basis and may represent estimates of amounts due
51 to local or regional boards of education. Any grant payments made on
52 an estimated basis, including payments made by the Department of
53 Education for the fiscal years prior to the fiscal year ending June 30,
54 2000, shall be subsequently reconciled to grant amounts due based
55 upon filed and accepted Medicaid claims and Medicaid rates. If, upon
56 review, it is determined that a grant payment or portion of a grant
57 payment was made for ineligible or disallowed Medicaid claims, the
58 local or regional board of education shall reimburse the Department of
59 Social Services for any grant payment amount received based upon
60 ineligible or disallowed Medicaid claims.

61 (4) Pursuant to federal law, the Commissioner of Social Services, as
62 the state's Medicaid agent, shall determine rates for Medicaid eligible
63 special education and related services pursuant to subdivision (2) of
64 this subsection. The Commissioner of Social Services may request and
65 the Commissioner of Education and towns and regional school
66 districts shall provide information as may be necessary to set such
67 rates.

68 (5) Based on school district special education and related services
69 expenditures, the state's Medicaid agent shall report and certify to the
70 federal Medicaid authority the state match required by federal law to
71 obtain Medicaid reimbursement of eligible special education and
72 related services costs.

73 (6) Payments received pursuant to this section shall be paid to the
74 local or regional board of education which has incurred such costs in
75 addition to the funds appropriated by the town to such board for the
76 current fiscal year.

77 (7) The planning and placement team shall develop and update
78 annually a statement of transition service needs under the applicable
79 components of a student's individualized education program for each
80 student with a disability, beginning at age fourteen, or younger if
81 deemed appropriate by the team. Such statement shall focus on the

82 student's courses of study such as participation in advanced placement
83 courses or a vocational education program. The planning and
84 placement team shall include in the statement for each such student
85 beginning at age sixteen, or younger if deemed appropriate by the
86 team, a provision detailing the transition services needed by the
87 student including, if appropriate, a statement of interagency
88 responsibilities.

89 (8) Each local and regional board of education shall notify the
90 parent or guardian of a child who requires or who may require special
91 education, a pupil if such pupil is an emancipated minor or eighteen
92 years of age or older who requires or who may require special
93 education or a surrogate parent appointed pursuant to section 10-94g,
94 in writing, at least five school days before such board proposes to, or
95 refuses to, initiate or change the child's or pupil's identification,
96 evaluation or educational placement or the provision of a free
97 appropriate public education to the child or pupil. Such parent,
98 guardian, pupil or surrogate parent shall be given at least five school
99 days' prior notice of any planning and placement team meeting
100 conducted for such child or pupil and shall have the right to be present
101 at and participate in and to have advisors of such person's own
102 choosing and at such person's own expense to be present at and to
103 participate in all portions of such meeting at which an educational
104 program for such child or pupil is developed, reviewed or revised.
105 Immediately upon the formal identification of any child as a child
106 requiring special education and at each planning and placement team
107 meeting for such child, the responsible local or regional board of
108 education shall inform the parent or guardian of such child or
109 surrogate parent or, in the case of a pupil who is an emancipated
110 minor or eighteen years of age or older, the pupil of the laws relating
111 to special education and the rights of such parent, guardian, surrogate
112 parent or pupil under such laws and the regulations adopted by the
113 State Board of Education relating to special education. If such parent,
114 guardian, surrogate parent or pupil does not attend a planning and
115 placement team meeting, the responsible local or regional board of

116 education shall mail such information to such person. Each board shall
117 have in effect at the beginning of each school year an educational
118 program for each child who has been identified as eligible for special
119 education.

120 (9) The Commissioner of Social Services shall implement the policies
121 and procedures necessary for the purposes of this subsection while in
122 the process of adopting such policies and procedures in regulation
123 form, provided notice of intent to adopt the regulations is published in
124 the Connecticut Law Journal within twenty days of implementing the
125 policies and procedures. Such policies and procedures shall be valid
126 until the time final regulations are effective.

127 (b) In accordance with the regulations of the State Board of
128 Education, each local and regional board of education shall: (1)
129 Provide special education for school-age children requiring special
130 education who are described in subparagraph (A) or subparagraph (B)
131 of subdivision (5) of section 10-76a. The obligation of the school district
132 under this subsection shall terminate when such child is graduated
133 from high school or reaches age twenty-one, whichever occurs first;
134 and (2) provide special education for children requiring special
135 education who are described in subparagraph (A) or (C) of subdivision
136 (5) of section 10-76a. The State Board of Education shall define the
137 criteria by which each local or regional board of education shall
138 determine whether a given child is eligible for special education
139 pursuant to this subdivision, and such determination shall be made by
140 the board of education when requested by a parent or guardian, or
141 upon referral by a physician, clinic or social worker, provided the
142 parent or guardian so permits. To meet its obligations under this
143 subdivision, each local or regional board of education may, with the
144 approval of the State Board of Education, make agreements with any
145 private school, agency or institution to provide the necessary preschool
146 special education program, provided such private facility has an
147 existing program which adequately meets the special education needs,
148 according to standards established by the State Board of Education, of

149 the preschool children for whom such local or regional board of
150 education is required to provide such an education and provided such
151 district does not have such an existing program in its public schools.
152 Such private school, agency or institution may be a facility which has
153 not been approved by the Commissioner of Education for special
154 education, provided such private facility is approved by the
155 commissioner as an independent school or licensed by the Department
156 of Public Health as a day care or nursery facility or be both approved
157 and licensed.

158 [(c) Each local or regional board of education may provide special
159 education for children requiring it who are described by subparagraph
160 (B) of subdivision (5) of section 10-76a and for other exceptional
161 children for whom provision of special education is not required by
162 law.]

163 [(d)] (c) To meet its obligations under sections 10-76a to 10-76g,
164 inclusive, as amended by this act, any local or regional board of
165 education may make agreements with another such board or subject to
166 the consent of the parent or guardian of any child affected thereby,
167 make agreements with any private school or with any public or private
168 agency or institution, including a group home to provide the necessary
169 programs or services, but no expenditures made pursuant to a contract
170 with a private school, agency or institution for such special education
171 shall be paid under the provisions of section 10-76g, as amended by
172 this act, unless (1) such contract includes a description of the
173 educational program and other treatment the child is to receive, a
174 statement of minimal goals and objectives which it is anticipated such
175 child will achieve and an estimated time schedule for returning the
176 child to the community or transferring such child to another
177 appropriate facility, (2) subject to the provisions of this subsection, the
178 educational needs of the child for whom such special education is
179 being provided cannot be met by public school arrangements in the
180 opinion of the commissioner who, before granting approval of such
181 contract for purposes of payment, shall consider such factors as the

182 particular needs of the child, the suitability and efficacy of the program
183 offered by such private school, agency or institution, and the economic
184 feasibility of comparable alternatives, and (3) commencing with the
185 1987-1988 school year and for each school year thereafter, each such
186 private school, agency or institution has been approved for special
187 education by the Commissioner of Education or by the appropriate
188 agency for facilities located out of state, except as provided in
189 subsection (b) of this section. Notwithstanding the provisions of
190 subdivision (2) of this subsection or any regulations adopted by the
191 State Board of Education setting placement priorities, placements
192 pursuant to this section and payments under section 10-76g, as
193 amended by this act, may be made pursuant to such a contract if the
194 public arrangements are more costly than the private school,
195 institution or agency, provided the private school, institution or
196 agency meets the educational needs of the child and its program is
197 suitable and efficacious. Notwithstanding the provisions of this
198 subsection to the contrary, nothing in this subsection shall (A) require
199 the removal of a child from a nonapproved facility if the child was
200 placed there prior to July 7, 1987, pursuant to the determination of a
201 planning and placement team that such a placement was appropriate
202 and such placement was approved by the Commissioner of Education,
203 or (B) prohibit the placement of a child at a nonapproved facility if a
204 planning and placement team determines prior to July 7, 1987, that the
205 child be placed in a nonapproved facility for the 1987-1988 school year.
206 Each child placed in a nonapproved facility as described in
207 subparagraphs (A) and (B) of subdivision (3) of this subsection may
208 continue at the facility provided the planning and placement team or
209 hearing officer appointed pursuant to section 10-76h determines that
210 the placement is appropriate. Expenditures incurred by any local or
211 regional board of education to maintain children in nonapproved
212 facilities as described in said subparagraphs (A) and (B) shall be paid
213 pursuant to the provisions of section 10-76g, as amended by this act.
214 Any local or regional board of education may enter into a contract with
215 the owners or operators of any sheltered workshop or rehabilitation

216 center for provision of an education occupational training program for
217 children requiring special education who are at least sixteen years of
218 age, provided such workshop or institution shall have been approved
219 by the appropriate state agency. Whenever any child is identified by a
220 local or regional board of education as a child requiring special
221 education and said board of education determines that the
222 requirements for special education could be met by a program
223 provided within the district or by agreement with another board of
224 education except for the child's need for services other than
225 educational services such as medical, psychiatric or institutional care
226 or services, said board may meet its obligation to furnish special
227 education for such child by paying the reasonable cost of special
228 education instruction in a private school, hospital or other institution
229 provided said board or the commissioner concurs that placement in
230 such institution is necessary and proper and no state institution is
231 available to meet such child's needs.

232 [(e)] (d) (1) Any local or regional board of education which provides
233 special education pursuant to any mandates in this section shall
234 provide transportation, to and from, but not beyond the curb of, the
235 residence of the child, unless otherwise agreed upon by the board and
236 the parent or guardian of the child, tuition, room and board and other
237 items as are necessary to the provision of such special education except
238 for children who are placed in a residential facility because of the need
239 for services other than educational services, in which case the financial
240 responsibility of the school district and payment to such district shall
241 be limited to the reasonable costs of special education instruction as
242 defined in the regulations of the State Board of Education. If a hearing
243 board, pursuant to subsection (d) of section 10-76h, rejects the
244 educational program prescribed by the local or regional board of
245 education and determines that a placement by a parent or guardian
246 was appropriate, the local or regional board of education shall
247 reimburse the parent or guardian for the reasonable costs incurred for
248 the provision of special education pursuant to this section from the
249 initiation of review procedures as provided by said section 10-76h.

250 (2) Notwithstanding any other provisions of the general statutes, for
251 the fiscal year ending June 30, 1987, and each fiscal year thereafter,
252 whenever a public agency, other than a local or regional board of
253 education, the State Board of Education or the Superior Court acting
254 pursuant to section 10-76h, places a child in a foster home, group
255 home, hospital, state institution, receiving home, custodial institution
256 or any other residential or day treatment facility, and such child
257 requires special education, the local or regional board of education
258 under whose jurisdiction the child would otherwise be attending
259 school or, if no such board can be identified, the local or regional board
260 of education of the town where the child is placed, shall provide the
261 requisite special education and related services to such child in
262 accordance with the provisions of this section. Within one business day
263 of such a placement by the Department of Children and Families, said
264 department shall orally notify the local or regional board of education
265 responsible for providing special education and related services to
266 such child of such placement. The department shall provide written
267 notification to such board of such placement within two business days
268 of the placement. Such local or regional board of education shall
269 convene a planning and placement team meeting for such child within
270 thirty days of the placement and shall invite a representative of the
271 Department of Children and Families to participate in such meeting.
272 (A) The local or regional board of education under whose jurisdiction
273 such child would otherwise be attending school shall be financially
274 responsible for the reasonable costs of such special education and
275 related services in an amount equal to the lesser of one hundred per
276 cent of the costs of such education or the average per pupil educational
277 costs of such board of education for the prior fiscal year, determined in
278 accordance with the provisions of subsection (a) of section 10-76f. The
279 State Board of Education shall pay on a current basis, except as
280 provided in subdivision (3) of this subsection, any costs in excess of
281 such local or regional board's basic contributions paid by such board of
282 education in accordance with the provisions of this subdivision. (B)
283 Whenever a child is placed pursuant to this subdivision, on or after

284 July 1, 1995, by the Department of Children and Families and the local
285 or regional board of education under whose jurisdiction such child
286 would otherwise be attending school cannot be identified, the local or
287 regional board of education under whose jurisdiction the child
288 attended school or in whose district the child resided at the time of
289 removal from the home by said department shall be responsible for the
290 reasonable costs of special education and related services provided to
291 such child, for one calendar year or until the child is committed to the
292 state pursuant to section 46b-129 or 46b-140 or is returned to his or her
293 parent or guardian, whichever is earlier. If the child remains in such
294 placement beyond one calendar year the Department of Children and
295 Families shall be responsible for such costs. During the period the local
296 or regional board of education is responsible for the reasonable cost of
297 special education and related services pursuant to this subparagraph,
298 the board shall be responsible for such costs in an amount equal to the
299 lesser of one hundred per cent of the costs of such education and
300 related services or the average per pupil educational costs of such
301 board of education for the prior fiscal year, determined in accordance
302 with the provisions of subsection (a) of section 10-76f. The State Board
303 of Education shall pay on a current basis, except as provided in
304 subdivision (3) of this subsection, any costs in excess of such local or
305 regional board's basic contributions paid by such board of education in
306 accordance with the provisions of this subdivision. The costs for
307 services other than educational shall be paid by the state agency which
308 placed the child. The provisions of this subdivision shall not apply to
309 the school districts established within the Department of Children and
310 Families, pursuant to section 17a-37, the Department of Correction,
311 pursuant to section 18-99a, or the Department of Mental Retardation,
312 pursuant to section 17a-240, provided in any case in which special
313 education is being provided at a private residential institution,
314 including the residential components of regional educational service
315 centers, to a child for whom no local or regional board of education
316 can be found responsible under subsection (b) of this section, Unified
317 School District #2 shall provide the special education and related

318 services and be financially responsible for the reasonable costs of such
319 special education instruction for such children.

320 (3) Payment for children who require special education and who
321 reside on state-owned or leased property or in permanent family
322 residences as defined in section 17a-154, and who are not the
323 educational responsibility of the unified school districts established
324 pursuant to section 17a-37, section 17a-240 or section 18-99a, shall be
325 made in the following manner: The State Board of Education shall pay
326 to the school district which is responsible for providing instruction for
327 each such child pursuant to the provisions of this subsection one
328 hundred per cent of the reasonable costs of such instruction. In the
329 fiscal year following such payment, the State Board of Education shall
330 deduct from the special education grant due the local or regional board
331 of education under whose jurisdiction the child would otherwise be
332 attending school, where such board has been identified, the amount
333 for which such board would otherwise have been financially
334 responsible pursuant to the provisions of subdivision (2) of this
335 subsection. No such deduction shall be made for any school district
336 which is responsible for providing special education instruction for
337 children whose parents or legal guardians do not reside within such
338 district. The amount deducted shall be included as a net cost of special
339 education by the Department of Education for purposes of the state's
340 special education grant calculated pursuant to section 10-76g. A school
341 district otherwise eligible for reimbursement under the provisions of
342 this subdivision for the costs of education of a child residing in a
343 permanent family residence shall continue to be so eligible in the event
344 that a person providing foster care in such residence adopts the child.

345 (4) Notwithstanding any other provision of this section, the
346 Department of Mental Health and Addiction Services shall provide
347 regular education and special education and related services to eligible
348 residents in facilities operated by the department who are eighteen to
349 twenty-one years of age. In the case of a resident who requires special
350 education, the department shall provide the requisite identification

351 and evaluation of such resident in accordance with the provisions of
352 this section. The department shall be financially responsible for the
353 provision of educational services to eligible residents. The
354 Departments of Mental Health and Addiction Services, Children and
355 Families and Education shall develop and implement an interagency
356 agreement which specifies the role of each agency in ensuring the
357 provision of appropriate education services to eligible residents in
358 accordance with this section. The State Board of Education shall pay to
359 the Department of Mental Health and Addiction Services one hundred
360 per cent of the reasonable costs of such educational services provided
361 to eligible residents of such facilities. Payment shall be made by the
362 board as follows: Eighty-five per cent of the estimated cost in July and
363 the adjusted balance in May.

364 (5) Application for the grant to be paid by the state for costs in
365 excess of the local or regional board of education's basic contribution
366 shall be made by such board of education by filing with the State
367 Board of Education, in such manner as prescribed by the
368 Commissioner of Education, annually on or before December first a
369 statement of the cost of providing special education, as defined in
370 subdivision (2) of this subsection, for a child of the board placed by a
371 state agency in accordance with the provisions of said subdivision or,
372 where appropriate, a statement of the cost of providing educational
373 services other than special educational services pursuant to the
374 provisions of subsection (b) of section 10-253, as amended by this act,
375 provided a board of education may submit, not later than February
376 first, claims for additional children or costs not included in the
377 December filing. Payment by the state for such excess costs shall be
378 made to the local or regional board of education as follows: Seventy-
379 five per cent of the cost in February and the balance in April. The
380 amount due each town pursuant to the provisions of this subsection
381 and the amount due to each town as tuition from other towns pursuant
382 to this section shall be paid to the treasurer of each town entitled to
383 such aid, provided the treasurer shall treat such grant or tuition
384 received, or a portion of such grant or tuition, which relates to special

385 education expenditures incurred pursuant to subdivisions (2) and (3)
386 of this subsection in excess of such board's budgeted estimate of such
387 expenditures, as a reduction in expenditures by crediting such
388 expenditure account, rather than town revenue. The state shall notify
389 the local or regional board of education when payments are made to
390 the treasurer of the town pursuant to this subdivision.

391 ~~[(f)]~~ (e) No children placed out primarily for special education
392 services shall be placed in a private school, agency or institution
393 outside of the state, except when in the opinion of the Commissioner of
394 Education it is determined that: (1) No public or approved private
395 facility which can reasonably provide suitable special education
396 programs for such children is available in the state; (2) no public or
397 approved private facility which can reasonably provide suitable
398 special education programs for such children is available in the state
399 and the out-of-state placement is required for a period of time not to
400 exceed two years, during which time the local or regional board of
401 education responsible for providing such children with a special
402 education shall develop a suitable special education program or cause
403 such program to be developed within the state; or (3) an out-of-state
404 placement is more economically feasible than an existing special
405 education program in the state or any such program that could be
406 developed within the state within a reasonable period of time. No
407 placement in an out-of-state private special education school, agency
408 or facility shall be approved unless such school, agency or facility first
409 agrees in writing to submit to the state Department of Education any
410 such financial program and student progress reports as the
411 commissioner may require for the purpose of making an annual
412 determination as to the economic feasibility and program adequacy of
413 the special education program provided. The provisions of this
414 subsection shall not apply to children placed out primarily for services
415 other than educational services as described in subsection ~~[(d)]~~ (c) of
416 this section.

417 ~~[(g)]~~ (f) (1) Each local or regional board of education shall review

418 annually and make a report as to the progress of each child for whom
419 such board is obligated to provide a special education and who
420 receives special education services in any private school, agency or
421 institution and shall, upon request of the commissioner, submit such
422 reports to the State Board of Education.

423 (2) Whenever a local or regional board of education determines that
424 a child who has for three years received special education services in
425 private facilities pursuant to subsection [(d) of section 10-76d] (c) of
426 this section must receive such services from private facilities for an
427 additional period of time, the State Board of Education, shall annually
428 thereafter review the progress of such child prior to approving or
429 disapproving for purposes of reimbursement, pursuant to subsection
430 [(d) of section 10-76d] (c) of this section any continuation of private
431 placement, considering such factors as the educational and other needs
432 of the child.

433 [(h)] (g) The provisions of this section and sections 10-76a, 10-76b,
434 10-76c, 10-76f and 10-76g, as amended by this act, shall not be
435 construed to relieve any insurer or provider of health or welfare
436 benefits from paying any otherwise valid claim.

437 Sec. 2. Subsection (b) of section 10-76g of the general statutes is
438 repealed and the following is substituted in lieu thereof:

439 (b) Any local or regional board of education which provides special
440 education pursuant to the provisions of sections 10-76a to 10-76g,
441 inclusive, as amended by this act, for any exceptional child described
442 in subparagraph (A) or subparagraph (B) of subdivision (5) of section
443 10-76a, under its jurisdiction, excluding (1) children placed by a state
444 agency for whom a board of education receives payment pursuant to
445 the provisions of subdivision (2) of subsection [(e)] (d) of section 10-
446 76d, as amended by this act, and (2) children who require special
447 education, who reside on state-owned or leased property or in
448 permanent family residences, as defined in section 17a-154, and who
449 are not the educational responsibility of the unified school districts

450 established pursuant to sections 17a-37, 17a-240 and 18-99a, shall be
451 financially responsible for the reasonable costs of special education
452 instruction, as defined in the regulations of the State Board of
453 Education, in an amount equal to five times the average per pupil
454 educational costs of such board of education for the prior fiscal year,
455 determined in accordance with the provisions of subsection (a) of
456 section 10-76f. The State Board of Education shall pay on a current
457 basis any costs in excess of the local or regional boards' basic
458 contribution paid by such board in accordance with the provisions of
459 this subsection. Any amounts paid by the State Board of Education on
460 a current basis pursuant to this subsection shall not be reimbursable in
461 the subsequent year. Application for such grant shall be made by filing
462 with the Department of Education, in such manner as prescribed by
463 the commissioner, annually on or before December first a statement of
464 the cost of providing special education pursuant to this subsection,
465 provided a board of education may submit, not later than February
466 first, claims for additional children or costs not included in the
467 December filing. Payment by the state for such excess costs shall be
468 made to the local or regional board of education as follows: Seventy-
469 five per cent of the cost in February and the balance in April. The
470 amount due each town pursuant to the provisions of this subsection
471 shall be paid to the treasurer of each town entitled to such aid,
472 provided the treasurer shall treat such grant, or a portion of the grant,
473 which relates to special education expenditures incurred in excess of
474 such town's board of education budgeted estimate of such
475 expenditures, as a reduction in expenditures by crediting such
476 expenditure account, rather than town revenue. Such expenditure
477 account shall be so credited no later than thirty days after receipt by
478 the treasurer of necessary documentation from the board of education
479 indicating the amount of such special education expenditures incurred
480 in excess of such town's board of education budgeted estimate of such
481 expenditures.

482 Sec. 3. Section 10-253 of the general statutes is repealed and the
483 following is substituted in lieu thereof:

484 (a) Children placed out by the Commissioner of Children and
485 Families or by other agencies or persons, including private child-caring
486 or child-placing agencies licensed by the Department of Children and
487 Families, and eligible residents of facilities operated by the Department
488 of Mental Health and Addiction Services or by the Department of
489 Public Health who are eighteen to twenty-one years of age, shall be
490 entitled to all free school privileges of the school district where they
491 then reside as a result of such placement, except as provided in
492 subdivision (4) of subsection [(e)] (d) of section 10-76d, as amended by
493 this act. Except as provided in subsection (d) of this section and
494 subdivision (4) of subsection [(e)] (d) of section 10-76d, as amended by
495 this act, payment for such education shall be made by the board of
496 education of the school district under whose jurisdiction such child
497 would otherwise be attending school where such a school district is
498 identified.

499 (b) The board of education of the school district under whose
500 jurisdiction a child would otherwise be attending school shall be
501 financially responsible for the reasonable costs of education for a child
502 placed out by the Commissioner of Children and Families or by other
503 agencies in a private residential facility when such child requires
504 educational services other than special education services. Such
505 financial responsibility shall be the lesser of one hundred per cent of
506 the costs of such education or the average per pupil educational costs
507 of such board of education for the prior fiscal year, determined in
508 accordance with subsection (a) of section 10-76f. Any costs in excess of
509 the boards' basic contribution shall be paid by the State Board of
510 Education on a current basis. The costs for services other than
511 educational shall be paid by the state agency which placed the child.
512 Application for the grant to be paid by the state for costs in excess of
513 the local or regional board of education's basic contribution shall be
514 made in accordance with the provisions of subdivision (5) of
515 subsection [(e)] (d) of section 10-76d, as amended by this act.

516 (c) No board of education shall be required to provide school

517 accommodations for any child whose legal residence is in another state
518 unless the board has entered into an agreement concerning the
519 provision of educational services and programs with the state or local
520 educational agency of such state responsible for educating the child,
521 the facility where the child is placed or the parent or guardian placing
522 such child, and provided that a bond, in a sum equal to the tuition
523 payable for such child, issued by a surety company authorized to do
524 business in this state and conditioned upon the payment of tuition at
525 the rate established by the board, shall be filed with the treasurer of the
526 school district in which such child is attending school by the parent or
527 guardian or other person or organization in control of such child.

528 (d) Children residing with relatives or nonrelatives, when it is the
529 intention of such relatives or nonrelatives and of the children or their
530 parents or guardians that such residence is to be permanent, provided
531 without pay and not for the sole purpose of obtaining school
532 accommodations, and, for the fiscal year commencing July 1, 1981, and
533 each fiscal year thereafter, children not requiring special education
534 who are residing in any facility or home as a result of a placement by a
535 public agency, other than a local or regional board of education, and
536 except as provided by subsection (b) of this section, shall be entitled to
537 all free school privileges accorded to resident children of the school
538 district in which they then reside. A local or regional board of
539 education may require documentation from the parent or guardian,
540 the relative or nonrelative, emancipated minor or pupil eighteen years
541 of age or older that the residence is to be permanent, provided without
542 pay and not for the sole purpose of obtaining school accommodations
543 provided by the school district. Such documentation may include
544 affidavits, provided that prior to any request for documentation of a
545 child's residency from the child's parent or guardian, relative or
546 nonrelative, or emancipated minor or pupil eighteen years of age or
547 older, the board of education shall provide the parent or guardian,
548 relative or nonrelative, emancipated minor or pupil eighteen years of
549 age or older with a written statement specifying the basis upon which
550 the board has reason to believe that such child, emancipated minor or

551 pupil eighteen years of age or older is not entitled to school
552 accommodations.

553 (e) (1) For purposes of this subsection:

554 (A) "Temporary shelters" means facilities which provide emergency
555 shelter for a specified, limited period of time, and

556 (B) "Educational costs" means the reasonable costs of providing
557 regular or, except as otherwise provided, special education, but in no
558 event shall such costs exceed the average per pupil cost for regular
559 education students or the actual cost of providing special education for
560 special education students.

561 (2) Children in temporary shelters shall be entitled to free school
562 privileges from either the school district in which the shelter is located
563 or the school district in which the child would otherwise reside, if not
564 for the need for temporary shelter. Upon notification from the school
565 district in which the temporary shelter is located, the school district in
566 which the child would otherwise reside, if identified, shall either pay
567 tuition to the school district in which the temporary shelter is located
568 for the child to attend school in that district or shall continue to
569 provide educational services, including transportation, to such child. If
570 the school district where the child would otherwise reside cannot be
571 identified, the school district in which the temporary shelter is located
572 shall be financially responsible for the educational costs for such child,
573 except that in the case of a child who requires special education and
574 related services and is placed by the Department of Children and
575 Families in a temporary shelter on or after July 1, 1995, the school
576 district in which the child resided immediately prior to such placement
577 or the Department of Children and Families shall be responsible for the
578 cost of such special education and related services, to the extent such
579 board or department is responsible for such costs under subparagraph
580 (B) of subdivision (2) of subsection [(e)] (d) of section 10-76d, as
581 amended by this act. If the school district where the child would
582 otherwise reside declines to provide free school privileges, the school

583 district where the temporary shelter is located shall provide free school
584 privileges and may recover tuition from the school district where the
585 child would otherwise reside. In the case of children requiring special
586 education who have been placed in out-of-district programs by either a
587 board of education or state agency, the school district in which the
588 child would otherwise reside shall continue to be responsible for the
589 child's education until such time as a new residence is established,
590 notwithstanding the fact that the child or child's family resides in a
591 temporary shelter.

592 Sec. 4. Subsection (a) of section 10-295 of the general statutes is
593 repealed and the following is substituted in lieu thereof:

594 (a) All residents of this state, regardless of age, who, because of
595 blindness or impaired vision, require special educational programs, on
596 the signed recommendation of the director of the Board of Education
597 and Services for the Blind, shall be entitled to receive such instruction
598 and for such length of time as is deemed expedient by said director.
599 The director shall annually submit to the board the list of names of
600 persons so recommended. Upon the petition of any parent or guardian
601 of a blind educable child or a child with impaired vision, a local board
602 of education may provide such instruction within the town or it may
603 provide for such instruction by agreement with other towns as
604 provided in subsection [(d)] (c) of section 10-76d, as amended by this
605 act. The expense of such instruction shall be paid by the state to an
606 amount not exceeding six thousand four hundred dollars for each of
607 such persons in any one state fiscal year. When the parents or
608 guardians of any such blind person or person with impaired vision are
609 not able to provide clothing for such person, an additional sum not to
610 exceed one hundred dollars per year may be allowed for such
611 expenses. Where a local or regional board of education reimburses
612 parents or legal guardians of a blind or visually impaired child for
613 transportation to and from a specialized residential facility serving the
614 blind, such board shall be reimbursed by the state for such validated
615 actual cost up to a maximum of three hundred dollars per pupil per

616 school year. Determination of reimbursable transportation costs and
617 payment therefor shall be the responsibility of the State Board of
618 Education and Services for the Blind. All educational privileges
619 prescribed in part V of chapter 164, not inconsistent with the
620 provisions of this chapter, shall apply to the pupils covered by this
621 subsection. The Board of Education and Services for the Blind may
622 provide any of the educational services described in this section to a
623 child whose vision may be greater than as defined in section 10-294a
624 upon written referral by the local or regional board of education
625 responsible for providing special education and related services
626 pursuant to section 10-76d, as amended by this act. A request from a
627 local or regional board of education for reimbursement of such
628 expenses to the Board of Education and Services for the Blind shall not
629 be eligible for such reimbursement unless such request is received by
630 the first of June for such expenses incurred during the preceding first
631 of July through the thirty-first of December and by the first of
632 December for expenses incurred during the preceding first of January
633 through the thirtieth of June.

634 Sec. 5. Subdivision (20) of section 4-230 of the general statutes is
635 repealed and the following is substituted in lieu thereof:

636 (20) "Exempt program" means any of the following programs:
637 Education cost sharing, pursuant to sections 10-262f to 10-262j,
638 inclusive; public and nonpublic school pupil transportation, pursuant
639 to sections 10-54, 10-97, 10-266m, 10-273a, 10-277 and 10-281; special
640 education, excess costs equity and excess costs student-based,
641 pursuant to subsection [(e)] (d) of section 10-76d, as amended by this
642 act, subsections (a), (b) and (c) of section 10-76g, as amended by this
643 act, and section 10-253, as amended by this act; school building grants-
644 principal and interest subsidy, pursuant to chapter 173 and section 10-
645 264h; and school construction grants pursuant to public act 97-265 and
646 public act 97-11 of the June 18 Special Session*.

647 Sec. 6. Subdivision (3) of section 46a-150 of the general statutes is

648 repealed and the following is substituted in lieu thereof:

649 (3) "Person at risk" means a person receiving care, education or
650 supervision in an institution or facility (A) operated by, licensed or
651 authorized to operate by or operating pursuant to a contract with the
652 Departments of Public Health, Mental Retardation, Children and
653 Families, Mental Health and Addiction Services or a regional
654 education service center established under section 10-66a, or (B)
655 operating under contract with a local or regional board of education
656 pursuant to subsection [(d)] (c) of section 10-76d, as amended by this
657 act. The term does not include (i) a person in the custody of the
658 Commissioner of Correction, or (ii) a resident or patient of a nursing
659 home subject to federal regulations concerning restraint of residents or
660 patients.

661 Sec. 7. This act shall take effect July 1, 2001.

Statement of Purpose:

To require local and regional boards of education to provide services and programs to talented and gifted children under the special education program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]