



General Assembly

Substitute Bill No. 1216

January Session, 2001

**AN ACT CONCERNING ZONING REQUIREMENTS FOR RESIDENCES
FOR CHILDREN WITH MENTAL OR PHYSICAL DISABILITIES.**

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

1 Section 1. Section 8-3e of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) No zoning regulation shall treat [any] the following in a manner
4 different from any single family residence: (1) Any community
5 residence which houses six or fewer mentally retarded persons and
6 necessary staff persons and which is licensed under the provisions of
7 section 17a-227, [in a manner different from any single family
8 residence] or (2) any child-care residential facility which houses six or
9 fewer children with mental or physical disabilities and necessary staff
10 persons and which is licensed under sections 17a-145 to 17a-151,
11 inclusive.

12 (b) Any resident of a municipality in which such a community
13 residence or child-care residential facility is located may, with the
14 approval of the legislative body of such municipality, petition (1) the
15 Commissioner of Mental Retardation to revoke the license of such
16 community residence on the grounds that such community residence
17 is not in compliance with the provisions of any statute or regulation
18 concerning the operation of such residences, or (2) the Commissioner
19 of Children and Families to revoke the license of such child-care

20 residential facility on the grounds that such child-care residential
21 facility is not in compliance with the provision of any general statute
22 or regulation concerning the operation of such child-care residential
23 facility.

24 Sec. 2. Section 8-3f of the general statutes is repealed and the
25 following is substituted in lieu thereof:

26 No community residence or child-care residential facility
27 established pursuant to section 8-3e, as amended by this act, shall be
28 established within one thousand feet of any other such community
29 residence or child-care residential facility without the approval of the
30 body exercising zoning powers within the municipality in which such
31 residence is proposed to be established.

32 Sec. 3. (NEW) The party responsible under the provisions of
33 subdivision (2) of subsection (e) of section 10-76d of the general
34 statutes for the costs of education and other services for a child shall
35 not be relieved from such responsibility by (1) establishment in a
36 municipality of (A) any community residence which houses six or
37 fewer mentally retarded persons and necessary staff persons and
38 which is licensed under the provisions of section 17a-227 of the general
39 statutes, or (B) any child-care residential facility which houses six or
40 fewer children with mental or physical disabilities and necessary staff
41 persons and which is licensed under sections 17a-145 to 17a-151,
42 inclusive, of the general statutes, or (2) the placement of a child in any
43 such community residence or child-care facility.

44 Sec. 4. (NEW) (a) On or before January first, annually, the Secretary
45 of the Office of Policy and Management shall determine the amount
46 due, as a state grant in lieu of taxes, to each municipality in this state in
47 which is located (1) any community residence which houses six or
48 fewer mentally retarded persons and necessary staff persons and
49 which is licensed under the provisions of section 17a-227 of the general
50 statutes, or (2) any child-care residential facility which houses six or
51 fewer children with mental or physical disabilities and necessary staff

52 persons and which is licensed under sections 17a-145 to 17a-151,
53 inclusive, of the general statutes.

54 (b) The grant payable to any town under the provisions of this
55 section in the state fiscal year commencing July 1, 2001, and each fiscal
56 year thereafter, shall be equal to one hundred per cent of the property
57 taxes which would have been paid with respect to such real property
58 during the preceding fiscal year.

59 Sec. 5. Subdivision (2) of subsection (e) of section 10-76d of the
60 general statutes is repealed and the following is substituted in lieu
61 thereof:

62 (2) Notwithstanding any other provisions of the general statutes, for
63 the fiscal year ending June 30, 1987, and each fiscal year thereafter,
64 whenever a public agency, other than a local or regional board of
65 education, the State Board of Education or the Superior Court acting
66 pursuant to section 10-76h, places a child in a foster home, group
67 home, hospital, state institution, receiving home, custodial institution
68 or any other residential or day treatment facility, and such child
69 requires special education, the local or regional board of education
70 under whose jurisdiction the child would otherwise be attending
71 school or, if no such board can be identified, the local or regional board
72 of education of the town where the child is placed, shall provide the
73 requisite special education and related services to such child in
74 accordance with the provisions of this section. Within one business day
75 of such a placement by the Department of Children and Families, said
76 department shall orally notify the local or regional board of education
77 responsible for providing special education and related services to
78 such child of such placement. The department shall provide written
79 notification to such board of such placement within two business days
80 of the placement. The department shall send the superintendent of the
81 school district in which the child is placed a copy of the individualized
82 education program for such child within two business days of the
83 placement. Such local or regional board of education shall convene a
84 planning and placement team meeting for such child within thirty

85 days of the placement and shall invite a representative of the
86 Department of Children and Families to participate in such meeting.
87 (A) The local or regional board of education under whose jurisdiction
88 such child would otherwise be attending school shall be financially
89 responsible for the reasonable costs of such special education and
90 related services in an amount equal to the lesser of one hundred per
91 cent of the costs of such education or the average per pupil educational
92 costs of such board of education for the prior fiscal year, determined in
93 accordance with the provisions of subsection (a) of section 10-76f. The
94 State Board of Education shall pay on a current basis, except as
95 provided in subdivision (3) of this subsection, any costs in excess of
96 such local or regional board's basic contributions paid by such board of
97 education in accordance with the provisions of this subdivision. (B)
98 Whenever a child is placed pursuant to this subdivision, on or after
99 July 1, 1995, by the Department of Children and Families and the local
100 or regional board of education under whose jurisdiction such child
101 would otherwise be attending school cannot be identified, the local or
102 regional board of education under whose jurisdiction the child
103 attended school or in whose district the child resided at the time of
104 removal from the home by said department shall be responsible for the
105 reasonable costs of special education and related services provided to
106 such child, for one calendar year or until the child is committed to the
107 state pursuant to section 46b-129 or 46b-140 or is returned to [his] such
108 child's parent or guardian, whichever is earlier. If the child remains in
109 such placement beyond one calendar year the Department of Children
110 and Families shall be responsible for such costs. During the period the
111 local or regional board of education is responsible for the reasonable
112 cost of special education and related services pursuant to this
113 subparagraph, the board shall be responsible for such costs in an
114 amount equal to the lesser of one hundred per cent of the costs of such
115 education and related services or the average per pupil educational
116 costs of such board of education for the prior fiscal year, determined in
117 accordance with the provisions of subsection (a) of section 10-76f. The
118 State Board of Education shall pay on a current basis, except as
119 provided in subdivision (3) of this subsection, any costs in excess of

120 such local or regional board's basic contributions paid by such board of
121 education in accordance with the provisions of this subdivision. The
122 costs for services other than educational shall be paid by the state
123 agency which placed the child. The provisions of this subdivision shall
124 not apply to the school districts established within the Department of
125 Children and Families, pursuant to section 17a-37, the Department of
126 Correction, pursuant to section 18-99a, or the Department of Mental
127 Retardation, pursuant to section 17a-240, provided in any case in
128 which special education is being provided at a private residential
129 institution, including the residential components of regional
130 educational service centers, to a child for whom no local or regional
131 board of education can be found responsible under subsection (b) of
132 this section, Unified School District #2 shall provide the special
133 education and related services and be financially responsible for the
134 reasonable costs of such special education instruction for such
135 children.

136 Sec. 6. This act shall take effect July 1, 2001.

PD *JOINT FAVORABLE SUBST.*