



General Assembly

Substitute Bill No. 1340

January Session, 2005

* SB01340ED_APP032905 *

**AN ACT CONCERNING EDUCATION COSTS OF NO-NEXUS
CHILDREN IN FOSTER CARE.**

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

1 Section 1. Subdivision (2) of subsection (e) of section 10-76d of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2005*):

4 (2) Notwithstanding any other provisions of the general statutes, for
5 the fiscal year ending June 30, 1987, and each fiscal year thereafter,
6 whenever a public agency, other than a local or regional board of
7 education, the State Board of Education or the Superior Court acting
8 pursuant to section 10-76h, places a child in a foster home, group
9 home, hospital, state institution, receiving home, custodial institution
10 or any other residential or day treatment facility, and such child
11 requires special education, the local or regional board of education
12 under whose jurisdiction the child would otherwise be attending
13 school or, if no such board can be identified, the local or regional board
14 of education of the town where the child is placed, shall provide the
15 requisite special education and related services to such child in
16 accordance with the provisions of this section. Within one business day
17 of such a placement by the Department of Children and Families, said
18 department shall orally notify the local or regional board of education
19 responsible for providing special education and related services to

20 such child of such placement. The department shall provide written
21 notification to such board of such placement within two business days
22 of the placement. Such local or regional board of education shall
23 convene a planning and placement team meeting for such child within
24 thirty days of the placement and shall invite a representative of the
25 Department of Children and Families to participate in such meeting.
26 (A) The local or regional board of education under whose jurisdiction
27 such child would otherwise be attending school shall be financially
28 responsible for the reasonable costs of such special education and
29 related services in an amount equal to the lesser of one hundred per
30 cent of the costs of such education or the average per pupil educational
31 costs of such board of education for the prior fiscal year, determined in
32 accordance with the provisions of subsection (a) of section 10-76f. The
33 State Board of Education shall pay on a current basis, except as
34 provided in subdivision (3) of this subsection, any costs in excess of
35 such local or regional board's basic contributions paid by such board of
36 education in accordance with the provisions of this subdivision. (B)
37 Whenever a child is placed pursuant to this subdivision, on or after
38 July 1, 1995, but prior to July 1, 2005, by the Department of Children
39 and Families and the local or regional board of education under whose
40 jurisdiction such child would otherwise be attending school cannot be
41 identified, the local or regional board of education under whose
42 jurisdiction the child attended school or in whose district the child
43 resided at the time of removal from the home by said department shall
44 be responsible for the reasonable costs of special education and related
45 services provided to such child, for one calendar year or until the child
46 is committed to the state pursuant to section 46b-129 or 46b-140 or is
47 returned to the child's parent or guardian, whichever is earlier. If the
48 child remains in such placement beyond one calendar year the
49 Department of Children and Families shall be responsible for such
50 costs. During the period the local or regional board of education is
51 responsible for the reasonable cost of special education and related
52 services pursuant to this subparagraph, the board shall be responsible
53 for such costs in an amount equal to the lesser of one hundred per cent
54 of the costs of such education and related services or the average per

55 pupil educational costs of such board of education for the prior fiscal
 56 year, determined in accordance with the provisions of subsection (a) of
 57 section 10-76f. The State Board of Education shall pay on a current
 58 basis, except as provided in subdivision (3) of this subsection, any
 59 costs in excess of such local or regional board's basic contributions paid
 60 by such board of education in accordance with the provisions of this
 61 subdivision. (C) Whenever a child is placed by the Department of
 62 Children and Families, on or after July 1, 2005, and the local or regional
 63 board of education under whose jurisdiction such child would
 64 otherwise be attending school cannot be identified, the department
 65 shall be responsible for the reasonable costs of special education and
 66 related services provided to such child. The costs for services other
 67 than educational shall be paid by the state agency which placed the
 68 child. The provisions of this subdivision shall not apply to the school
 69 districts established within the Department of Children and Families,
 70 pursuant to section 17a-37, the Department of Correction, pursuant to
 71 section 18-99a, or the Department of Mental Retardation, pursuant to
 72 section 17a-240, provided in any case in which special education is
 73 being provided at a private residential institution, including the
 74 residential components of regional educational service centers, to a
 75 child for whom no local or regional board of education can be found
 76 responsible under subsection (b) of this section, Unified School District
 77 #2 shall provide the special education and related services and be
 78 financially responsible for the reasonable costs of such special
 79 education instruction for such children. Notwithstanding the
 80 provisions of this subdivision, for the fiscal years ending June 30, 2004,
 81 and June 30, 2005, the amount of the grants payable to local or regional
 82 boards of education in accordance with this subdivision shall be
 83 reduced proportionately if the total of such grants in such year exceeds
 84 the amount appropriated for the purposes of this subdivision for such
 85 year.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2005	10-76d(e)(2)

ED

Joint Favorable Subst. C/R

APP