



General Assembly

January Session, 2007

Raised Bill No. 7172

LCO No. 4215

04215_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT REDUCING EDUCATIONAL DISRUPTIONS FOR CHILDREN AND YOUTH IN THE CARE OR CUSTODY OF THE DEPARTMENT OF CHILDREN AND FAMILIES.

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

1 Section 1. Section 10-253 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Children placed out by the Commissioner of Children and
4 Families or by other agencies or persons, including offices of a
5 government of a federally recognized Native American tribe, private
6 child-caring or child-placing agencies licensed by the Department of
7 Children and Families, and eligible residents of facilities operated by
8 the Department of Mental Health and Addiction Services or by the
9 Department of Public Health who are eighteen to twenty-one years of
10 age, shall be entitled to all free school privileges [of] from either the
11 school district where they then reside as a result of such placement, or
12 the school district from which they were placed if the child's parent or
13 guardian determines it is in the best interest of the child to do so,
14 except as provided in subdivision (4) of subsection (e) of section 10-
15 76d. Except as provided in subsection (d) of this section and

16 subdivision (4) of subsection (e) of section 10-76d, payment for such
17 education shall be made by the board of education of the school
18 district under whose jurisdiction such child would otherwise be
19 attending school where such a school district is identified.

20 (b) The board of education of the school district under whose
21 jurisdiction a child would otherwise be attending school shall be
22 financially responsible for the reasonable costs of education for a child
23 placed out by the Commissioner of Children and Families or by other
24 agencies, including, but not limited to, offices of a government of a
25 federally recognized Native American tribe, in a private residential
26 facility when such child requires educational services other than
27 special education services. Such financial responsibility shall be the
28 lesser of one hundred per cent of the costs of such education or the
29 average per pupil educational costs of such board of education for the
30 prior fiscal year, determined in accordance with subsection (a) of
31 section 10-76f. Any costs in excess of the boards' basic contribution
32 shall be paid by the State Board of Education on a current basis. The
33 costs for services other than educational shall be paid by the state
34 agency which placed the child. Application for the grant to be paid by
35 the state for costs in excess of the local or regional board of education's
36 basic contribution shall be made in accordance with the provisions of
37 subdivision (5) of subsection (e) of section 10-76d. Notwithstanding the
38 provisions of this subsection, for the fiscal years ending June 30, 2004,
39 to June 30, 2007, inclusive, the amount of the grants payable to local or
40 regional boards of education in accordance with this subsection shall
41 be reduced proportionately if the total of such grants in such year
42 exceeds the amount appropriated for the purposes of this subsection
43 for such year.

44 (c) No board of education shall be required to provide school
45 accommodations for any child whose legal residence is in another state
46 unless the board has entered into an agreement concerning the
47 provision of educational services and programs with the state or local
48 educational agency of such state responsible for educating the child,

49 the facility where the child is placed or the parent or guardian placing
50 such child, and provided that a bond, in a sum equal to the tuition
51 payable for such child, issued by a surety company authorized to do
52 business in this state and conditioned upon the payment of tuition at
53 the rate established by the board, shall be filed with the treasurer of the
54 school district in which such child is attending school by the parent or
55 guardian or other person or organization in control of such child.

56 (d) Children residing with relatives or nonrelatives, when it is the
57 intention of such relatives or nonrelatives and of the children or their
58 parents or guardians that such residence is to be permanent, provided
59 without pay and not for the sole purpose of obtaining school
60 accommodations, and, for the fiscal year commencing July 1, 1981, and
61 each fiscal year thereafter, children not requiring special education
62 who are residing in any facility or home as a result of a placement by a
63 public agency, including, but not limited to, offices of a government of
64 a federally recognized Native American tribe, other than a local or
65 regional board of education, and except as provided by subsection (b)
66 of this section, shall be entitled to all free school privileges accorded to
67 resident children of the school district in which they then reside. A
68 local or regional board of education may require documentation from
69 the parent or guardian, the relative or nonrelative, emancipated minor
70 or pupil eighteen years of age or older that the residence is to be
71 permanent, provided without pay and not for the sole purpose of
72 obtaining school accommodations provided by the school district.
73 Such documentation may include affidavits, provided that prior to any
74 request for documentation of a child's residency from the child's
75 parent or guardian, relative or nonrelative, or emancipated minor or
76 pupil eighteen years of age or older, the board of education shall
77 provide the parent or guardian, relative or nonrelative, emancipated
78 minor or pupil eighteen years of age or older with a written statement
79 specifying the basis upon which the board has reason to believe that
80 such child, emancipated minor or pupil eighteen years of age or older
81 is not entitled to school accommodations.

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

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

85 (B) "Educational costs" means the reasonable costs of providing
86 regular or, except as otherwise provided, special education, but in no
87 event shall such costs exceed the average per pupil cost for regular
88 education students or the actual cost of providing special education for
89 special education students.

90 (2) Children in temporary shelters shall be entitled to free school
91 privileges from either the school district in which the shelter is located
92 or the school district in which the child would otherwise reside, if not
93 for the need for temporary shelter. Upon notification from the school
94 district in which the temporary shelter is located, the school district in
95 which the child would otherwise reside, if identified, shall either pay
96 tuition to the school district in which the temporary shelter is located
97 for the child to attend school in that district or shall continue to
98 provide educational services, including transportation, to such child. If
99 the school district where the child would otherwise reside cannot be
100 identified, the school district in which the temporary shelter is located
101 shall be financially responsible for the educational costs for such child,
102 except that in the case of a child who requires special education and
103 related services and is placed by the Department of Children and
104 Families in a temporary shelter on or after July 1, 1995, the school
105 district in which the child resided immediately prior to such placement
106 or the Department of Children and Families shall be responsible for the
107 cost of such special education and related services, to the extent such
108 board or department is responsible for such costs under subparagraph
109 (B) of subdivision (2) of subsection (e) of section 10-76d. If the school
110 district where the child would otherwise reside declines to provide
111 free school privileges, the school district where the temporary shelter is
112 located shall provide free school privileges and may recover tuition
113 from the school district where the child would otherwise reside. In the

114 case of children requiring special education who have been placed in
115 out-of-district programs by either a board of education or state agency,
116 the school district in which the child would otherwise reside shall
117 continue to be responsible for the child's education until such time as a
118 new residence is established, notwithstanding the fact that the child or
119 child's family resides in a temporary shelter.

120 (f) Notwithstanding any provision of the general statutes,
121 educational services shall be provided by each local and regional
122 board of education to homeless children and youths in accordance
123 with the provisions of 42 USC 11431, et seq., as amended from time to
124 time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	10-253

Statement of Purpose:

To improve educational outcomes for children committed to the Department of Children and Families by permitting them to attend their schools of origin while in foster care.

[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.]