



General Assembly

**Substitute Bill No. 1281**

January Session, 2007

\* SB01281ED\_APP032807 \*

**AN ACT CONCERNING EDUCATION PLANNING AND SPECIAL  
EDUCATION COSTS FOR CERTAIN CHILDREN PLACED BY THE  
DEPARTMENT OF CHILDREN AND FAMILIES.**

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2 general statutes is repealed and the following is substituted in lieu  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, 2007*):

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

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

55 or regional board of education is responsible for the reasonable cost of  
56 special education and related services pursuant to this subparagraph,  
57 the board shall be responsible for such costs in an amount equal to the  
58 lesser of one hundred per cent of the costs of such education and  
59 related services or the average per pupil educational costs of such  
60 board of education for the prior fiscal year, determined in accordance  
61 with the provisions of subsection (a) of section 10-76f. The State Board  
62 of Education shall pay on a current basis, except as provided in  
63 subdivision (3) of this subsection, any costs in excess of such local or  
64 regional board's basic contributions paid by such board of education in  
65 accordance with the provisions of this subdivision. The costs for  
66 services other than educational shall be paid by the state agency which  
67 placed the child. The provisions of this subdivision shall not apply to  
68 the school districts established within the Department of Children and  
69 Families, pursuant to section 17a-37, the Department of Correction,  
70 pursuant to section 18-99a, or the Department of Mental Retardation,  
71 pursuant to section 17a-240, provided in any case in which special  
72 education is being provided at a private residential institution,  
73 including the residential components of regional educational service  
74 centers, to a child for whom no local or regional board of education  
75 can be found responsible under subsection (b) of this section, Unified  
76 School District #2 shall provide the special education and related  
77 services and be financially responsible for the reasonable costs of such  
78 special education instruction for such children, and in the case of a  
79 child who resides in a level two group home, as licensed by the  
80 Department of Children and Families, the Unified School District #2  
81 shall be financially responsible for all reasonable costs for all education  
82 instruction for the child. Notwithstanding the provisions of this  
83 subdivision, for the fiscal years ending June 30, 2004, to June 30, 2007,  
84 inclusive, the amount of the grants payable to local or regional boards  
85 of education in accordance with this subdivision shall be reduced  
86 proportionately if the total of such grants in such year exceeds the  
87 amount appropriated for the purposes of this subdivision for such  
88 year.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2007</i>	10-76d(e)(2)
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**ED**

*Joint Favorable Subst. C/R*

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