



General Assembly

February Session, 2008

Raised Bill No. 159

LCO No. 1406

01406_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING FOSTER PLACEMENT AND EDUCATION.

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

1 Section 1. (NEW) (*Effective July 1, 2008*) (a) Notwithstanding any
2 provision of the general statutes, whenever the Department of
3 Children and Families places a child in foster care, if it is in the best
4 interest of such child, such child may continue to attend the school
5 such child attended prior to placement, or change in placement,
6 through the highest grade level of such school. Subject to the
7 provisions of subsection (c) of this section, such child shall be
8 considered a resident of the school district in which such school is
9 located during such attendance for purposes of chapters 168 to 170,
10 inclusive, 172 and 173 of the general statutes.

11 (b) There shall be a presumption that it is in the best interest of the
12 child to attend the school that the child attended prior to placement, or
13 change in placement, by the Department of Children and Families. If
14 there is any dispute as to whether continuation in such school is in the
15 child's best interest, the court shall make the final determination.

16 (c) The Department of Children and Families shall be responsible

17 for transportation, and the cost of such transportation, for such child
18 from the district in which the child is placed to the school the child
19 attended prior to placement.

20 Sec. 2. Subdivision (2) of subsection (e) of section 10-76d of the 2008
21 supplement to the general statutes is repealed and the following is
22 substituted in lieu thereof (*Effective July 1, 2008*):

23 (2) (A) For purposes of this subdivision, "public agency" includes
24 the offices of a government of a federally recognized Native American
25 tribe. [Notwithstanding any other provisions of the general statutes,
26 for] For the fiscal year ending June 30, 1987, and each fiscal year
27 thereafter, whenever a public agency, other than a local or regional
28 board of education, the State Board of Education or the Superior Court
29 acting pursuant to section 10-76h, places a child in a foster home,
30 group home, hospital, state institution, receiving home, custodial
31 institution or any other residential or day treatment facility, and such
32 child requires special education, the local or regional board of
33 education under whose jurisdiction the child would otherwise be
34 attending school or, if no such board can be identified, the local or
35 regional board of education of the town where the child is placed, shall
36 provide the requisite special education and related services to such
37 child in accordance with the provisions of this section. Within one
38 business day of such a placement by the Department of Children and
39 Families or offices of a government of a federally recognized Native
40 American tribe, said department or offices shall orally notify the local
41 or regional board of education responsible for providing special
42 education and related services to such child of such placement. The
43 department or offices shall provide written notification to such board
44 of such placement within two business days of the placement. Such
45 local or regional board of education shall convene a planning and
46 placement team meeting for such child within thirty days of the
47 placement and shall invite a representative of the Department of
48 Children and Families or offices of a government of a federally
49 recognized Native American tribe to participate in such meeting. [(A)

50 The] (i) Subject to the provisions of subparagraph (B) of this
51 subdivision, the local or regional board of education under whose
52 jurisdiction such child would otherwise be attending school shall be
53 financially responsible for the reasonable costs of such special
54 education and related services in an amount equal to the lesser of one
55 hundred per cent of the costs of such education or the average per
56 pupil educational costs of such board of education for the prior fiscal
57 year, determined in accordance with the provisions of subsection (a) of
58 section 10-76f. The State Board of Education shall pay on a current
59 basis, except as provided in subdivision (3) of this subsection, any
60 costs in excess of such local or regional board's basic contributions paid
61 by such board of education in accordance with the provisions of this
62 subdivision. [(B) Whenever] (ii) Subject to the provisions of
63 subparagraph (B) of this subdivision, whenever a child is placed
64 pursuant to this [subdivision] subparagraph, on or after July 1, 1995,
65 by the Department of Children and Families and the local or regional
66 board of education under whose jurisdiction such child would
67 otherwise be attending school cannot be identified, the local or
68 regional board of education under whose jurisdiction the child
69 attended school or in whose district the child resided at the time of
70 removal from the home by said department shall be responsible for the
71 reasonable costs of special education and related services provided to
72 such child, for one calendar year or until the child is committed to the
73 state pursuant to section 46b-129 of the 2008 supplement to the general
74 statutes or 46b-140 of the 2008 supplement to the general statutes or is
75 returned to the child's parent or guardian, whichever is earlier. If the
76 child remains in such placement beyond one calendar year the
77 Department of Children and Families shall be responsible for such
78 costs. During the period the local or regional board of education is
79 responsible for the reasonable cost of special education and related
80 services pursuant to this subparagraph, the board shall be responsible
81 for such costs in an amount equal to the lesser of one hundred per cent
82 of the costs of such education and related services or the average per
83 pupil educational costs of such board of education for the prior fiscal

84 year, determined in accordance with the provisions of subsection (a) of
85 section 10-76f. The State Board of Education shall pay on a current
86 basis, except as provided in subdivision (3) of this subsection, any
87 costs in excess of such local or regional board's basic contributions paid
88 by such board of education in accordance with the provisions of this
89 subdivision. The costs for services other than educational shall be paid
90 by the state agency which placed the child. The provisions of this
91 subdivision shall not apply to the school districts established within
92 the Department of Children and Families, pursuant to section 17a-37,
93 the Department of Correction, pursuant to section 18-99a, or the
94 Department of Developmental Services, pursuant to section 17a-240 of
95 the 2008 supplement to the general statutes, provided in any case in
96 which special education is being provided at a private residential
97 institution, including the residential components of regional
98 educational service centers, to a child for whom no local or regional
99 board of education can be found responsible under subsection (b) of
100 this section, Unified School District #2 shall provide the special
101 education and related services and be financially responsible for the
102 reasonable costs of such special education instruction for such
103 children. Notwithstanding the provisions of this subdivision, for the
104 fiscal years ending June 30, 2004, to June 30, 2007, inclusive, the
105 amount of the grants payable to local or regional boards of education
106 in accordance with this subdivision shall be reduced proportionately if
107 the total of such grants in such year exceeds the amount appropriated
108 for the purposes of this subdivision for such year.

109 (B) Notwithstanding any other provision of the general statutes, on
110 and after July 1, 2008, if the Department of Children and Families
111 places a child in foster care who requires special education and related
112 services and such child continues to attend the school such child
113 attended prior to placement in accordance with the provisions of
114 section 1 of this act, the local or regional board of education for the
115 school district in which such child attends such school shall provide or
116 continue to provide, as appropriate, the requisite special education and
117 related services to such child.

118 Sec. 3. Subdivision (2) of subsection (e) of section 10-253 of the
119 general statutes is repealed and the following is substituted in lieu
120 thereof (*Effective July 1, 2008*):

121 (2) Children in temporary shelters shall be entitled to free school
122 privileges from either the school district in which the shelter is located
123 or the school district in which the child would otherwise reside, if not
124 for the need for temporary shelter. Upon notification from the school
125 district in which the temporary shelter is located, the school district in
126 which the child would otherwise reside, if identified, shall either pay
127 tuition to the school district in which the temporary shelter is located
128 for the child to attend school in that district or shall continue to
129 provide educational services, including transportation, to such child. If
130 the school district where the child would otherwise reside cannot be
131 identified, the school district in which the temporary shelter is located
132 shall be financially responsible for the educational costs for such child,
133 except that in the case of a child who requires special education and
134 related services and is placed by the Department of Children and
135 Families in a temporary shelter on or after July 1, 1995, the school
136 district in which the child resided immediately prior to such placement
137 or the Department of Children and Families shall be responsible for the
138 cost of such special education and related services, to the extent such
139 board or department is responsible for such costs under subparagraph
140 [(B)] (A)(ii) of subdivision (2) of subsection (e) of section 10-76d of the
141 2008 supplement to the general statutes, as amended by this act. If the
142 school district where the child would otherwise reside declines to
143 provide free school privileges, the school district where the temporary
144 shelter is located shall provide free school privileges and may recover
145 tuition from the school district where the child would otherwise reside.
146 In the case of children requiring special education who have been
147 placed in out-of-district programs by either a board of education or
148 state agency, the school district in which the child would otherwise
149 reside shall continue to be responsible for the child's education until
150 such time as a new residence is established, notwithstanding the fact
151 that the child or child's family resides in a temporary shelter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	10-76d(e)(2)
Sec. 3	<i>July 1, 2008</i>	10-253(e)(2)

Statement of Purpose:

To improve educational outcomes for youth 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.]