



General Assembly

**Substitute Bill No. 159**

February Session, 2008

\* SB00159KIDED\_030508 \*

**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, provided such school is  
7 within twenty-five miles of the town in which such child is placed.  
8 Subject to the provisions of subsection (c) of this section, such child  
9 shall be considered a resident of the school district in which such  
10 school is located during such attendance for purposes of chapters 168  
11 to 170, inclusive, 172 and 173 of the general statutes.

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

17 (c) The Department of Children and Families shall be responsible  
18 for transportation, and the cost of such transportation, for such child  
19 from the district in which the child is placed to the school the child  
20 attended prior to placement.

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22 supplement to the general statutes is repealed and the following is  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

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

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

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

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

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

122 (2) Children in temporary shelters shall be entitled to free school

123 privileges from either the school district in which the shelter is located  
 124 or the school district in which the child would otherwise reside, if not  
 125 for the need for temporary shelter. Upon notification from the school  
 126 district in which the temporary shelter is located, the school district in  
 127 which the child would otherwise reside, if identified, shall either pay  
 128 tuition to the school district in which the temporary shelter is located  
 129 for the child to attend school in that district or shall continue to  
 130 provide educational services, including transportation, to such child. If  
 131 the school district where the child would otherwise reside cannot be  
 132 identified, the school district in which the temporary shelter is located  
 133 shall be financially responsible for the educational costs for such child,  
 134 except that in the case of a child who requires special education and  
 135 related services and is placed by the Department of Children and  
 136 Families in a temporary shelter on or after July 1, 1995, the school  
 137 district in which the child resided immediately prior to such placement  
 138 or the Department of Children and Families shall be responsible for the  
 139 cost of such special education and related services, to the extent such  
 140 board or department is responsible for such costs under subparagraph  
 141 [(B)] (A)(ii) of subdivision (2) of subsection (e) of section 10-76d of the  
 142 2008 supplement to the general statutes, as amended by this act. If the  
 143 school district where the child would otherwise reside declines to  
 144 provide free school privileges, the school district where the temporary  
 145 shelter is located shall provide free school privileges and may recover  
 146 tuition from the school district where the child would otherwise reside.  
 147 In the case of children requiring special education who have been  
 148 placed in out-of-district programs by either a board of education or  
 149 state agency, the school district in which the child would otherwise  
 150 reside shall continue to be responsible for the child's education until  
 151 such time as a new residence is established, notwithstanding the fact  
 152 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)

***KID***

*Joint Favorable Subst. C/R*

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