



General Assembly

Substitute Bill No. 159

February Session, 2008

* _____SB00159ED_APP031908_____*

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 section 4 of this act, such child shall be
9 considered a resident of the school district in which such school is
10 located during such attendance for purposes of chapters 168 to 170,
11 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 Sec. 2. Subdivision (2) of subsection (e) of section 10-76d of the 2008
18 supplement to the general statutes is repealed and the following is
19 substituted in lieu thereof (*Effective July 1, 2008*):

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

55 section 10-76f. The State Board of Education shall pay on a current
56 basis, except as provided in subdivision (3) of this subsection, any
57 costs in excess of such local or regional board's basic contributions paid
58 by such board of education in accordance with the provisions of this
59 subdivision. [(B) Whenever] (ii) Subject to the provisions of
60 subparagraph (B) of this subdivision, whenever a child is placed
61 pursuant to this [subdivision] subparagraph, on or after July 1, 1995,
62 by the Department of Children and Families and the local or regional
63 board of education under whose jurisdiction such child would
64 otherwise be attending school cannot be identified, the local or
65 regional board of education under whose jurisdiction the child
66 attended school or in whose district the child resided at the time of
67 removal from the home by said department shall be responsible for the
68 reasonable costs of special education and related services provided to
69 such child, for one calendar year or until the child is committed to the
70 state pursuant to section 46b-129 of the 2008 supplement to the general
71 statutes or 46b-140 of the 2008 supplement to the general statutes or is
72 returned to the child's parent or guardian, whichever is earlier. If the
73 child remains in such placement beyond one calendar year the
74 Department of Children and Families shall be responsible for such
75 costs. During the period the local or regional board of education is
76 responsible for the reasonable cost of special education and related
77 services pursuant to this subparagraph, the board shall be responsible
78 for such costs in an amount equal to the lesser of one hundred per cent
79 of the costs of such education and related services or the average per
80 pupil educational costs of such board of education for the prior fiscal
81 year, determined in accordance with the provisions of subsection (a) of
82 section 10-76f. The State Board of Education shall pay on a current
83 basis, except as provided in subdivision (3) of this subsection, any
84 costs in excess of such local or regional board's basic contributions paid
85 by such board of education in accordance with the provisions of this
86 subdivision. The costs for services other than educational shall be paid
87 by the state agency which placed the child. The provisions of this
88 subdivision shall not apply to the school districts established within
89 the Department of Children and Families, pursuant to section 17a-37,

90 the Department of Correction, pursuant to section 18-99a, or the
91 Department of Developmental Services, pursuant to section 17a-240 of
92 the 2008 supplement to the general statutes, provided in any case in
93 which special education is being provided at a private residential
94 institution, including the residential components of regional
95 educational service centers, to a child for whom no local or regional
96 board of education can be found responsible under subsection (b) of
97 this section, Unified School District #2 shall provide the special
98 education and related services and be financially responsible for the
99 reasonable costs of such special education instruction for such
100 children. Notwithstanding the provisions of this subdivision, for the
101 fiscal years ending June 30, 2004, to June 30, 2007, inclusive, the
102 amount of the grants payable to local or regional boards of education
103 in accordance with this subdivision shall be reduced proportionately if
104 the total of such grants in such year exceeds the amount appropriated
105 for the purposes of this subdivision for such year.

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

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

118 (2) Children in temporary shelters shall be entitled to free school
119 privileges from either the school district in which the shelter is located
120 or the school district in which the child would otherwise reside, if not
121 for the need for temporary shelter. Upon notification from the school
122 district in which the temporary shelter is located, the school district in

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

149 Sec. 4. (*Effective July 1, 2008*) The Department of Children and
150 Families shall be responsible for transportation, and the cost of such
151 transportation, for such child from the district in which the child is
152 placed to the school the child attended prior to placement, provided
153 such school is within twenty-five miles of the town in which such child
154 is placed in accordance with the provisions of subsection (a) of section
155 1 of this act.

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)
Sec. 4	<i>July 1, 2008</i>	New section

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