



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
PUBLIC HEARING TESTIMONY OF
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EDUCATION COMMITTEE
FEBRUARY 23, 2009

**H.B. No. 6497 AN ACT CONCERNING EDUCATIONAL STABILITY FOR CHILDREN
IN FOSTER CARE**

Good morning Senator Gaffey, Representative Fleischmann and distinguished members of the Education Committee. My name is Barbara Claire, and I am the Agency Legal Director at the Department of Children and Families. I appreciate the opportunity to testify before you today and to offer the following comments regarding **H.B. No. 6497 (RAISED) AN ACT CONCERNING EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE.**

As you may know, Congress recently passed the Fostering Connections to Success and Increasing Adoptions Act. A key component requires, as a condition of continued receipt of federal IV-E funds, that states take steps to insure the educational stability of foster children by permitting each child, if it's in his or her best interest, to remain in the schools of origin even if the foster or relative placement is in a different town. There are additional requirements as well for children whose best interests require that they move to new schools, including immediate enrollment and immediate transfer of school records. Connecticut is required to implement the federal law by July 1, 2010.

Further, as an agency, regardless of federal requirements, we believe strongly that providing a child with a stable educational environment is an important consideration when removing a child from his or her home and into foster or relative care. Consequently, we recently participated in a forum on this federal legislation hosted by Casey Family Services, along with the State Department of Education (SDE) and other providers and advocates to discuss the importance of this legislation and the options for implementation. In addition, we have formed a Joint Task Force of representatives from DCF and SDE, along with the Office of the Child Advocate, Connecticut Voices for Children, the Center for Children's Advocacy, and other stakeholders, to determine the most efficient and cost effective means of implementing the educational provisions of the Fostering Connections Act. I serve as Co-Chair of the Task Force along with SDE, and we are working expeditiously to evaluate these options.

At this time, however, we believe that more work must be done before legislation should be considered. For example, by far the biggest challenge will be funding the transportation component. It is important to remember that the maximum reimbursement to Connecticut will be less than 50 cents on the dollar. Our preliminary projections at this point reveal an annual cost of \$5 to \$10 million. One of the goals of the Task Force is to develop an array of transportation options such as regional transportation centers, paying foster and relative care providers, and public transportation, and to reduce the total cost over the long run. While this bill recognizes



that, it requires us to implement the transportation provision before this fundamental groundwork is complete.

In addition to the significant fiscal note, the current language of this bill regarding the presumption of best interests does not allow the Department to appropriately consider a host of factors that should govern the best interest analysis without requiring court involvement, which, in many instances, could significantly delay appropriate educational planning for the child. These factors include, but are not limited to, the age of the child, the child's wishes, the distance of the prior school from the current placement, the number of school years remaining for that child in such prior school, the length of time the child has been in the current school, the current permanency plan for the child, the anticipated date of achieving such permanency plan, whether the child can participate in sports and other extracurricular activities, or whether any factors in the current school environment may be of concern.

It's also important to note that the federal Fostering Connections legislation does not require a legal presumption of best interests nor does it require court involvement. In addition, the federal requirement regarding maintaining the child in his or her school applies only to the initial entry into foster care not to subsequent changes in placement that might occur after that initial placement as proposed in this bill.

Because the Joint Task Force is still in the process of evaluating the most cost-effective options for implementation given the estimated fiscal impact, and Connecticut is not required to fully implement the educational stability provisions of Fostering Connections until 2010, we suggest that this Committee hold off moving this bill forward until such time as the Joint Task Force is in a position to make well-thought out recommendations and until the fiscal impact is more clearly defined. As stated, we are fully committed to working with stakeholders to present a fully developed, carefully reasoned bill for passage, ideally during the 2010 regular session of the General Assembly. In the meantime, the Department will continue to make educational success for children in foster care a top priority and will continue to make every effort to reduce the number of foster care placements for children, which will minimize unnecessary school disruption.

I thank you again for the opportunity to provide this testimony, and I'd be happy to answer any questions you might have.