



General Assembly

January Session, 2009

**Raised Bill No. 6497**

LCO No. 2718

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Referred to Committee on Education

Introduced by:  
(ED)

**AN ACT CONCERNING EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE.**

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

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) Notwithstanding any  
2 provision of the general statutes, any child in the care and custody of  
3 the Commissioner of Children and Families pursuant to an order of  
4 temporary custody or an order of commitment may, if it is in the best  
5 interest of the child, continue to attend the school such child attended  
6 prior to placement or change in placement. Subject to the provisions of  
7 section 4 of this act, such child shall be considered a resident of the  
8 school district in which such school is located during such attendance  
9 for purposes of chapters 168 to 170, inclusive, 172 and 173 of the  
10 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. The  
14 department shall provide in writing to all parties the reasons for its  
15 decision regarding the educational placement of such child. If a party  
16 disagrees with the decision of the department, the court shall

17 determine whether continuation in such school is in the child's best  
18 interest, and the child shall remain in such school until such  
19 determination is made.

20 (c) If a child placed by the Department of Children and Families  
21 attends the same school such child attended prior to placement or  
22 change in placement, the department shall be responsible for  
23 transportation, and the cost of such transportation, for such child from  
24 the town in which the child is placed to such school. The department  
25 shall maximize federal reimbursements under Title IV-E of the Social  
26 Security Act, as amended, for costs of transporting Title IV-E eligible  
27 children, and shall consider a range of cost-effective transportation  
28 options, including reimbursing foster parents and relative caregivers  
29 for such transportation.

30 Sec. 2. Subdivision (2) of subsection (e) of section 10-76d of the  
31 general statutes is repealed and the following is substituted in lieu  
32 thereof (*Effective July 1, 2009*):

33 (2) (A) For purposes of this subdivision, "public agency" includes  
34 the offices of a government of a federally recognized Native American  
35 tribe. [Notwithstanding any other provisions of the general statutes,  
36 for] For the fiscal year ending June 30, 1987, and each fiscal year  
37 thereafter, whenever a public agency, other than a local or regional  
38 board of education, the State Board of Education or the Superior Court  
39 acting pursuant to section 10-76h, places a child in a foster home,  
40 group home, hospital, state institution, receiving home, custodial  
41 institution or any other residential or day treatment facility, and such  
42 child requires special education, the local or regional board of  
43 education under whose jurisdiction the child would otherwise be  
44 attending school or, if no such board can be identified, the local or  
45 regional board of education of the town where the child is placed, shall  
46 provide the requisite special education and related services to such  
47 child in accordance with the provisions of this section. Within one  
48 business day of such a placement by the Department of Children and

49 Families or offices of a government of a federally recognized Native  
50 American tribe, said department or offices shall orally notify the local  
51 or regional board of education responsible for providing special  
52 education and related services to such child of such placement. The  
53 department or offices shall provide written notification to such board  
54 of such placement within two business days of the placement. Such  
55 local or regional board of education shall convene a planning and  
56 placement team meeting for such child within thirty days of the  
57 placement and shall invite a representative of the Department of  
58 Children and Families or offices of a government of a federally  
59 recognized Native American tribe to participate in such meeting. [(A)  
60 The] (i) Subject to the provisions of subparagraph (B) of this  
61 subdivision, the local or regional board of education under whose  
62 jurisdiction such child would otherwise be attending school shall be  
63 financially responsible for the reasonable costs of such special  
64 education and related services in an amount equal to the lesser of one  
65 hundred per cent of the costs of such education or the average per  
66 pupil educational costs of such board of education for the prior fiscal  
67 year, determined in accordance with the provisions of subsection (a) of  
68 section 10-76f. The State Board of Education shall pay on a current  
69 basis, except as provided in subdivision (3) of this subsection, any  
70 costs in excess of such local or regional board's basic contributions paid  
71 by such board of education in accordance with the provisions of this  
72 subdivision. [(B) Whenever] (ii) Subject to the provisions of  
73 subparagraph (B) of this subdivision, whenever a child is placed  
74 pursuant to this [subdivision] subparagraph, on or after July 1, 1995,  
75 by the Department of Children and Families and the local or regional  
76 board of education under whose jurisdiction such child would  
77 otherwise be attending school cannot be identified, the local or  
78 regional board of education under whose jurisdiction the child  
79 attended school or in whose district the child resided at the time of  
80 removal from the home by said department shall be responsible for the  
81 reasonable costs of special education and related services provided to  
82 such child, for one calendar year or until the child is committed to the

83 state pursuant to section 46b-129 or 46b-140 or is returned to the child's  
84 parent or guardian, whichever is earlier. If the child remains in such  
85 placement beyond one calendar year the Department of Children and  
86 Families shall be responsible for such costs. During the period the local  
87 or regional board of education is responsible for the reasonable cost of  
88 special education and related services pursuant to this subparagraph,  
89 the board shall be responsible for such costs in an amount equal to the  
90 lesser of one hundred per cent of the costs of such education and  
91 related services or the average per pupil educational costs of such  
92 board of education for the prior fiscal year, determined in accordance  
93 with the provisions of subsection (a) of section 10-76f. The State Board  
94 of Education shall pay on a current basis, except as provided in  
95 subdivision (3) of this subsection, any costs in excess of such local or  
96 regional board's basic contributions paid by such board of education in  
97 accordance with the provisions of this subdivision. The costs for  
98 services other than educational shall be paid by the state agency which  
99 placed the child. The provisions of this subdivision shall not apply to  
100 the school districts established within the Department of Children and  
101 Families, pursuant to section 17a-37, the Department of Correction,  
102 pursuant to section 18-99a, or the Department of Developmental  
103 Services, pursuant to section 17a-240, provided in any case in which  
104 special education is being provided at a private residential institution,  
105 including the residential components of regional educational service  
106 centers, to a child for whom no local or regional board of education  
107 can be found responsible under subsection (b) of this section, Unified  
108 School District #2 shall provide the special education and related  
109 services and be financially responsible for the reasonable costs of such  
110 special education instruction for such children. Notwithstanding the  
111 provisions of this subdivision, for the fiscal years ending June 30, 2004,  
112 to June 30, 2007, inclusive, the amount of the grants payable to local or  
113 regional boards of education in accordance with this subdivision shall  
114 be reduced proportionately if the total of such grants in such year  
115 exceeds the amount appropriated for the purposes of this subdivision  
116 for such year.

117 (B) Notwithstanding any other provision of the general statutes, on  
118 and after July 1, 2009, if any child in the care and custody of the  
119 Commissioner of Children and Families pursuant to an order of  
120 temporary custody or an order of commitment requires special  
121 education and related services and such child continues to attend the  
122 school such child attended prior to placement or change in placement,  
123 in accordance with the provisions of section 1 of this act, the local or  
124 regional board of education for the school district in which such child  
125 attends such school shall provide or continue to provide the requisite  
126 special education and related services to such child.

127 Sec. 3. Subdivision (2) of subsection (e) of section 10-253 of the  
128 general statutes is repealed and the following is substituted in lieu  
129 thereof (*Effective July 1, 2009*):

130 (2) Children in temporary shelters shall be entitled to free school  
131 privileges from either the school district in which the shelter is located  
132 or the school district in which the child would otherwise reside, if not  
133 for the need for temporary shelter. Upon notification from the school  
134 district in which the temporary shelter is located, the school district in  
135 which the child would otherwise reside, if identified, shall either pay  
136 tuition to the school district in which the temporary shelter is located  
137 for the child to attend school in that district or shall continue to  
138 provide educational services, including transportation, to such child. If  
139 the school district where the child would otherwise reside cannot be  
140 identified, the school district in which the temporary shelter is located  
141 shall be financially responsible for the educational costs for such child,  
142 except that in the case of a child who requires special education and  
143 related services and is placed by the Department of Children and  
144 Families in a temporary shelter on or after July 1, 1995, the school  
145 district in which the child resided immediately prior to such placement  
146 or the Department of Children and Families shall be responsible for the  
147 cost of such special education and related services, to the extent such  
148 board or department is responsible for such costs under subparagraph  
149 [(B)] (A)(ii) of subdivision (2) of subsection (e) of section 10-76d, as

150 amended by this act. If the school district where the child would  
 151 otherwise reside declines to provide free school privileges, the school  
 152 district where the temporary shelter is located shall provide free school  
 153 privileges and may recover tuition from the school district where the  
 154 child would otherwise reside. In the case of children requiring special  
 155 education who have been placed in out-of-district programs by either a  
 156 board of education or state agency, the school district in which the  
 157 child would otherwise reside shall continue to be responsible for the  
 158 child's education until such time as a new residence is established,  
 159 notwithstanding the fact that the child or child's family resides in a  
 160 temporary shelter.

161       Sec. 4. (*Effective July 1, 2009*) On or before October 1, 2010, the  
 162 Commissioner of Children and Families shall report, in accordance  
 163 with the provisions of section 11-4a of the general statutes, to the joint  
 164 standing committees of the General Assembly having cognizance of  
 165 matters relating to education and appropriations and the budgets of  
 166 state agencies, and to the select committee of the General Assembly  
 167 having cognizance of matters relating to children the following  
 168 information: (1) The number and ages of the children provided  
 169 transportation services under subsection (c) of section 1 of this act, (2)  
 170 the mode or modes of transportation for each child transported under  
 171 said subsection, (3) the distance traveled between the child's placement  
 172 and the school, (4) the annual costs of transporting each such child,  
 173 and (5) the number of children who did not remain in the school they  
 174 attended prior to placement or change in placement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	10-76d(e)(2)
Sec. 3	<i>July 1, 2009</i>	10-253(e)(2)
Sec. 4	<i>July 1, 2009</i>	New section

**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. Also, to ensure compliance with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 and to maximize receipt of federal Title IV-E reimbursement funds.

*[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.]*