



General Assembly

Substitute Bill No. 6497

January Session, 2009

* _____ HB06497HS _____ 041709 _____ *

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, 2010*) (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 subsection (c) of this section, such child shall be considered a resident
8 of the school district in which such school is located during such
9 attendance for purposes of chapters 168 to 170, inclusive, 172 and 173
10 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. 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31 general statutes is repealed and the following is substituted in lieu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, 2010*):

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, 2010, 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. Such local or
127 regional board of education shall be financially responsible for the
128 reasonable costs of such special education and related services in an
129 amount equal to the lesser of one hundred per cent of the costs of such
130 education or the average per pupil educational costs of such board of
131 education for the prior fiscal year, determined in accordance with the
132 provisions of subsection (a) of section 10-76f. The State Board of
133 Education shall pay on a current basis, except as provided in
134 subdivision (3) of this subsection, any costs in excess of such local or
135 regional board's basic contributions paid by such board of education in
136 accordance with the provisions of this subdivision.

137 Sec. 3. Subdivision (2) of subsection (e) of section 10-253 of the
138 general statutes is repealed and the following is substituted in lieu
139 thereof (*Effective July 1, 2010*):

140 (2) Children in temporary shelters shall be entitled to free school
141 privileges from either the school district in which the shelter is located
142 or the school district in which the child would otherwise reside, if not
143 for the need for temporary shelter. Upon notification from the school
144 district in which the temporary shelter is located, the school district in
145 which the child would otherwise reside, if identified, shall either pay
146 tuition to the school district in which the temporary shelter is located
147 for the child to attend school in that district or shall continue to
148 provide educational services, including transportation, to such child. If
149 the school district where the child would otherwise reside cannot be
150 identified, the school district in which the temporary shelter is located
151 shall be financially responsible for the educational costs for such child,
152 except that in the case of a child who requires special education and
153 related services and is placed by the Department of Children and
154 Families in a temporary shelter on or after July 1, 1995, the school
155 district in which the child resided immediately prior to such placement
156 or the Department of Children and Families shall be responsible for the
157 cost of such special education and related services, to the extent such

158 board or department is responsible for such costs under subparagraph
 159 [(B)] (A)(ii) of subdivision (2) of subsection (e) of section 10-76d, as
 160 amended by this act. If the school district where the child would
 161 otherwise reside declines to provide free school privileges, the school
 162 district where the temporary shelter is located shall provide free school
 163 privileges and may recover tuition from the school district where the
 164 child would otherwise reside. In the case of children requiring special
 165 education who have been placed in out-of-district programs by either a
 166 board of education or state agency, the school district in which the
 167 child would otherwise reside shall continue to be responsible for the
 168 child's education until such time as a new residence is established,
 169 notwithstanding the fact that the child or child's family resides in a
 170 temporary shelter.

171 Sec. 4. (*Effective July 1, 2010*) On or before October 1, 2010, the
 172 Commissioner of Children and Families shall report, in accordance
 173 with the provisions of section 11-4a of the general statutes, to the joint
 174 standing committees of the General Assembly having cognizance of
 175 matters relating to education and appropriations and the budgets of
 176 state agencies, and to the select committee of the General Assembly
 177 having cognizance of matters relating to children the following
 178 information: (1) The number and ages of the children provided
 179 transportation services under subsection (c) of section 1 of this act, (2)
 180 the mode or modes of transportation for each child transported under
 181 said subsection, (3) the distance traveled between the child's placement
 182 and the school, (4) the annual costs of transporting each such child,
 183 and (5) the number of children who did not remain in the school they
 184 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, 2010</i>	New section
Sec. 2	<i>July 1, 2010</i>	10-76d(e)(2)
Sec. 3	<i>July 1, 2010</i>	10-253(e)(2)
Sec. 4	<i>July 1, 2010</i>	New section

ED *Joint Favorable Subst.*

HS *Joint Favorable*