

Human Services Committee  
February 23, 2010

**TESTIMONY OF  
MARK K. MCQUILLAN, COMMISSIONER OF EDUCATION**

**ON**

**Governor's Bill No. 31**

**AN ACT IMPLEMENTING THE BUDGET RECOMMENDATIONS OF THE  
GOVERNOR CONCERNING THE EDUCATIONAL PLACEMENT OF  
CHILDREN IN THE CARE AND CUSTODY OF THE DEPARTMENT OF  
CHILDREN AND FAMILIES**

The Department of Education supports Governor's Bill number 31 which seeks to implement changes required by the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. The federal law requires, in part, that states ensure that when students are placed in foster care that they remain in their same school, where appropriate. This is an important policy shift to help improve the educational outcomes for children in foster care. Studies have shown that students who changed schools even *once* during high school were less likely to graduate than their peers who remained in the same school. In addition, it takes a child approximately three to six months to recover academically from each school transfer.

Last year, the Department participated in a joint interagency task force, along with the Department of Children and Families and other stake holders, to take a comprehensive look at all of the changes that need to be made to current statutes, regulations, policies, and procedures for the federal law to be properly

implemented in Connecticut. The language in this bill reflects the recommendations of this task force.

The Department of Education supports the underlying concept of this proposed legislation to provide educational stability for children whose lives are interrupted by the need to be removed from their homes. Connecticut has a long history of addressing this issue through the state agency placement provisions of our state statutes. If a child is eligible for special education, both fiscal and educational responsibility is kept with the school district where the child would otherwise be attending school if not for the need for the out of home placement. A child receiving regular education instruction receives free school privileges from the town where the child is placed with no bill back to the town where the child would otherwise be attending school if not for the need for the out of home placement.

The new Federal provisions require that for each child placed in an out of home placement by the Department of Children and Families, a decision must be made as to whether it is in the child's best interest to continue to attend the school of origin, that is, the school the child was attending at the time the child was removed from the home. Transportation back to the school of origin is the responsibility of DCF working in cooperation with the public school districts. For those children who *cannot* attend their school of origin, the current state agency placement provisions would still apply: for children eligible for special education, the district where they would otherwise be attending school remains responsible

for the child's education and for children receiving regular education, the town where the child is placed provides free school privileges to the child.

To ensure that these concepts continue to be implemented correctly, we do have one recommendation for revision to the proposed language in bill 31. Subsection (c) of the proposed bill describes how educational services will be provided in the event the child is not returned to the school of origin. The intention is to require services to be provided under the current state agency placement provisions. While there is a reference to the provision of special education to children so eligible under section 10-76d(e), there should also be a reference to Section 10-253 for children not requiring special education. This would make it clear that the current provisions for providing services for state agency placed children remain the same.

Otherwise, the Department supports Governor's Bill number 31 as it adequately addresses the changes which must be made in order to properly implement this new federal law in Connecticut.

