



General Assembly

**Raised Bill No. 255**

February Session, 2014

LCO No. 1330



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

**AN ACT CONCERNING UNIFIED SCHOOL DISTRICT #3.**

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

1 Section 1. Subsection (d) of section 5-259d of the 2014 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2014*):

4 (d) No state employee shall be deemed ineligible for any benefit  
5 under this section or under any other provision of this chapter solely  
6 because such employee's leave time is classified as recess or other  
7 equivalent leave time rather than vacation time pursuant to the  
8 provisions of a collective bargaining agreement, including a collective  
9 bargaining agreement covering a state employee in a teaching,  
10 instructional or professional position in Unified School District #1 [,] or  
11 #2 or, prior to July 1, 2014, Unified School District #3.

12 Sec. 2. Section 10-15d of the general statutes is repealed and the  
13 following is substituted in lieu thereof (*Effective July 1, 2014*):

14 For the fiscal year beginning July 1, 1987, and annually thereafter,  
15 all provisions of the general statutes concerning education, except

16 those provisions relating to the eligibility for noncompetitive state aid  
17 unless otherwise provided, shall apply to the operation of the State of  
18 Connecticut-Unified School District #2 established pursuant to section  
19 17a-37 within the Department of Children and Families [ ] and State of  
20 Connecticut-Unified School District #1 established pursuant to section  
21 18-99a within the Department of Correction, [and State of Connecticut-  
22 Unified School District #3 established pursuant to section 17a-240  
23 within the Department of Developmental Services.] All provisions of  
24 the general statutes concerning education, except those provisions  
25 relating to the eligibility for state aid unless otherwise provided, shall  
26 apply to the operation of the technical high schools established  
27 pursuant to the provisions of section 10-95. Notwithstanding the  
28 provisions of this section, where such a school or school district shows  
29 that a particular statutory provision should not apply, the  
30 commissioner may grant an exception.

31 Sec. 3. Subdivisions (2) and (3) of subsection (e) of section 10-76d of  
32 the 2014 supplement to the general statutes are repealed and the  
33 following is substituted in lieu thereof (*Effective July 1, 2014*):

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

49 of such a placement by the Department of Children and Families or  
50 offices of a government of a federally recognized Native American  
51 tribe, said department or offices shall orally notify the local or regional  
52 board of education responsible for providing special education and  
53 related services to such child of such placement. The department or  
54 offices shall provide written notification to such board of such  
55 placement within two business days of the placement. Such local or  
56 regional board of education shall convene a planning and placement  
57 team meeting for such child within thirty days of the placement and  
58 shall invite a representative of the Department of Children and  
59 Families or offices of a government of a federally recognized Native  
60 American tribe to participate in such meeting. (A) The local or regional  
61 board of education under whose jurisdiction such child would  
62 otherwise be attending school shall be financially responsible for the  
63 reasonable costs of such special education and related services in an  
64 amount equal to the lesser of one hundred per cent of the costs of such  
65 education or the average per pupil educational costs of such board of  
66 education for the prior fiscal year, determined in accordance with the  
67 provisions of subsection (a) of section 10-76f. The State Board of  
68 Education shall pay on a current basis, except as provided in  
69 subdivision (3) of this subsection, any costs in excess of such local or  
70 regional board's basic contributions paid by such board of education in  
71 accordance with the provisions of this subdivision. (B) Whenever a  
72 child is placed pursuant to this subdivision, on or after July 1, 1995, by  
73 the Department of Children and Families and the local or regional  
74 board of education under whose jurisdiction such child would  
75 otherwise be attending school cannot be identified, the local or  
76 regional board of education under whose jurisdiction the child  
77 attended school or in whose district the child resided at the time of  
78 removal from the home by said department shall be responsible for the  
79 reasonable costs of special education and related services provided to  
80 such child, for one calendar year or until the child is committed to the  
81 state pursuant to section 46b-129 or 46b-140 or is returned to the child's  
82 parent or guardian, whichever is earlier. If the child remains in such  
83 placement beyond one calendar year the Department of Children and

84 Families shall be responsible for such costs. During the period the local  
85 or regional board of education is responsible for the reasonable cost of  
86 special education and related services pursuant to this subparagraph,  
87 the board shall be responsible for such costs in an amount equal to the  
88 lesser of one hundred per cent of the costs of such education and  
89 related services or the average per pupil educational costs of such  
90 board of education for the prior fiscal year, determined in accordance  
91 with the provisions of subsection (a) of section 10-76f. The State Board  
92 of Education shall pay on a current basis, except as provided in  
93 subdivision (3) of this subsection, any costs in excess of such local or  
94 regional board's basic contributions paid by such board of education in  
95 accordance with the provisions of this subdivision. The costs for  
96 services other than educational shall be paid by the state agency which  
97 placed the child. The provisions of this subdivision shall not apply to  
98 the school districts established within the Department of Children and  
99 Families, pursuant to section 17a-37 [,] or the Department of  
100 Correction, pursuant to section 18-99a, [or the Department of  
101 Developmental Services, pursuant to section 17a-240,] provided in any  
102 case in which special education is being provided at a private  
103 residential institution, including the residential components of regional  
104 educational service centers, to a child for whom no local or regional  
105 board of education can be found responsible under subsection (b) of  
106 this section, Unified School District #2 shall provide the special  
107 education and related services and be financially responsible for the  
108 reasonable costs of such special education instruction for such  
109 children. Notwithstanding the provisions of this subdivision, for the  
110 fiscal years ending June 30, 2004, to June 30, 2007, inclusive, and for the  
111 fiscal years ending June 30, 2010, to June 30, 2015, inclusive, the  
112 amount of the grants payable to local or regional boards of education  
113 in accordance with this subdivision shall be reduced proportionately if  
114 the total of such grants in such year exceeds the amount appropriated  
115 for the purposes of this subdivision for such year.

116 (3) Payment for children who require special education and who  
117 reside on state-owned or leased property, and who are not the

118 educational responsibility of the unified school districts established  
119 pursuant to section 17a-37 [, section 17a-240] or section 18-99a, shall be  
120 made in the following manner: The State Board of Education shall pay  
121 to the school district which is responsible for providing instruction for  
122 each such child pursuant to the provisions of this subsection one  
123 hundred per cent of the reasonable costs of such instruction. In the  
124 fiscal year following such payment, the State Board of Education shall  
125 deduct from the special education grant due the local or regional board  
126 of education under whose jurisdiction the child would otherwise be  
127 attending school, where such board has been identified, the amount  
128 for which such board would otherwise have been financially  
129 responsible pursuant to the provisions of subdivision (2) of this  
130 subsection. No such deduction shall be made for any school district  
131 which is responsible for providing special education instruction for  
132 children whose parents or legal guardians do not reside within such  
133 district. The amount deducted shall be included as a net cost of special  
134 education by the Department of Education for purposes of the state's  
135 special education grant calculated pursuant to section 10-76g, as  
136 amended by this act. Notwithstanding the provisions of this  
137 subdivision, for the fiscal years ending June 30, 2004, and June 30,  
138 2005, and for the fiscal years ending June 30, 2012, and June 30, 2013,  
139 the amount of the grants payable to local or regional boards of  
140 education in accordance with this subdivision shall be reduced  
141 proportionately if the total of such grants in such year exceeds the  
142 amount appropriated for the purposes of this subdivision for such  
143 year.

144 Sec. 4. Subsection (b) of section 10-76g of the 2014 supplement to the  
145 general statutes is repealed and the following is substituted in lieu  
146 thereof (*Effective July 1, 2014*):

147 (b) Any local or regional board of education which provides special  
148 education pursuant to the provisions of sections 10-76a to 10-76g,  
149 inclusive, as amended by this act, for any exceptional child described  
150 in subparagraph (A) of subdivision (5) of section 10-76a, under its

151 jurisdiction, excluding (1) children placed by a state agency for whom  
152 a board of education receives payment pursuant to the provisions of  
153 subdivision (2) of subsection (e) of section 10-76d, as amended by this  
154 act, and (2) children who require special education, who reside on  
155 state-owned or leased property, and who are not the educational  
156 responsibility of the unified school districts established pursuant to  
157 sections 17a-37 [ , 17a-240] and 18-99a, shall be financially responsible  
158 for the reasonable costs of special education instruction, as defined in  
159 the regulations of the State Board of Education, in an amount equal to  
160 (A) for any fiscal year commencing prior to July 1, 2005, five times the  
161 average per pupil educational costs of such board of education for the  
162 prior fiscal year, determined in accordance with the provisions of  
163 subsection (a) of section 10-76f, and (B) for the fiscal year commencing  
164 July 1, 2005, and each fiscal year thereafter, four and one-half times  
165 such average per pupil educational costs of such board of education.  
166 The State Board of Education shall pay on a current basis any costs in  
167 excess of the local or regional board's basic contribution paid by such  
168 board in accordance with the provisions of this subsection. Any  
169 amounts paid by the State Board of Education on a current basis  
170 pursuant to this subsection shall not be reimbursable in the subsequent  
171 year. Application for such grant shall be made by filing with the  
172 Department of Education, in such manner as prescribed by the  
173 commissioner, annually on or before December first a statement of the  
174 cost of providing special education pursuant to this subsection,  
175 provided a board of education may submit, not later than March first,  
176 claims for additional children or costs not included in the December  
177 filing. Payment by the state for such excess costs shall be made to the  
178 local or regional board of education as follows: Seventy-five per cent of  
179 the cost in February and the balance in May. The amount due each  
180 town pursuant to the provisions of this subsection shall be paid to the  
181 treasurer of each town entitled to such aid, provided the treasurer shall  
182 treat such grant, or a portion of the grant, which relates to special  
183 education expenditures incurred in excess of such town's board of  
184 education budgeted estimate of such expenditures, as a reduction in  
185 expenditures by crediting such expenditure account, rather than town

186 revenue. Such expenditure account shall be so credited no later than  
187 thirty days after receipt by the treasurer of necessary documentation  
188 from the board of education indicating the amount of such special  
189 education expenditures incurred in excess of such town's board of  
190 education budgeted estimate of such expenditures.

191 Sec. 5. Sections 17a-239 to 17a-241, inclusive, and section 17a-244 of  
192 the general statutes are repealed. (*Effective July 1, 2014*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	5-259d(d)
Sec. 2	<i>July 1, 2014</i>	10-15d
Sec. 3	<i>July 1, 2014</i>	10-76d(e)(2) and (3)
Sec. 4	<i>July 1, 2014</i>	10-76g(b)
Sec. 5	<i>July 1, 2014</i>	Repealer section

**PH**      *Joint Favorable*