



Senate

General Assembly

File No. 30

January Session, 2015

Senate Bill No. 842

Senate, March 5, 2015

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING FOSTER CHILDREN AND THE DESIGNATION OF SURROGATE PARENTS.

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

1 Section 1. Subsection (a) of section 10-94g of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (a) (1) When in the opinion of the Commissioner of Education or a
5 designee of said commissioner, (A) a child may require special
6 education, or a child who required special education no longer
7 requires such education but requires or may require services under
8 Section 504 of the Rehabilitation Act of 1973, as amended from time to
9 time, and (B) the parent or guardian of such child cannot be identified,
10 the whereabouts of the parent cannot be discovered after reasonable
11 efforts to locate the parent have been made, such child is a ward of the
12 state or such child is an unaccompanied and homeless youth, both as
13 defined in 42 USC 11434a, as amended from time to time, [the] said
14 commissioner or a designee of said commissioner shall appoint a

15 surrogate parent who shall represent such child in the educational
16 decision-making process.

17 (2) A surrogate parent [may also] shall be appointed for a child who
18 is under the supervision of the Department of Children and Families
19 and receiving education services from Unified School District #2 or
20 any other facility run or contracted for by the Department of Children
21 and Families or the Court Support Services Division of the Judicial
22 Branch, or a foster child, as defined in section 17a-110, provided the
23 parent or guardian of such child or foster child: (A) Is notified by
24 certified mail that the child is or may be eligible to receive special
25 education and related services; (B) agrees or fails to object to the
26 appointment of a surrogate parent; (C) receives identical notices as the
27 surrogate parent; and (D) may revoke the appointment of a surrogate
28 parent at any time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	10-94g(a)

KID *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Education, Dept.	GF - Cost	3,214,550	3,164,550
State Comptroller - Fringe Benefits ¹	GF - Cost	57,975	57,975

Municipal Impact: None

Explanation

The bill requires, rather than allows, the education commissioner to appoint surrogate parents for children supervised by the Department of Children and Families (DCF) who receive education services from Unified School District #2. Additionally, the bill extends this surrogate parent requirement to a number of additional children who meet various criteria.

The additional requirement will result in a cost of \$3,272,525 in FY 16 and \$3,222,525 in FY 17. The costs are associated with paying additional surrogate parents for the expanded group of children. It is estimated that under the bill there would be an additional 2,970 children who would require surrogate parents, at a cost of \$1,015 per child, per year, for a total of \$3,014,550. Additionally, the new surrogates would require training. It is estimated that SDE would be able to facilitate the necessary training for \$50,000, in FY 16. Lastly, SDE would require two Education Service Specialists to administer the program, with an annual salary of \$75,000 and corresponding fringe

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.65% of payroll in FY 16 and FY 17.

benefits of \$28,988. All of the cost components, except for the training, would occur in both FY 16 and FY 17.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to (1) the reimbursement rate for surrogate parents, and (2) the rate of inflation.

OLR Bill Analysis**SB 842*****AN ACT CONCERNING FOSTER CHILDREN AND THE DESIGNATION OF SURROGATE PARENTS.*****SUMMARY:**

This bill requires, rather than allows, the education commissioner or her designee to appoint surrogate parents for children supervised by the Department of Children and Families (DCF) who receive education services from Unified School District #2 (see BACKGROUND).

It extends this surrogate parent requirement to:

1. children under DCF supervision receiving education services from other facilities DCF operates or contracts with;
2. children under DCF supervision receiving education services from a facility the Judicial Branch's Court Support Services Division (CSSD) operates or contracts with; and
3. foster children (children temporarily placed in a home while awaiting permanent placement).

As under current law, the parent or guardian of the child or foster child:

1. must be notified by certified mail that the child is or may be eligible to receive special education and related services,
2. must agree or not object to the surrogate's appointment,
3. must receive the same notices as the surrogate, and
4. may revoke the surrogate's appointment at any time.

EFFECTIVE DATE: October 1, 2015

BACKGROUND

Educational Decision Making Process

By law, the education commissioner may appoint a surrogate parent, in place of a child's parent or guardian, to advocate for a child in the educational decision-making process. This process includes the (1) identification, evaluation, placement, hearing, mediation, and appeal procedures in state education law and (2) evaluation and planning procedures in federal law that may be available to a child after receiving special education and related services according to state law (CGS § 10-94f (2)).

Unified School District #2 (USD #2)

USD #2 serves children in DCF-run residential and day treatment facilities who cannot attend public school (CGS § 17a-37). According to DCF, USD #2 serves the (1) North and South campuses of the Albert J. Solnit Psychiatric Center (formerly Connecticut Children's Place and Riverview Hospital, respectively), and (2) Connecticut Juvenile Training School.

DCF also operates or contracts with other facilities to serve children in its custody, including group homes, safe homes, and temporary shelters.

CSSD Facilities

CSSD operates or contracts with juvenile facilities, including detention centers and residential facilities.

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 13 Nay 0 (02/19/2015)