

Connecticut State Department of Education

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**MEMORANDUM**

Division of Educational Programs and Services  
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TO: Directors of Special Education and Pupil Services  
Directors of Private Approved Special Education Facilities

FROM: Leslie M. Avera, Associate Commissioner *LMA*  
Division of Educational Programs and Services *RS*

DATE: October 8, 1997

SUBJECT: Update #8

### **Blind/Visually Impaired Information**

Since many of the Approved Private Special Education Programs serve children who have some degree of blindness, attached is information from National Association of State Directors of Special Education about a new grant to develop educational service guidelines (see attachment IX).

### **State Agency Placements**

As you are aware, Connecticut has a very complicated system for assigning educational and financial responsibility for children requiring special education who are placed by state agencies. Over the years, various interpretations have developed concerning school district responsibility for the provision of services. The following information will clarify school district responsibility for the provision of special education and related services to children placed by state agencies.

Under Connecticut's current jurisdictional system, a Connecticut school district is responsible for providing and funding educational services for a child who has been placed by a state agency. This responsibility begins upon the date of the placement. Occasionally, during the course of the placement, educational and financial responsibility may shift to another Connecticut school district due to a change in the status of the child or the child's parents. In such a situation, the new school district's educational and financial responsibility begins on the day after the previous district's responsibility has ended, unless otherwise agreed upon by the two districts. There can be no "responsibility gap" or a period of time in which no school district assumes responsibility for the provision of services to a child.

A child has the right to receive educational services throughout a placement and does not forfeit that right if a change in the status of the child or the child's parents occurs during the placement. It is essential that each agency involved with the education of a child participates in sharing information related to educational jurisdiction. Such agencies include school districts, state agencies, and private agencies, particularly those which operate private, approved special education facilities.

The assumption by a school district of educational and financial responsibility for a child is not dependent upon the receipt of formal notification of the child's placement or of a change in the status of the child or the child's parents. Although, for example, DCF is required to notify relevant school districts of DCF placements, a delay in that notification does not relieve a school district of its statutory obligations regarding the child's education nor does it negate the child's right to receive such education.

In the event that there is a disagreement regarding educational jurisdiction, the school district identified by the placing agency shall accept programmatic and financial responsibility unless otherwise determined through formal proceedings convened in accordance with Section 10-186. A school district identified by the placing agency shall not refuse to assume responsibility pending resolution of the dispute. After resolution of jurisdictional responsibilities, and, unless otherwise agreed to by all involved parties, the private provider or the school district, shall reimburse the original school district for payments which were later determined to have been the responsibility of another school district. The responsible school district shall make all required retroactive payments.

Similarly, in the event that there is a misidentification of a child's responsible school district, after resolution of jurisdictional responsibilities, unless otherwise agreed to by all involved parties, the private provider or the school district shall reimburse the original school district for payments which were later determined to have been the responsibility of another school district. The responsible school district shall make all required retroactive payments.

To summarize:

- When a state agency places a child requiring special education pursuant to the provisions of Section 10-76d(e)(2) or Section 10-253(b), the school district of jurisdiction assumes such responsibility when the child is placed, not upon receipt of notification from the placing agency;
- If a change in the child's or parents' status occurs, responsibility shifts when the change in status occurs, not upon receipt of notification from the placing agency of the change in status; and
- Where there is a challenge to either the initial identification by the placing agency of a responsible school district, or an identification if a change in status occurs, the school district identified by the placing agency shall assume responsibility until formal resolution occurs through a Section 10-186 hearing.

The SDE will not intervene in the identification of a responsible school district by the placing agency.

Once a child is placed by a state agency and the child has a current IEP, the receiving school district (or day treatment program or residential facility, as the case may be) must implement the child's IEP immediately. A PPT meeting is not required prior to implementation of a current IEP. If a change in the IEP appears to be necessary subsequent to the move of the child, a PPT meeting can be held after the child begins attending school. No child may be held out of school pending a PPT meeting.

For children requiring regular education who are placed by state agencies, free school privileges are provided without cost to the district where the child would otherwise reside, except as provided by Section 10-253(b) of the General Statutes which addresses residential placements of regular education children.

There are two developments in the area of state agency placements of which you should be aware. First, the Office of Alternative Sanctions (OAS), Judicial Branch, has developed programs into which the Superior Court, Juvenile Matters, has been and will be placing children. Any placement made by the Superior Court into an OAS program is a state agency placement and all the above standards apply. A circular letter is being prepared to provide further information.

Second, the Department of Children and Families (DCF) issued a Request for Proposal to provide a short-term residential substance abuse program for court-involved juveniles. The Children's Center in Hamden was awarded the contract and has opened a new program, New Choices at Wakeham Hall. Juveniles are placed in the program by Juvenile Probation. These placements are state agency placements and all of the above rules apply.

If you have any questions regarding this information, please call Terri DeFrancis at (860) 638-4275.

**\*Updated Contact Information**

If you have any questions regarding this information please contact Terri DeFrancis at (860) 713-6933 or [Theresa.DeFrancis@ct.gov](mailto:Theresa.DeFrancis@ct.gov).