



General Assembly

Substitute Bill No. 232

February Session, 2022



AN ACT CONCERNING THE EXCESS COST GRANT FOR SPECIAL EDUCATION.

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

1 Section 1. Section 10-76g of the 2022 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2022*):

4 (a) (1) For the fiscal year ending June 30, 1984, and each fiscal year
5 thereafter, in any case in which special education is being provided at a
6 private residential institution, including the residential components of
7 regional educational service centers, to a child for whom no local or
8 regional board of education can be found responsible under subsection
9 (b) of section 10-76d, the Department of Children and Families shall pay
10 the costs of special education to such institution pursuant to its authority
11 under sections 17a-1 to 17a-26, inclusive, 17a-28 to 17a-49, inclusive, 17a-
12 52 and 17b-251. (2) For the fiscal year ending June 30, 1993, and each
13 fiscal year thereafter, any local or regional board of education which
14 provides special education and related services for any child (A) who is
15 placed by a public agency, including, but not limited to, offices of a
16 government of a federally recognized Native American tribe, in a
17 private residential facility or who is placed in a facility or institution
18 operated by the Department of Children and Families and who receives

19 such special education at a program operated by a regional education
20 service center or program operated by a local or regional board of
21 education, and (B) for whom no local or regional board of education can
22 be found responsible under subsection (b) of section 10-76d, shall be
23 eligible to receive one hundred per cent of the reasonable costs of special
24 education for such child as defined in the regulations of the State Board
25 of Education. Any such board eligible for payment shall file with the
26 Department of Education, in such manner as prescribed by the
27 Commissioner of Education, annually, on or before December first a
28 statement of the cost of providing special education for such child,
29 provided a board of education may submit, not later than March first,
30 claims for additional children or costs not included in the December
31 filing. Payment by the state for such costs shall be made to the local or
32 regional board of education as follows: Seventy-five per cent of the cost
33 in February and the balance in May.

34 (b) Any local or regional board of education which provides special
35 education pursuant to the provisions of sections 10-76a to 10-76g,
36 inclusive, for any exceptional child described in subparagraph (A) of
37 subdivision (5) of section 10-76a, under its jurisdiction, excluding (1)
38 children placed by a state agency for whom a board of education
39 receives payment pursuant to the provisions of subdivision (2) of
40 subsection (e) of section 10-76d, and (2) children who require special
41 education, who reside on state-owned or leased property, and who are
42 not the educational responsibility of the unified school districts
43 established pursuant to sections 17a-37 and 18-99a, shall be financially
44 responsible for the reasonable costs of special education instruction, as
45 defined in the regulations of the State Board of Education, in an amount
46 equal to (A) for any fiscal year commencing prior to July 1, 2005, five
47 times the average per pupil educational costs of such board of education
48 for the prior fiscal year, determined in accordance with the provisions
49 of subsection (a) of section 10-76f, and (B) for the fiscal year commencing
50 July 1, 2005, and each fiscal year thereafter, four and one-half times such
51 average per pupil educational costs of such board of education. [The]
52 Except as otherwise provided in subsection (d) of this section, the State

53 Board of Education shall, within available appropriations, pay on a
54 current basis any costs in excess of the local or regional board's basic
55 contribution paid by such board in accordance with the provisions of
56 this subsection. Any amounts paid by the State Board of Education on a
57 current basis pursuant to this subsection shall not be reimbursable in the
58 subsequent year. Application for such grant shall be made by filing with
59 the Department of Education, in such manner as prescribed by the
60 commissioner, annually on or before December first a statement of the
61 cost of providing special education pursuant to this subsection,
62 provided a board of education may submit, not later than March first,
63 claims for additional children or costs not included in the December
64 filing. Payment by the state for such excess costs shall be made to the
65 local or regional board of education as follows: Seventy-five per cent of
66 the cost in February and the balance in May. The amount due each town
67 pursuant to the provisions of this subsection shall be paid to the
68 treasurer of each town entitled to such aid, provided the treasurer shall
69 treat such grant, or a portion of the grant, which relates to special
70 education expenditures incurred in excess of such town's board of
71 education budgeted estimate of such expenditures, as a reduction in
72 expenditures by crediting such expenditure account, rather than town
73 revenue. Such expenditure account shall be so credited no later than
74 thirty days after receipt by the treasurer of necessary documentation
75 from the board of education indicating the amount of such special
76 education expenditures incurred in excess of such town's board of
77 education budgeted estimate of such expenditures.

78 (c) Commencing with the fiscal year ending June 30, 1996, and for
79 each fiscal year thereafter, within available appropriations, each town
80 whose ratio of (1) net costs of special education, as defined in subsection
81 (h) of section 10-76f, for the fiscal year prior to the year in which the
82 grant is to be paid to (2) the product of its total need students, as defined
83 in section 10-262f, and the average regular program expenditures, as
84 defined in section 10-262f, per need student for all towns for such year
85 exceeds the state-wide average for all such ratios shall be eligible to
86 receive a supplemental special education grant. Such grant shall be

87 equal to the product of a town's eligible excess costs and the town's base
88 aid ratio, as defined in section 10-262f, provided each town's grant shall
89 be adjusted proportionately if necessary to stay within the
90 appropriation. Payment pursuant to this subsection shall be made in
91 June. For purposes of this subsection, a town's eligible excess costs are
92 the difference between its net costs of special education and the amount
93 the town would have expended if it spent at the state-wide average rate.

94 (d) Notwithstanding the provisions of this section, for the fiscal [years
95 ending June 30, 2004, to June 30, 2007, inclusive, and for the fiscal years
96 ending June 30, 2010, to June 30, 2023, inclusive, the amount of the
97 grants payable to local or regional boards of education in accordance
98 with this section, except grants paid in accordance with subdivision (2)
99 of subsection (a) of this section, for the fiscal years ending June 30, 2006,
100 and June 30, 2007, and for the fiscal years ending June 30, 2010, to June
101 30, 2023, inclusive, shall be reduced proportionately if the total of such
102 grants in such year exceeds the amount appropriated for the purposes
103 of this section for such year.] year ending June 30, 2023, and each fiscal
104 year thereafter, if the total of the amount of the grants payable to local
105 or regional boards of education in accordance with this section, except
106 grants paid in accordance with subdivision (2) of subsection (a) of this
107 section, in any fiscal year exceeds the amount appropriated for the
108 purposes of this section for such fiscal year, then each town shall be
109 ranked in descending order from one to one hundred sixty-nine
110 according to such town's adjusted equalized net grand list per capita, as
111 defined in section 10-261, and the state board shall pay such grant to the
112 local or regional board of education for a town as follows: (1) For any
113 town ranked one hundred fifteen to one hundred sixty-nine, inclusive,
114 one hundred per cent of the amount of such town's eligible excess costs,
115 (2) for any town ranked fifty-nine to one hundred fourteen, inclusive,
116 ninety per cent of the amount of such town's eligible excess costs, and
117 (3) for any town ranked one to fifty-eight, inclusive, eighty per cent of
118 the amount of such town's eligible excess costs. In the case of a regional
119 board of education, such ranking shall be determined by (A)
120 multiplying the total population, as defined in section 10-261, of each

121 town in the regional school district by such town's ranking, as
122 determined in this subsection, (B) adding together the figures
123 determined under subparagraph (A) of this subdivision, and (C)
124 dividing the total computed under subparagraph (B) of this subdivision
125 by the total population of all towns in the district. The ranking of each
126 regional board of education shall be rounded to the next higher whole
127 number.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	10-76g

ED

Joint Favorable Subst. C/R

APP