

CHAPTER 56

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 97-1293

BY REPRESENTATIVES Epps, K. Alexander, Morrison, and S. Williams;
also SENATOR Powers.

AN ACT

CONCERNING THE PLACEMENT OF CHILDREN IN OUT-OF-HOME PLACEMENT FACILITIES WITHIN A SCHOOL DISTRICT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 1 of article 1 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

19-1-115.5. Placement of children out-of-home - legislative declaration.

(1) (a) (I) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE NUMBER OF CHILDREN IN OUT-OF-HOME PLACEMENT HAS INCREASED SIGNIFICANTLY. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE FACILITY IN WHICH A CHILD IS PLACED OUT OF HOME IS OFTEN NOT LOCATED IN THE SAME SCHOOL DISTRICT AS THE CHILD'S SCHOOL DISTRICT OF RESIDENCE. NEVERTHELESS, THE GENERAL ASSEMBLY FINDS THAT, UNDER THE PROVISIONS OF THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, C.R.S., CHILDREN IN FOSTER HOME PLACEMENT ARE CONSIDERED RESIDENTS OF THE SCHOOL DISTRICT IN WHICH THE FOSTER HOME IS LOCATED. ACCORDINGLY, THE SCHOOL DISTRICT IN WHICH THE CHILD IS PLACED MUST ACCOMMODATE THE CHILD AND PROVIDE THE CHILD WITH THE NECESSARY EDUCATIONAL SERVICES THAT SERVE THE CHILD'S BEST INTERESTS WHILE ABSORBING THE COSTS ASSOCIATED WITH SUCH SERVICES WITHIN THE CONSTRAINTS OF THE SCHOOL DISTRICT'S EXISTING BUDGET. THE GENERAL ASSEMBLY FINDS THAT IN MANY CIRCUMSTANCES IT IS NOT POSSIBLE TO MEET THE BEST INTERESTS OF THE CHILD IN OUT-OF-HOME PLACEMENT AND THE NEEDS OF OTHER CHILDREN ENROLLED IN THE SCHOOL DISTRICT WITHIN THE CONFINES OF THE DISTRICT'S BUDGET.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) THE GENERAL ASSEMBLY DETERMINES THAT THE NUMBER OF CHILDREN IN OUT-OF-HOME PLACEMENT AND THE SEVERITY OF THEIR ATTENDANT NEEDS ARE INCREASING. THE ABILITY TO MEET THE NEEDS OF THE CHILDREN IN OUT-OF-HOME PLACEMENT IS FREQUENTLY RESTRICTED BY THE LIMITED RESOURCES AVAILABLE TO A SCHOOL DISTRICT. FURTHERMORE, THE GENERAL ASSEMBLY FINDS THAT THERE IS A DISPROPORTIONATELY LARGER NUMBER OF CHILDREN IN OUT-OF-HOME PLACEMENT IN SOME SCHOOL DISTRICTS THAN IN OTHERS, THEREBY DIRECTLY IMPACTING THE ABILITY OF CERTAIN SCHOOL DISTRICTS TO EFFECTIVELY MANAGE AND FINANCE THE PROVISION OF QUALITY EDUCATIONAL SERVICES TO ALL STUDENTS IN THOSE DISTRICTS.

(b) THE GENERAL ASSEMBLY THEREFORE DETERMINES THAT IT WOULD SERVE THE BEST INTERESTS OF ALL CHILDREN ENROLLED IN A SCHOOL DISTRICT IF THE NUMBER OF CHILDREN PLACED IN OUT-OF-HOME PLACEMENT FACILITIES BY COUNTY DEPARTMENTS OF SOCIAL SERVICES IN EACH OF THE VARIOUS SCHOOL DISTRICTS IS MONITORED SO THAT THE FINANCIAL IMPACT ON ALL SCHOOL DISTRICTS THROUGHOUT THE STATE IS MANAGEABLE AND EQUITABLE AND SO THAT THE BEST INTERESTS OF ALL CHILDREN, WHETHER OR NOT IN OUT-OF-HOME PLACEMENT, CAN BE SERVED.

(2) (a) CONTINGENT UPON IMPLEMENTATION OF THE CHILDREN, YOUTH, AND FAMILIES AUTOMATION PROJECT IN THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT SHALL MAKE THE FOLLOWING INFORMATION AVAILABLE TO ALL COUNTY DEPARTMENTS THROUGHOUT THE STATE:

(I) VACANCIES IN OUT-OF-HOME PLACEMENT FACILITIES WITHIN EACH COUNTY;

(II) THE NUMBER OF OUT-OF-HOME PLACEMENT CHILDREN ENROLLED IN EACH SCHOOL DISTRICT IN RELATION TO THE TOTAL NUMBER OF STUDENTS ENROLLED IN THE SCHOOL DISTRICT;

(III) A LIST OF ALL OUT-OF-HOME PLACEMENT FACILITIES IN EACH SCHOOL DISTRICT; AND

(IV) TO THE EXTENT KNOWN AND WITHIN AVAILABLE RESOURCES, A LIST OF THE TYPES OF SERVICES AVAILABLE IN EACH SCHOOL DISTRICT TO MEET THE SPECIAL NEEDS OF CHILDREN IN OUT-OF-HOME PLACEMENT.

(b) IN EVERY PROCEEDING PURSUANT TO THIS TITLE IN WHICH THE COURT CONTEMPLATES PLACING A CHILD OUT OF HOME, THE COUNTY DEPARTMENT SHALL MAKE RECOMMENDATIONS TO THE COURT CONCERNING THE PROPOSED PLACEMENT. SUCH RECOMMENDATIONS SHALL INCLUDE INFORMATION ABOUT PLACEMENT FACILITIES THAT ARE MOST ABLE TO SERVE APPROPRIATELY THE BEST INTERESTS OF THE CHILD. IN MAKING ITS RECOMMENDATIONS TO THE COURT, THE COUNTY DEPARTMENT SHALL CONSIDER:

(I) THE SPECIAL NEEDS, IF ANY, OF THE CHILD TO BE PLACED, INCLUDING THE ABILITY OF THE PROPOSED OUT-OF-HOME PLACEMENT FACILITY AND THE SCHOOL DISTRICT IN WHICH THE PROPOSED OUT-OF-HOME PLACEMENT FACILITY IS LOCATED TO PROVIDE THE NECESSARY SERVICES TO MEET THOSE NEEDS;

(II) THE PROXIMITY OF THE PROPOSED OUT-OF-HOME PLACEMENT FACILITY TO THE

CHILD'S PARENTS' HOME, IF PARENTAL RIGHTS HAVE NOT BEEN TERMINATED;

(III) WHETHER THE PROPOSED PLACEMENT FACILITY IS IN THE SAME SCHOOL DISTRICT AS THE CHILD'S PARENTS' RESIDENCE;

(IV) IF THE PROPOSED PLACEMENT FACILITY IS NOT IN THE SAME SCHOOL DISTRICT AS THE CHILD'S PARENTS' RESIDENCE AND IF THE INFORMATION IS AVAILABLE THROUGH THE CHILDREN, YOUTH, AND FAMILIES AUTOMATION PROJECT, THE NUMBER OF CHILDREN PLACED OUT OF HOME BY THE COURT WHO ARE ALREADY ENROLLED IN THE SCHOOL DISTRICT IN WHICH THE PROPOSED OUT-OF-HOME PLACEMENT FACILITY IS LOCATED.

(c) IF THE RECOMMENDATION OF THE COUNTY DEPARTMENT IS TO PLACE THE CHILD IN A PLACEMENT FACILITY THAT IS NOT LOCATED IN THE SAME SCHOOL DISTRICT AS THE CHILD'S PARENTS' RESIDENCE, THE PLACING COUNTY DEPARTMENT SHALL INFORM THE SCHOOL DISTRICT IN WHICH THE CHILD'S PARENTS RESIDE OF THE RECOMMENDED PLACEMENT.

(d) IN PLACING A CHILD OUT OF HOME, THE COURT SHALL CONSIDER THE RECOMMENDATIONS OF THE COUNTY DEPARTMENT AND ANY INFORMATION IT MAY HAVE CONCERNING WHETHER THE CHILD'S EDUCATIONAL NEEDS CAN BE MET ADEQUATELY IF THE CHILD IS PLACED IN AN OUT-OF-HOME PLACEMENT FACILITY LOCATED IN A SCHOOL DISTRICT OTHER THAN THE DISTRICT IN WHICH THE CHILD'S PARENTS RESIDE.

(e) UPON ENTRY OF THE COURT'S ORDER PLACING A CHILD IN AN OUT-OF-HOME PLACEMENT FACILITY LOCATED IN A SCHOOL DISTRICT OTHER THAN THE SCHOOL DISTRICT IN WHICH THE CHILD'S PARENTS RESIDE, THE COUNTY DEPARTMENT SHALL ADVISE THE SCHOOL DISTRICT IN WHICH THE CHILD'S PARENTS RESIDE OF THE COURT'S ORDER.

(f) WHEN A SCHOOL DISTRICT IS ADVISED BY THE COUNTY DEPARTMENT THAT A CHILD RESIDING IN THAT SCHOOL DISTRICT IS TO BE PLACED IN AN OUT-OF-HOME PLACEMENT FACILITY IN ANOTHER SCHOOL DISTRICT PURSUANT TO A COURT ORDER, THE SCHOOL DISTRICT SHALL CONTACT THE SCHOOL DISTRICT IN WHICH THE CHILD IS TO BE PLACED CONCERNING:

(I) THE SPECIAL EDUCATIONAL NEEDS, IF ANY, OF THE CHILD; AND

(II) THE RESOURCES NECESSARY TO MEET THOSE SPECIAL NEEDS.

(3) THE STATE BOARD OF EDUCATION SHALL PROVIDE THE DEPARTMENT OF HUMAN SERVICES WITH ALL AGGREGATE, NONIDENTIFYING INFORMATION CONCERNING STUDENT ENROLLMENT IN EVERY SCHOOL DISTRICT IN THE STATE THAT THE DEPARTMENT OF HUMAN SERVICES MAY REQUEST FOR PURPOSES OF IMPLEMENTING THIS SECTION.

SECTION 2. 19-1-103 (32) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title,

unless the context otherwise requires:

(32) (a) "County department", as used in THIS ARTICLE AND part 3 of article 3 of this title, means the county or district department of social services.

SECTION 3. 22-2-106 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-2-106. State board - duties. (1) It is the duty of the state board:

(f.7) TO PROVIDE SUCH AGGREGATE, NONIDENTIFYING INFORMATION CONCERNING STUDENT ENROLLMENT IN EVERY SCHOOL DISTRICT IN THE STATE THAT THE DEPARTMENT OF HUMAN SERVICES MAY REQUEST PURSUANT TO SECTION 19-1-115.5, C.R.S.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 1997, and shall apply to children placed out of home on or after July 1, 1999.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 28, 1997