## CHAPTER 8

## (HB      183)

AN ACT relating to reorganization.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1.   KRS 15A.067 is amended to read as follows:

(1)   As used in this section, "facility" means any of the facilities specified in KRS 15A.200 operated by a political subdivision of the Commonwealth of Kentucky for the care of juveniles alleged to be delinquent or adjudicated delinquent.

(2)   There is established within the Department of Juvenile Justice, a Division of *Program*[Educational] Services, that shall be responsible for the delivery of appropriate educational programs to incarcerated youth. Each facility shall provide educational services to adjudicated delinquents who may be ordered by the court to remain in the juvenile detention facility for an indeterminate period.

(3)   Any other statutes to the contrary notwithstanding, the Department of Juvenile Justice shall have access to all educational records, public or private, of any juvenile in a facility or program or informal adjustment authorized by law.

(4)   The Division of *Program*[Educational] Services shall ensure that all incarcerated youth be provided appropriate screening and educational programs as follows:

(a)   For students identified before incarceration as having an educational disability, the Division of *Program*[Educational] Services shall make specially designed instruction and related services available as required by Kentucky Board of Education administrative regulations applicable to students with disabilities.

(b)   For students incarcerated for more than fourteen (14) days, the division shall ensure that appropriate screening is provided to all youth. Screening shall include, but not be limited to, seeking the juvenile's educational record.

(c)   For students incarcerated for more than thirty (30) days, the division shall ensure that all youth are provided an appropriate education.

(5)   The Department of Juvenile Justice shall be responsible for providing, in its contracts with private juvenile detention facilities and county jails, the specific obligations of those entities to provide educational services to incarcerated juveniles consistent with this section, including funding provisions.

(6)   The Department of Education and all local school district administrators shall cooperate with officials responsible for the operation of juvenile detention facilities and with the Division of *Program*[Educational] Services to ensure that all documents necessary to establish educational status and need shall follow the students who are being held in these facilities so the students can be afforded educational opportunities.

(7)   (a) Upon disposition by the juvenile court that an adjudicated juvenile shall stay in a juvenile detention facility for any period of time, the facility shall notify the juvenile's last resident school district of the student's whereabouts.

(b)   Within   five   (5)   days   after   the   juvenile   is   released,   the   Division   of *Program*[Educational] Services shall notify the district in which the student will

reside of the youth's release and educational status and forward any educational records.

(8)    The Department of Juvenile Justice shall, after consultation with the Department of Education, promulgate an administrative regulation for the effective implementation of this section.

Section 2.    The General Assembly hereby confirms Executive Order 99-1325, dated September 27, 1999, to the extent it is not otherwise confirmed by this Act. The reorganization creates the Division of Staff Development and abolishes the Division of Detention Programs and the Division of Educational Services, which is referenced in the order as the Division of Education Services. The Division of Quality Assurance is renamed the Division of Program Services, which assumes the duties of the abolished Division of Educational Services as provided in Section 1 of this Act.

**Approved February 15, 2000**