

CHAPTER 39**(SB 156)**

AN ACT relating to school records concerning missing children.

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

Section 1. KRS 17.470 is amended to read as follows:

- (1) Upon receipt of a report of a missing child who was born in the Commonwealth, the ***Kentucky State Police***~~[Justice Cabinet, through the Kentucky Missing Child Information Center]~~, shall notify within forty-eight (48) hours the state registrar of vital statistics for the Commonwealth of the disappearance of such child and shall provide to the state registrar identifying information about the missing child. ***Upon learning of the recovery of a missing child, the Kentucky State Police shall notify the state registrar.***
- (2) ***The Kentucky State Police shall provide the commissioner of education with a list of the names of all missing children and children who have been recovered along with, if available, the last known school of enrollment. The commissioner of education shall provide the information to schools as required in Section 2 of this Act***~~[If the Justice Cabinet has reason to believe that a missing child has been enrolled in a specific Kentucky elementary or secondary school, it shall notify the chief state school officer who shall notify the last such known school as to the child's disappearance.~~
- ~~(3) Upon learning of the recovery of a missing child, the Justice Cabinet shall notify the state registrar and the chief state school officer who shall notify any school previously notified of the child's disappearance].~~

Section 2. KRS 156.495 is amended to read as follows:

- (1) The Department of Education shall ***weekly distribute the names, provided by the Kentucky State Police, of all missing children and children who have been recovered to all public and private schools admitting children in preschool through grade twelve (12)***~~[provide, by administrative regulation, for a program to identify and locate missing Kentucky school children who are enrolled in Kentucky public and private schools in kindergarten through grade twelve (12). Pursuant to such program, the department shall:~~
 - ~~(a) Prepare forms to be forwarded, upon request, to the parents or guardians of missing Kentucky school children enrolled in kindergarten through grade twelve (12). The forms shall be designed to include such information as the department deems necessary for the identification of the missing child, including the child's physical description and last known location;~~
 - ~~(b) Compile from the information on such forms a list of missing Kentucky school children, to be distributed monthly to all public and private schools admitting children to kindergarten through grade twelve (12). The list shall include the names of all such missing children, together with such other information as the department deems necessary; and~~
 - ~~(c) Notify the appropriate local, state, or federal law enforcement authority as soon as any additional information is obtained or contact is made with respect to a missing Kentucky school child].~~

- (2) Every public and private school in this state shall notify **local law enforcement or the Kentucky State Police**~~[Department of Education]~~ at its earliest known contact with any child whose name appears on the~~[department's]~~ list of missing Kentucky children.
- (3) The department shall encourage each public and private school to engage in a program whereby the parents of children who are absent from school are notified in person or by telephone to verify if they know that the child is not attending school.

Section 3. KRS 158.032 is amended to read as follows:

- (1) Upon notification by the **commissioner of education**~~[chief state school officer]~~ of a child's disappearance, any school in which the child is currently or was previously enrolled shall flag the record of the child so that when a copy of or information regarding the child's record is requested, the school shall be alerted that the record is that of a missing child. The school shall immediately report to **local law enforcement or the Kentucky State Police**~~[Justice Cabinet]~~ any request concerning flagged records or any knowledge as to the whereabouts of any missing child.
- (2) Upon notification by the **commissioner of education**~~[chief state school officer]~~ of any missing child who has been recovered, the school shall remove the flag from the child's record.
- (3) Upon enrollment of a student for the first time in any elementary or secondary school, the school shall notify in writing the person enrolling the student that within thirty (30) days the person shall provide either:
 - (a) A certified copy of the student's birth certificate; or
 - (b) Other reliable proof of the student's identity and age, and an affidavit of the inability to produce a copy of the birth certificate.
- (4) Upon the failure of a person enrolling the student to comply with this section, the school shall notify the person in writing that unless he complies within ten (10) days the case shall be referred to the **Kentucky State Police or**~~[Missing Child Information Center and]~~ local law enforcement officials for investigation. If compliance is not obtained within the ten (10) day period, the school shall so refer the case.
- (5) Within fourteen (14) days after enrolling a transfer student, each elementary or secondary school shall request directly from the student's previous school a certified copy of the student's record. Any school receiving a request of a student's record which has been flagged as the record of a missing child shall not forward the student's record but shall instead notify **local law enforcement or the Kentucky State Police**~~[Justice Cabinet]~~.

Approved March 12, 2003