

CHAPTER 119**(HB 322)**

AN ACT relating to children with disabilities.

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

Section 1. KRS 200.505 is amended to read as follows:

There is hereby created a State Interagency Council for Services to Children with an Emotional Disability. The chairman of the council shall be designated by the Governor and shall establish procedures for the council's internal procedures.

- (1) This council shall be composed of the following:
 - (a) Members who shall serve by virtue of their positions: the commissioner of the Department of Education, the commissioner of the Department for Mental Health and Mental Retardation Services, the commissioner of the Department for Community Based Services, the commissioner of the Department for Public Health, the commissioner of the Department for Medicaid Services, the commissioner of the Department of Juvenile Justice, ***the director of the Office of Family Resource and Youth Services Centers, and the general manager of the Office of Juvenile Services***~~and the executive director~~ of the Administrative Offices of the Courts, or their designees; and
 - (b) The Governor shall appoint one (1) parent of a child with an emotional disability, who is a consumer of state-funded services for children with an emotional disability to serve as a member of the council, and one (1) parent who meets the same criteria to serve as the parent member's alternate to serve in the absence of the parent member. For each appointment to be made, the State Family Advisory Council shall submit to the Governor a list of two (2) names of parents who are qualified for appointment from which list the Governor shall make the appointment. Appointees shall serve a term of four (4) years. If the child of the parent member or alternate parent member ceases to be a consumer of state-funded services for children with an emotional disability during the term of appointment, the member shall be eligible to serve out the remainder of the term of appointment. The alternate parent member may attend and participate in all council meetings but shall vote only in the absence of the parent member. The parent member and alternate parent member shall receive no compensation in addition to that which they may already receive as service providers or state employees, but the parent member and alternate parent member shall be reimbursed for expenses incurred through the performance of their duties as council members.
- (2) The State Interagency Council for Services to Children with an Emotional Disability shall:
 - (a) Consider issues and make recommendations annually to the Governor and the Legislative Research Commission regarding the provision of services for children with an emotional disability;
 - (b) Direct each regional interagency council to coordinate services to children with an emotional disability and identify factors contributing to a lack of coordination;
 - (c) Develop a form to be signed by the parent or other legal guardian of a child referred for services to any interagency council for children with an emotional disability. The

form shall enable the agencies involved with the child to share information about the child as necessary to identify and provide services for the child;

- (d) Review service and treatment plans for children for whom reviews are requested, and provide any advice and assistance that the state council determines to be necessary to meet the needs of children with an emotional disability referred by regional councils;
 - (e) Assess the effectiveness of regional councils in meeting the service needs of children with an emotional disability;
 - (f) Establish a uniform grievance procedure for the state, to be implemented by each regional interagency council. Appeals may be initiated by the child, parent, guardian, person exercising custodial control or supervision, or other authorized representative about matters relating to the interagency service plan for the child or the denial of services by the regional interagency council. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B;
 - (g) Meet at least monthly and maintain records of meetings, except that records that identify individual children shall only be disclosed as provided by law;
 - (h) Adopt interagency agreements as necessary for coordinating services to children with an emotional disability by the agencies represented in the state council;
 - (i) Develop services to meet the needs of children with an emotional disability; and
 - (j) Promote services to prevent the emotional disability of a child.
- (3) The State Interagency Council for Services to Children with an Emotional Disability may promulgate administrative regulations necessary to comply with the requirements of KRS 200.501 to 200.509.

SECTION 2. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Commission on Services and Supports for Individuals with Mental Retardation and Other Developmental Disorders established in KRS 210.575, and the Kentucky Commission on Services and Supports to Individuals with Mental Illness, Alcohol and Other Drug Disorders, and Dual Diagnoses established in KRS 210.502 shall, by August 1, 2004, establish a joint ad hoc committee on transitioning from children's services systems to adult services systems for children who will continue to need services or supports after reaching age twenty-one (21).*
- (2) *The co-chairpersons of each commission shall each designate a joint ad hoc committee chairperson and appoint up to ten (10) members for the joint ad hoc committee. At least seventy-five percent (75%) of the membership shall be composed of family members of consumers of adult or child services, advocates, and nonprofit and community-based providers of adult and child services and supports. Members of the commissions may serve as a chairperson and may be appointed to the ad hoc committee.*
- (3) *The joint ad hoc committee shall develop recommendations for implementation of specific plans of action to meet the needs of children who transition to adult services systems.*
- (4) *The joint ad hoc committee shall make a preliminary report by October 30, 2004, and shall make a final report by December 30, 2004, to both commissions and to the Interim Joint Committee on Health and Welfare.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *A postsecondary education institution as defined in KRS 164.948 shall provide priority for first floor housing to any student who informs the institution of a disability, or a sensory, cognitive, or neurological deficit or impairment, or a learning disorder, minimal brain dysfunction, dyslexia, pervasive developmental disorder, autism, or Asperger syndrome. As used in this section, "disability" has the same meaning as in KRS 344.010.*
- (2) *If the postsecondary education institution does not have available first floor housing for a student as provided under subsection (1) of this section, the postsecondary education institution shall allow the student to seek alternative on-campus or off-campus housing. The postsecondary education institution shall maintain a record of any on-campus housing assignment for that student and shall alert appropriate safety and emergency personnel of the location of the student.*

Approved April 9, 2004