

CHAPTER 78

(HB 194)

AN ACT relating to alternative education.

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

➔Section 1. KRS 158.143 is amended to read as follows:

- (1) Notwithstanding any other statute to the contrary, a state agency child, as defined in KRS 158.135(1), who is at least seventeen (17) years of age shall be eligible to seek attainment of a High School Equivalency Diploma.
- (2) *Notwithstanding any other statute to the contrary, a student enrolled in a district-operated alternative education program shall be eligible to seek attainment of a High School Equivalency Diploma if the student:*
 - (a) *Is at least seventeen (17) years of age;*
 - (b) *Is not on track to graduate, as defined by the local board of education policy; and*
 - (c) *Has previously attained a passing score on an official readiness test for a High School Equivalency Diploma program authorized by the Office of Adult Education pursuant to KRS 151B.403.*
- (3) *Notwithstanding KRS 159.010 or any school district policy adopted pursuant to KRS 159.010, a student who has attained a High School Equivalency Diploma in accordance with subsection (1) or (2) of this section shall be exempt from compulsory attendance.*
- (4) *A local board of education shall adopt a policy to define when a student enrolled in a district-operated alternative education program is not on track to graduate. The Kentucky Board of Education may publish a recommended model policy for local boards of education but shall not impose any restrictions or requirements upon the content of the local board policy.* ~~Nothing in this section shall be construed to exempt a student who has attained a High School Equivalency Diploma from the compulsory attendance requirements of KRS 159.010.~~

➔Section 2. KRS 158.135 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires:
 - (a) "State agency children" means:
 1. a. Those children of school age committed to or in custody of the Cabinet for Health and Family Services and placed, or financed by the cabinet, in a Cabinet for Health and Family Services operated or contracted institution, treatment center, facility, including those for therapeutic foster care and excluding those for nontherapeutic foster care; or
 - b. Those children placed or financed by the Cabinet for Health and Family Services in a private facility pursuant to child care agreements including those for therapeutic foster care and excluding those for nontherapeutic foster care;
 2. Those children of school age in home and community-based services provided as an alternative to intermediate care facility services for the intellectually disabled;
 3. Those children committed to or in custody of the Department of Juvenile Justice and placed in a department operated or contracted facility or program; and
 4. Those children referred by a family accountability, intervention, and response team as described in KRS 605.035 and admitted to a Department of Juvenile Justice operated or contracted day treatment program;
 - (b) "Current costs and expenses" means all expenditures, other than for capital outlay and debt service, which are in excess of the amount generated by state agency children under the Support Education Excellence in Kentucky funding formula pursuant to KRS 157.360. These expenditures are necessary to provide a two hundred thirty (230) day school year, smaller teacher pupil ratio, related services if identified on an individual educational plan, and more intensive educational programming; and

- (c) "Therapeutic foster care" means a remedial care program for troubled children and youth that is in the least restrictive environment where the foster parent is trained to implement planned, remedial supervision and care leading to positive changes in the child's behavior. Children served in this placement have serious emotional problems and meet one (1) or more of the following criteria:
1. Imminent release from a treatment facility;
 2. Aggressive or destructive behavior;
 3. At risk of being placed in more restrictive settings, including institutionalization; or
 4. Numerous placement failures.
- (2) (a) Unless otherwise provided by the General Assembly in a budget bill, any county or independent school district that provides elementary or secondary school services to state agency children shall be reimbursed through a contract with the Kentucky Educational Collaborative for State Agency Children. The school services furnished to state agency children shall be equal to those furnished to other school children of the district.
- (b) The Department of Education shall, to the extent possible within existing appropriations, set aside an amount of the state agency children funds designated by the General Assembly in the biennial budget to reimburse a school district for its expenditures exceeding twenty percent (20%) of the total amount received from state and federal sources to serve a state agency child.
- (3) The General Assembly shall, if possible, increase funding for the education programs for state agency children by a percentage increase equal to that provided in the biennial budget for the base funding level for each pupil in the program to support education excellence in Kentucky under KRS 157.360 and, if applicable, by an amount necessary to address increases in the number of state agency children being served.
- (4) The Kentucky Educational Collaborative for State Agency Children shall make to the chief state school officer the reports required concerning school services for state agency children, and shall file with the Cabinet for Health and Family Services unit operating or regulating the institution or day treatment center, or contracting for services, in which the children are located a copy of the annual report made to the chief state school officer.
- (5) The *Department of Juvenile Justice*~~[Cabinet for Health and Family Services]~~ shall contract with a *public university or nonprofit education entity*~~[university affiliated training resource center]~~ utilizing all funds generated by the children in state agency programs, except Oakwood and Hazelwood funds, and the funds in the Kentucky Department of Education budget, pursuant to this section, as well as any other educational funds for which all Kentucky children are entitled. The total of these funds shall be utilized to provide educational services through the Kentucky Educational Collaborative for State Agency Children established in KRS 605.110.
- (6) Notwithstanding the provisions of any other statute, the Kentucky Educational Collaborative for State Agency Children shall operate a two hundred thirty (230) day school program.

Signed by Governor April 1, 2022.