

## **JUSTICE AND PUBLIC SAFETY CABINET**

### **Department of Juvenile Justice (New Administrative Regulation)**

#### **505 KAR 1:260. Education.**

RELATES TO: KRS 15A.065, 15A.0652, 15A.067, 158.281, 200.080-200.120, Chapters 600-645, 605.110, 707 KAR 1:002, 707 KAR 1:320

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 605.150, 635.095, 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes requirements to ensure that education is provided to juveniles in the department's custody.

#### **Section 1. General.**

(1) Education services through the local school district shall be made available to juveniles upon admission at a DJJ facility during instructional days, except if there is substantial evidence to justify otherwise. Substantial evidence may include the juvenile having earned a diploma or GED or having an IEP that requires something different. Educational services, necessary specialized equipment, and appropriate educational materials shall be provided at no cost to a juvenile up to the completion of high school or the General Education Development program.

(2) A juvenile enrolled in a community school shall be transported in accordance with the local school district's transportation policy.

#### **Section 2. Assessments.**

(1) For a juvenile at a detention center, educational and vocational needs assessment shall be completed within five (5) instructional days of the juvenile's admission following the detention hearing. Previous results may be used if completed within the last 180 days.

(2) For a juvenile at a youth development center, educational and vocational assessments shall be completed within fourteen (14) days of the juvenile's admission if previous results are not available.

(3) A juvenile at a youth development center who has completed the fifth grade and enters a YDC without a previously administered vocational assessment shall be administered vocational assessments of aptitude, interest inventory, and learning and working styles. The results shall be used to:

- (a) Determine a juvenile's vocational aptitude and interests, learning and working styles, and career clusters;
- (b) Assist DJJ and school district staff as they integrate academic, vocational and work assignments, social skills, and treatment goals;
- (c) Assist DJJ and school district staff as they communicate with the juvenile;
- (d) Develop or review and revise if necessary, a juvenile's Individual Learning Plan and Transition Plan; and
- (e) Provide each juvenile with career options.

**Section 3. Educational Services at Juvenile Detention Centers.** Educational services at a detention center shall be individualized to meet the assessment, educational, and developmental instruction needs of the juvenile, constructed on an open entry-open exit basis, and scheduled so that educational services do not compete with other facility programming. Provisions shall be made for academic counseling.

#### Section 4. Educational Services in YDCs and Group Homes.

- (1) Educational, technical, and treatment services shall be integrated and individualized to meet the assessment, educational, rehabilitative, and developmental instruction needs of each juvenile.
- (2) Post-secondary course fees may require a juvenile to access grant money, individual juvenile accounts, parent contributions, or community sponsors.
- (3) Juveniles shall receive credit for education that can be transferred to other schools.
- (4) A juvenile's individual client record shall include academic and vocational information.

#### Section 5. Vocational and Technical Programming for YDCs.

- (1) A juvenile shall have the opportunity to enroll in pre-vocational and skill-based vocational training programs and explore vocational and technical opportunities based on the criteria for enrollment.
- (2) Each local school district that operates within a YDC shall submit a monthly progress report to the DJJ Education Branch.
- (3) Each technical program shall submit their vocational plan to the Education Branch at the beginning of each school year.

#### Section 6. Technical Education Safety. A juvenile may only use power driven machines and tools under the following circumstances:

- (1) The juvenile has met the requirements for enrollment in a technical program;
- (2) The juvenile has been enrolled in a technical training program;
- (3) The juvenile is performing tasks designated by the Office of Career and Technical Education for the training program in which the juvenile is enrolled;
- (4) The certified technical teacher of the training program is supervising the juvenile;
- (5) The juvenile has successfully completed the safety training and the safety test necessary to use the machines and tools or complete the task;
- (6) The certified technical teacher shall document that the student has completed safety training; and
- (7) The certified technical teacher of the training program and facility staff continuously monitors the emotional state and considers the mental stability of the juvenile prior to allowing the juvenile to use power driven machines and tools or perform a potentially hazardous task.

#### Section 7. Agreements with Local School Districts.

- (1) DJJ shall have an agreement with the school district servicing juvenile detention centers, youth development centers, and group homes that includes the following:
  - (a) Educational services shall be provided on an open entry-open exit basis;
  - (b) Education and treatment shall be an integral part of the juvenile's instructional plan;
  - (c) Education and treatment schedules shall be coordinated for the benefit of the juvenile;
  - (d) Work programs for juveniles shall not interfere with educational programming; and
  - (e) Disciplinary measures shall not interfere with educational programming, except if there is substantial evidence to justify otherwise.
- (2) DJJ may provide training for school district and technical education staff for discipline of a juvenile in accordance with 505 KAR 1:400. Appropriate classroom management techniques to carry out the disciplinary rules shall be used.

#### Section 8. Individual Learning Plan, Individual Education Plan, and Individual Treatment Plan.

- (1) The results of educational and vocational assessments shall be used as a basis for the initial development, and periodic review and revision, of an integrated ILP, Individual Education Plan if applicable, Individual Treatment Plan, and aftercare plan.

- (2) DJJ and school district staff shall participate jointly in the development, review, and revision of a juvenile's ITP, ILP, IEP if applicable, and aftercare plan.
- (3) The ILP and IEP when applicable, shall be integrated with the ITP and completed within fourteen (14) days of admission.

Section 9. Educational Disability. If a DJJ staff person suspects a juvenile may have an educational disability, the local school district's director of special education shall be notified as soon as practicable.

Section 10. Behavior and Discipline.

- (1) Discipline of juveniles at detention centers and YDCs shall be in accordance with 505 KAR 1:400. Discipline of group home juveniles during school activities shall be in accordance with local school board procedures and 505 KAR 1:400.
- (2) A juvenile in a detention center or YDC who demonstrates behavior so disruptive that they are removed from the classroom shall not be readmitted to the classroom until they demonstrate improved behavior as determined by the teacher in collaboration with the staff.
- (3) A juvenile in a group home who demonstrates behavior so disruptive that they are removed from the classroom may be remanded to the supervision of group home staff until readmitted to the classroom.
- (4) If a juvenile is removed from the classroom, the juvenile shall be given assignments to work on individually.

Section 11. Educational and Vocational Records in Detention Centers and YDCs.

- (1) A person, including education personnel, authorized to obtain records pursuant to KRS Chapters 600 to 645, shall not obtain or attempt to obtain records to which they are not entitled or for purposes for which they are not permitted to obtain them.
- (2) A person, including education personnel, not authorized to obtain records pursuant to KRS Chapter 600 to 645, shall not obtain or attempt to obtain records that are made confidential pursuant to KRS Chapters 600 to 645, except upon proper motion to a court of competent jurisdiction.
- (3) A person shall not destroy or attempt to destroy any record that is required to be kept unless the destruction is permitted by state law and is authorized by the court upon proper motion and good cause for the destruction being shown.
- (4) Release of the juvenile's record, including behavior management, medical, dental, mental, or psychological reports, shall be prohibited unless presented as evidence in court in accordance with the law. A person, including school personnel, shall not disclose any report or information contained therein except as permitted by law or specific order of the court.

*VICKI REED, Commissioner*

APPROVED BY AGENCY: May 15, 2023

FILED WITH LRC: May 15, 2023 at 3:59 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 22, 2023, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2023.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email [Justice.RegContact@ky.gov](mailto:Justice.RegContact@ky.gov).