**JUSTICE AND PUBLIC SAFETY CABINET**
**Department of Juvenile Justice**
**(Amended After Comments)**

## 505 KAR 1:185. Day treatment programs.

RELATES TO: KRS 15A.065, 15A.0652, 15A.067, 200.080-200.120, Chapters 600-645, 34 C.F.R. 300.111, 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 general requirements for day treatment programs for juveniles committed to the department.

Section 1. Educational Services.

(1) Educational services shall be provided to juveniles in a day treatment program. Educational services shall be made available to each juvenile upon admission and shall be open entry and open exit.

(2) Educational services shall be individualized to meet the assessment, educational, rehabilitative, and developmental instructional needs of each juvenile.

(3) Vocational Assessment. Juveniles who enter a day treatment program without a previously administered vocational assessment shall be administered a vocational assessment. 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 educational staff to integrate academic, vocational and work assignments, and treatment goals; and

(c) Provide a juvenile with workplace readiness skills.

(4) The results of educational and vocational assessments from the school district shall be used for the initial development, periodic review, and revision of an integrated Individual Learning Plan, Individual Education Plan if applicable, Individual Treatment Plan, Individual Learning Plan Addendum if applicable, and Aftercare Plan.

(5) ITP, ILP, IEP, Section 504 plan, and Aftercare Plan. DJJ shall participate with school district staff, if invited, in the development, review, and revision of a juvenile's IEP, and Section 504 plan. DJJ shall integrate any accommodations from an IEP or Section 504 plan in a juvenile's ITP and Aftercare Plan. The ILP shall be integrated with the ITP and completed within fourteen (14) school days of admission.

(6) Child Find. Any staff who suspects that a juvenile may have an educational disability shall communicate that concern in writing to the Administrative Duty Officer and report it to the treatment team.

Section 2. Technical Programming.

(1) If technical programming is available, the program shall have specific criteria for enrolling juveniles, and the criteria shall be included in the orientation handbook.

(2) The Superintendent shall ensure that juveniles only use power driven machines and tools under the following circumstances:

(a) The juvenile has been enrolled in a technical training program;

(b) The juvenile is performing tasks designated by the Office of Career and Technical Education for the training program in which the juvenile is enrolled;

(c) The certified technical teacher of the training program is supervising the juvenile;

(d) The juvenile has successfully completed the safety training and the safety test necessary to use the machines and tools or complete the task; and

(e) The certified technical teacher shall document that the student has completed safety training.

(3) The certified technical teacher of the training program and facility staff shall monitor the emotional state and consider 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 3. Searches. A juvenile may be searched for safety and security purposes. A search may include the juvenile's hair.

Section 4. Behavior.

(1) During school hours, teachers shall direct juvenile behavior while juveniles are engaged with educational programming such as lessons, hands-on activities, school-day outings, community mentoring, vocational classes, and all teacher-led learning.

(2) Teachers shall collaborate with DJJ staff regarding appropriate consequences for an undesirable behavior.

(3) Teachers shall be included in the disciplinary review with the juvenile and DJJ staff.

(4) Acceptable school behavior and discipline information shall be incorporated into the Orientation Handbook and reviewed with each juvenile. A copy of the Orientation Handbook shall be posted at the school site. DJJ and education staff shall be provided a copy of the Orientation Handbook.

Section 5. Personal Property.

(1) Allowable Personal Property. A juvenile may bring the following to a day treatment program:

(a) Key to access the juvenile's dwelling;

(b) Cell phone; and

(c) Cash, not to exceed ten (10) dollars.

(2) The program may set a different cash limit considering the needs of the juveniles in the program and the negative effects of available cash.

(3) The program may require allowed personal property to be locked away and not in the juvenile's possession during the school day or instructional time.

(4) Confiscated personal property shall be logged and secured. Law enforcement may be contacted if the juvenile's personal property poses a safety or security risk to the program.

(5) A juvenile may be reimbursed for damaged or lost personal property on a limited basis at the discretion of the superintendent.

(6) Unclaimed personal property shall be stored and retained at the program for not longer than thirty (30) school days.

Section 6. Telephone and Visitation.

(1) A day treatment program shall provide juvenile access to a telephone for emergency calls.

(2) Visitation. Parental and caregiver visits shall be encouraged, and the program shall make provisions for assisting the parent or caregiver in visitation to the program. Visits shall be permitted for a parent or caregiver, or attorney during program hours, except if there is documented evidence that a visitor poses a threat to the safety of the juveniles or the security of the program or may disrupt the program.

Section 7. Counseling Services.

(1) Counseling services shall be provided to each juvenile in accordance with the juvenile's individual treatment plan. Staff shall be available to provide counseling in emergency situations and upon a juvenile's request in accordance with each juvenile's ITP.

(2) Each juvenile attending school in a day treatment program shall have an opportunity for individual and group counseling.

(a) Individual counseling shall be:

1. Provided to each juvenile at a minimum of one (1) scheduled hour per week;

2. Used to help the juvenile make developmentally appropriate changes in thinking and behavior; and

3. Used to assist the juvenile in meeting goals and tasks identified on the juvenile's ITP;

(b) Group counseling. Group counseling shall be:

1. Provided to each juvenile at a minimum of two (2) scheduled hours per week;

2. Used to help the juvenile make developmentally appropriate changes in thinking and behavior;

3. Used to discuss specific and common issues, conflicts, and concerns;

(3) The juvenile's counselor may engage the juvenile's parent or caregiver as needed to assist the juvenile in meeting their educational treatment objectives.

Section 8. Youth Council.

(1) A program shall have a youth council that meets monthly with the superintendent or designee. The youth council shall include representatives from each treatment group who shall present juvenile concerns.

(2) The youth council shall discuss and offer recommendations to the superintendent on issues including the following:

(a) Staff and juvenile relations;

(b) Programming issues;

(c) Physical plant concerns;

(d) Recreation;

(e) Education;

(f) Health and dietary issues; and

(g) Youth activity fund.

(3) Written minutes shall be kept of each youth council meeting and shall be held on file for three (3) years by the superintendent or designee. The superintendent or designee and all participants shall sign an attendance sheet at the meeting.

(49 Ky.R. 2429; 50 Ky.R. 841; eff. 3-5-2024.)

*VICKI REED, Commissioner*

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