

AN ACT relating to disproportionate minority contact.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The Department of Juvenile Justice shall, by the end of each quarter of the calendar year, report to the Juvenile Justice Advisory Board created pursuant to KRS 15A.065 data on children under supervision, which shall include monthly population totals and a monthly breakdown by age, race, gender, and type of supervision or placement. Race shall be reported using current categories which satisfy the standards established by the United States Office of Management and Budget.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

By January 1, 2017, the Department of Juvenile Justice shall submit to the Juvenile Justice Advisory Board created pursuant to KRS 15A.065 the current three (3) year plan created in accordance with the federal Juvenile Justice and Delinquency Prevention Act to address disproportionate minority contact with, and involvement in, the juvenile justice system. By January 1 of each year thereafter, the Department of Juvenile Justice shall submit the updated plan and a report describing its progress in implementing the plan.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

(1) The Administrative Office of the Courts shall, by the end of each quarter of the calendar year, report to the Juvenile Justice Advisory Board created pursuant to KRS 15A.065 data on children involved in the juvenile justice system, including the number of complaints filed, diverted, and referred to court, and the number of referrals to family accountability, intervention, and response teams established pursuant to KRS 605.035. The report shall include monthly totals and a monthly

breakdown by age, race, gender, and whether the case involved a public or status offense. Race shall be reported using current categories which satisfy the standards established by the United States Office of Management and Budget.

(2) By January 1, 2018, the Administrative Office of the Courts shall develop and submit to the Juvenile Justice Advisory Board created pursuant to KRS 15A.065 a three (3) year plan to address disproportionate minority contact with, and involvement in, the juvenile justice system. By January 1 of each year thereafter, the Administrative Office of the Courts shall submit an updated plan and a report describing its progress in implementing the plan.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

By January 1, 2018, the Kentucky Department of Education shall develop and submit to the Juvenile Justice Advisory Board created pursuant to KRS 15A.065 a three (3) year plan to address disproportionate minority contact with school disciplinary systems and referrals from schools to the juvenile justice system. By January 1 of each year thereafter, the Kentucky Department of Education shall submit an updated plan and a report describing its progress in implementing the plan.

➔Section 5. KRS 158.444 is amended to read as follows:

- (1) The Kentucky Board of Education shall promulgate appropriate administrative regulations relating to school safety, student discipline, and related matters.
- (2) The Kentucky Department of Education shall:
 - (a) Collaborate with the Center for School Safety in carrying out the center's mission;
 - (b) Establish and maintain a statewide data collection system by which school districts shall report by age, race, gender~~[sex, race]~~, and grade level:
 1. a. All incidents of violence and assault against school employees and students;

- b. All incidents of possession of guns or other deadly weapons on school property or at school functions;
 - c. All incidents of the possession or use of alcohol, prescription drugs, or controlled substances on school property or at school functions; and
 - d. All incidents in which a student has been disciplined by the school for a serious incident, including the nature of the discipline, or charged criminally for conduct constituting a violation of any offense specified in KRS Chapter 508; KRS 525.070 occurring on school premises, on school-sponsored transportation, or at school functions; or KRS 525.080;
2. The number of arrests, the charges, and whether civil damages were pursued by the injured party;
 3. The number of suspensions, expulsions, and corporal punishments; and
 4. Data required during the assessment process under KRS 158.445; ~~and~~
- (c) Provide all data collected relating to this subsection to the Center for School Safety according to timelines established by the center; and
- (d) By the end of each quarter of the calendar year, report all data collected pursuant to this subsection and all data collected pursuant to Section 4 of this Act to the Juvenile Justice Advisory Board created pursuant to KRS 15A.065.**
- (3) The Department of Education shall provide the Office of Education Accountability and the Education Assessment and Accountability Review Subcommittee with an annual statistical report of the number and types of incidents reported under subsection (2)(b) of this section. The report shall include all monthly data and cumulative data for each reporting year. Reportable incidents shall be grouped in the report in the same manner that the reportable incidents are grouped in

subsection (2)(b)1. of this section. Data in the report shall be sorted by individual school district, then by individual schools within that district, and then by individual grades within each school. The report shall not contain information personally identifying any student. The reporting period shall be for an academic year, and shall be delivered no later than August 31 of each year.

- (4) All personally identifiable student data collected pursuant to subsection (2)(b) of this section shall be subject to the confidentiality provisions of the Kentucky Family Education Rights and Privacy Act, KRS 160.700 to 160.730, and to the federal Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, and its implementing regulations.
- (5) Parents, legal guardians, or other persons exercising custodial control or supervision shall have the right to inspect or challenge the personally identifiable student records as permitted under the Kentucky Family Education Rights and Privacy Act and the federal Family Educational Rights and Privacy Act and implementing regulations.
- (6) Data collected under this section on an individual student committing an incident reportable under subsection (2)(b)1. of this section shall be placed in the student's disciplinary record.

(7) Race shall be reported using current categories which satisfy the standards established by the United States Office of Management and Budget.

➔Section 6. KRS 158.449 is amended to read as follows:

Each local school shall annually provide to the Department of Education, through the Kentucky Department of Education's student information system, an assessment of school incidents relating to disruptive behaviors resulting in a complaint, including ~~whether~~:

- (1) **Whether** the incident involved a public offense or noncriminal misconduct;
- (2) **Whether** the incident was reported to law enforcement or the court-designated worker ~~and the charge or type of noncriminal misconduct that was the basis of the~~

referral or report]; ~~and~~

- (3) **Whether** the report was initiated by a school resource officer;
- (4) **The charge or type of noncriminal misconduct that was the basis of the referral or report; and**
- (5) **The age, race, and gender of the student. Race shall be reported using current categories which satisfy the standards established by the United States Office of Management and Budget.**

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

- (1) **The Department for Community Based Services shall, by the end of each quarter of the calendar year, report to the Juvenile Justice Advisory Board created pursuant to KRS 15A.065 data on children in out-of-home care, including the number of children entering out-of-home care in that quarter. The report shall include monthly totals and a monthly breakdown by age, race, gender, and type of placement. Race shall be reported using current categories which satisfy the standards established by the United States Office of Management and Budget.**
- (2) **By January 1, 2018, the Department for Community Based Services shall develop and submit to the Juvenile Justice Advisory Board created pursuant to KRS 15A.065 a three (3) year plan to address disproportionate minority representation among children committed to the custody of the department. By January 1 of each year thereafter, the Department for Community Based Services shall submit an updated plan and a report describing its progress in implementing the plan.**

➔Section 8. KRS 605.020 is amended to read as follows:

- (1) Standards for the employment of court-designated workers shall be set by the Administrative Office of the Courts.
- (2) If the Administrative Office of the Courts contracts with a public agency for the provision of the court-designated worker or workers, the contract shall specify that

it is for the services, in part or in whole, of named personnel of that agency and no others. Personnel of a public agency under contract to the Administrative Office of the Courts selected as court-designated workers shall be selected in the manner set forth in the contract by and between the public agency and the Administrative Office of the Courts; shall be under the control of the Administrative Office of the Courts and the court to which they are assigned; and shall be subject to the same powers, duties, and restrictions as are court-designated workers employed by the Administrative Office of the Courts.

- (3) Court-designated workers, whether employed by the Administrative Office of the Courts or by a public agency under contract to the Administrative Office of the Courts, may be disciplined or removed from the position of court-designated worker in the manner specified in the:
 - (a) Personnel policies for employees of the Administrative Office of the Courts or the personnel policies of the contract agencies as approved by the Administrative Office of the Courts; and
 - (b) Contract by and between the public agency and the Administrative Office of the Courts.
- (4) The Administrative Office of the Courts shall not contract with private corporations, persons, or agencies for the services of court-designated workers.
- (5) The Administrative Office of the Courts shall provide training to all court-designated workers in:
 - (a) The administration of evidence-based screening instruments and, for some workers as appropriate, the administration of risk and needs assessments;
 - (b) Identification of appropriate services for children and families;
 - (c) Techniques for diversion agreement implementation and supervision;
 - (d) Identifying and understanding the issues that led to the filing of a complaint, which may include recognition of signs of trauma, disability, behavioral,

mental health, or substance abuse issues, in order to determine appropriate referrals; and

- (e) Juvenile justice research, best practices, and any other subject deemed appropriate and available.
- (6) (a) The Administrative Office of the Courts shall collect and track data, and provide an annual report to the oversight council created in KRS 15A.063 containing the following information:
- 1. The number and type of complaints received by each court-designated worker, **including a breakdown by age, race, and gender;**
 - 2. The outcome of each complaint, including whether a referral was made to the county attorney or the Department for Community Based Services, **and a breakdown by age, race, and gender;**
 - 3. The number of children committed to the Department for Community Based Services pursuant to KRS Chapter 620 who were originally charged with status offenses under KRS Chapter 630 or whose cases were amended from status to dependency, neglect, and abuse, **including a breakdown by age, race, and gender;** and
 - 4. Whether a child who successfully completed a diversion agreement was, within one (1) year following completion of the agreement, adjudicated a public offender or convicted in the adult court of a criminal offense, **including a breakdown by age, race, and gender.**
- (b) Personally identifiable information of the court-designated worker shall not be provided but shall be retained by the Administrative Office of the Courts to address the need for additional staff training or other appropriate action.
- (7) The Administrative Office of the Courts shall develop a graduated response protocol, consisting of a continuum of responses from the least restrictive to the most restrictive, for court-designated workers to utilize in response to violations of

the terms of a diversion agreement.

- (8) The Administrative Office of the Courts shall collaborate with the Justice and Public Safety Cabinet and provide technical assistance to judicial districts in implementing the fiscal incentive program established in KRS 15A.062.
- (9) The Administrative Office of the Courts shall act as the fiscal agent to receive funds awarded pursuant to KRS 15A.062.
- (10) The Administrative Office of the Courts shall, by regulation, establish a form complaint to be used in filing all complaints with the court-designated worker. The form shall contain the requirements of KRS 610.020, and if the complaint is filed by a school district, shall require that the director of pupil personnel state that he or she documented the home conditions of the student and the intervention strategies attempted, as required by KRS 159.140, and that he or she attempted to conduct a conference with the child and a parent.

➔Section 9. KRS 605.130 is amended to read as follows:

In addition to the other duties, functions, and responsibilities imposed by law, the cabinet, through its authorized representatives, shall have general supervision and management of all matters contained in KRS 620.150 and 620.170 and shall, wherever possible:

- (1) Locate and plan for all children who are dependent, neglected, or abused;
- (2) Cooperate with and assist the courts of the various counties;
- (3) Assist Circuit Courts through services to children whenever requested by the court. The cabinet may charge a reasonable fee for such services to be taxed as costs by the court;
- (4) Assess all referrals received from a court-designated worker, pursuant to direction from the family accountability, intervention, and response team, to determine whether a basis exists to file a dependency, neglect, or abuse petition;
- (5) Track and report to the oversight council created in KRS 15A.063 the number of referrals received, the number of investigations made upon those referrals, ~~and~~ the

number and type of petitions filed in response, including a breakdown by age, race, and gender;

- (6) Identify all youth who have status offense charges and are committed or probated to the cabinet and report the number of committed and probated youth to the oversight council created in KRS 15A.063, including a breakdown by age, race, and gender; and
- (7) Perform such other services as may be deemed necessary for the protection of children.

➔Section 10. KRS 15A.220 is amended to read as follows:

- (1) Each person or organization operating a facility shall register with the Department of Juvenile Justice and shall comply with the regulations issued pursuant to KRS 15A.210.
- (2) Each organization operating or seeking to operate or expand a facility shall:
- (a) Apply to the Department of Juvenile Justice in a period of time set by administrative regulation prior to the scheduled opening of the facility;
 - (b) Permit inspection of the facility by the Department of Juvenile Justice not less than thirty (30) days prior to the scheduled opening of the facility; ~~and~~
 - (c) Supply to the Department of Juvenile Justice not less than thirty (30) days prior to the scheduled opening of the facility all data, plans, and other materials required by the Department of Juvenile Justice; and
 - (d) Report to the Department of Juvenile Justice data on children under supervision, which shall include monthly population totals and a monthly breakdown by age, race, and gender. Race shall be reported using current categories which satisfy the standards established by the United States Office of Management and Budget.
- (3) No facility shall operate except with the approval of the Department of Juvenile Justice.

- (4) The Department of Juvenile Justice shall have the authority, upon thirty (30) days' written notice to the county judge/executive and jailer of any county that operates a juvenile detention facility and is located within an area served by a state-operated juvenile detention facility, to decertify any juvenile detention facility and that facility shall, at the expiration of the thirty (30) day period, cease detaining juveniles.