

1 AN ACT relating to educational stability for children in an out-of-home placement.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section, unless the context requires otherwise:

6 (a) "Best interests of the child" means the decision of the court considering all
7 relevant factors as outlined in KRS 403.270(2);

8 (b) "Child" means any person who has not reached his or her eighteenth
9 birthday;

10 (c) "Child-placing agency" means any agency, other than a state agency,
11 which supervises the placement of children in foster family homes or child-
12 caring facilities or which places children for adoption; and

13 (d) "Educational stability" means the maintaining of the school in which the
14 child was enrolled at the time of placement to the extent possible or, when a
15 child's best interests indicates a change in schools, will be defined as
16 ensuring a child experiences a minimal lapse in enrollment in school while
17 transitioning to a different placement or living arrangement.

18 (2) (a) In determining the placement of a child, an agency as defined in KRS
19 199.011(7), shall, if practicable, locate a placement within the same school
20 district where the student was most recently enrolled to allow the student to
21 attend the same school.

22 (b) If an agency is unable to acquire a placement for the child within the school
23 district in which the child is enrolled, transportation shall be offered from
24 the location of placement to the school in which the child is enrolled for any
25 regularly scheduled school days.

26 (c) If the school in which the child is enrolled is deemed outside of the best
27 interests of the child, the child welfare and local education agencies shall

1 work together to ensure immediate and appropriate enrollment and provide
2 all of the child's education records to the new school.

3 (3) If a child is subject to a school enrollment change:

4 (a) The child's caseworker shall immediately contact the new school district to
5 enroll the child;

6 (b) The new school shall immediately enroll the child in the school, even if the
7 child is unable to produce required records, including but not limited to:

8 1. Academic records;

9 2. Medical records; or

10 3. Proof of residency;

11 (c) The new school shall immediately request the child's records from the
12 child's previous school;

13 (d) The previous school shall provide:

14 1. All relevant and essential records within three (3) working days of
15 receipt of any request made under this subsection; and

16 2. All relevant and non-essential school records to the new school within
17 ten (10) working days of receipt of any request made under this
18 subsection; and

19 (e) The agency responsible for the child shall be allowed access to all
20 educational records in order to allow for proper transfer.

21 (4) Any new district in which the child is placed shall accept credit for work
22 completed to satisfaction in the child's most recent school district.

23 (5) In the event graduation requirements are met, the child's home district shall
24 issue a diploma to the child.