

1 AN ACT relating to state agency children.

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

3 ➔Section 1. KRS 158.135 is amended to read as follows:

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

5 (a) "State agency children" means:

6 1. a. Those children of school age committed to or in custody of the
7 Cabinet for Health and Family Services and placed, or financed by
8 the cabinet, in a Cabinet for Health and Family Services operated
9 or contracted institution, treatment center, facility, including those
10 for therapeutic foster care and excluding those for nontherapeutic
11 foster care; or

12 b. Those children placed or financed by the Cabinet for Health and
13 Family Services in a private facility pursuant to child care
14 agreements including those for therapeutic foster care and
15 excluding those for nontherapeutic foster care;

16 2. Those children of school age in home and community-based services
17 provided as an alternative to intermediate care facility services for the
18 intellectually disabled;~~and~~

19 3. Those children committed to or in custody of the Department of Juvenile
20 Justice and placed in a department operated or contracted facility or
21 program; ***and***

22 **4. Those children referred by a family accountability, intervention, and**
23 **response team as described in KRS 605.035 and admitted to a**
24 **Department of Juvenile Justice operated or contracted day treatment**
25 **program.**

26 (b) "Current costs and expenses" means all expenditures, other than for capital
27 outlay and debt service, which are in excess of the amount generated by state

1 agency children under the Support Education Excellence in Kentucky funding
2 formula pursuant to KRS 157.360. These expenditures are necessary to
3 provide a two hundred thirty (230) day school year, smaller teacher pupil
4 ratio, related services if identified on an individual educational plan, and more
5 intensive educational programming; and

6 (c) "Therapeutic foster care" means a remedial care program for troubled children
7 and youth that is in the least restrictive environment where the foster parent is
8 trained to implement planned, remedial supervision and care leading to
9 positive changes in the child's behavior. Children served in this placement
10 have serious emotional problems and meet one (1) or more of the following
11 criteria:

- 12 1. Imminent release from a treatment facility;
- 13 2. Aggressive or destructive behavior;
- 14 3. At risk of being placed in more restrictive settings, including
15 institutionalization; or
- 16 4. Numerous placement failures.

17 (2) (a) Unless otherwise provided by the General Assembly in a budget bill, any
18 county or independent school district that provides elementary or secondary
19 school services to state agency children shall be reimbursed through a contract
20 with the Kentucky Educational Collaborative for State Agency Children. The
21 school services furnished to state agency children shall be equal to those
22 furnished to other school children of the district.

23 (b) The Department of Education shall, to the extent possible within existing
24 appropriations, set aside an amount of the state agency children funds
25 designated by the General Assembly in the biennial budget to reimburse a
26 school district for its expenditures exceeding twenty percent (20%) of the total
27 amount received from state and federal sources to serve a state agency child.

- 1 (3) The General Assembly shall, if possible, increase funding for the education
2 programs for state agency children by a percentage increase equal to that provided
3 in the biennial budget for the base funding level for each pupil in the program to
4 support education excellence in Kentucky under KRS 157.360 and, if applicable, by
5 an amount necessary to address increases in the number of state agency children
6 being served.
- 7 (4) The Kentucky Educational Collaborative for State Agency Children shall make to
8 the chief state school officer the reports required concerning school services for
9 state agency children, and shall file with the Cabinet for Health and Family Services
10 unit operating or regulating the institution or day treatment center, or contracting for
11 services, in which the children are located a copy of the annual report made to the
12 chief state school officer.
- 13 (5) The Cabinet for Health and Family Services shall contract with a university-
14 affiliated training resource center utilizing all funds generated by the children in
15 state agency programs, except Oakwood and Hazelwood funds, and the funds in the
16 Kentucky Department of Education budget, pursuant to this section, as well as any
17 other educational funds for which all Kentucky children are entitled. The total of
18 these funds shall be utilized to provide educational services through the Kentucky
19 Educational Collaborative for State Agency Children established in KRS 605.110.
- 20 (6) Notwithstanding the provisions of any other statute, the Kentucky Educational
21 Collaborative for State Agency Children shall operate a two hundred thirty (230)
22 day school program.