

1 AN ACT relating to youth homelessness.

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

3 ➔Section 1. KRS 156.160 is amended to read as follows:

4 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky  
5 Board of Education shall promulgate administrative regulations establishing  
6 standards which school districts shall meet in student, program, service, and  
7 operational performance. These regulations shall comply with the expected  
8 outcomes for students and schools set forth in KRS 158.6451. Administrative  
9 regulations shall be promulgated for the following:

10 (a) Courses of study for the different grades and kinds of common schools  
11 identifying the common curriculum content directly tied to the goals,  
12 outcomes, and assessment strategies developed under KRS 158.645,  
13 158.6451, and 158.6453 and distributed to local school districts and schools.

14 The administrative regulations shall provide that:

- 15 1. If a school offers American sign language, the course shall be accepted  
16 as meeting the foreign language requirements in common schools  
17 notwithstanding other provisions of law;
- 18 2. If a school offers the Reserve Officers Training Corps program, the  
19 course shall be accepted as meeting the physical education requirement  
20 for high school graduation notwithstanding other provisions of law; and
- 21 3. Every public middle and high school's curriculum shall include  
22 instruction on the Holocaust and other cases of genocide, as defined by  
23 the United Nations Convention on the Prevention and Punishment of the  
24 Crime of Genocide, that a court of competent jurisdiction, whether a  
25 court in the United States or the International Court of Justice, has  
26 determined to have been committed by applying rigorous standards of  
27 due process;

- 1 (b) Courses of study or educational experiences available to students in all middle  
2 and high schools to fulfill the prerequisites for courses in advanced science  
3 and mathematics as defined in KRS 158.845;
- 4 (c) The acquisition and use of educational equipment for the schools as  
5 recommended by the Council for Education Technology;
- 6 (d) The minimum requirements for high school graduation in light of the expected  
7 outcomes for students and schools set forth in KRS 158.6451. Student scores  
8 from any assessment administered under KRS 158.6453 that are determined  
9 by the National Technical Advisory Panel to be valid and reliable at the  
10 individual level shall be included on the student transcript. The National  
11 Technical Advisory Panel shall submit its determination to the commissioner  
12 of education and the Legislative Research Commission;
- 13 (e) The requirements for an alternative high school diploma for students with  
14 disabilities whose individualized education program indicates that, in  
15 accordance with 20 U.S.C. sec. 1414(d)(1)(A):
- 16 1. The student cannot participate in the regular statewide assessment; and
  - 17 2. An appropriate alternate assessment has been selected for the student  
18 based upon a modified curriculum and an individualized course of study;
- 19 (f) Taking and keeping a school census, and the forms, blanks, and software to be  
20 used in taking and keeping the census and in compiling the required reports.  
21 The board shall create a statewide student identification numbering system  
22 based on students' Social Security numbers. The system shall provide a  
23 student identification number similar to, but distinct from, the Social Security  
24 number, for each student who does not have a Social Security number or  
25 whose parents or guardians choose not to disclose the Social Security number  
26 for the student;
- 27 (g) Sanitary and protective construction of public school buildings, toilets,

1 physical equipment of school grounds, school buildings, and classrooms. With  
2 respect to physical standards of sanitary and protective construction for school  
3 buildings, the Kentucky Board of Education shall adopt the Uniform State  
4 Building Code;

5 (h) Medical inspection, physical and health education and recreation, and other  
6 regulations necessary or advisable for the protection of the physical welfare  
7 and safety of the public school children. The administrative regulations shall  
8 set requirements for student health standards to be met by all students in  
9 grades four (4), eight (8), and twelve (12) pursuant to the outcomes described  
10 in KRS 158.6451. The administrative regulations shall permit a student who  
11 received a physical examination no more than six (6) months prior to his  
12 initial admission to Head Start to substitute that physical examination for the  
13 physical examination required by the Kentucky Board of Education of all  
14 students upon initial admission to the public schools, if the physical  
15 examination given in the Head Start program meets all the requirements of the  
16 physical examinations prescribed by the Kentucky Board of Education;

17 (i) A vision examination by an optometrist or ophthalmologist that shall be  
18 required by the Kentucky Board of Education. The administrative regulations  
19 shall require evidence that a vision examination that meets the criteria  
20 prescribed by the Kentucky Board of Education has been performed. This  
21 evidence shall be submitted to the school no later than January 1 of the first  
22 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a  
23 public school, public preschool, or Head Start program;

24 (j) 1. Beginning with the 2010-2011 school year, a dental screening or  
25 examination by a dentist, dental hygienist, physician, registered nurse,  
26 advanced practice registered nurse, or physician assistant that shall be  
27 required by the Kentucky Board of Education. The administrative

1 regulations shall require evidence that a dental screening or examination  
 2 that meets the criteria prescribed by the Kentucky Board of Education  
 3 has been performed. This evidence shall be submitted to the school no  
 4 later than January 1 of the first year that a five (5) or six (6) year-old  
 5 child is enrolled in a public school.

6 2. A child shall be referred to a licensed dentist if a dental screening or  
 7 examination performed by anyone other than a licensed dentist identifies  
 8 the possibility of dental disease;

9 (k) The transportation of children to and from school;

10 (l) The fixing of holidays on which schools may be closed and special days to be  
 11 observed, and the pay of teachers during absence because of sickness or  
 12 quarantine or when the schools are closed because of quarantine;

13 (m) The preparation of budgets and salary schedules for the several school districts  
 14 under the management and control of the Kentucky Board of Education;

15 (n) A uniform series of forms and blanks, educational and financial, including  
 16 forms of contracts, for use in the several school districts;~~and~~

17 (o) The disposal of real and personal property owned by local boards of  
 18 education; and

19 (p) The development and implementation of procedures, for all students who  
 20 are homeless children and youths as defined in 42 U.S.C. sec. 11434a(2), to  
 21 do the following:

22 1. Awarding and accepting of credit, including partial credit, for all  
 23 coursework satisfactorily completed by a student while enrolled at  
 24 another school;

25 2. Allowing a student who was previously enrolled in a course required  
 26 for graduation the opportunity, to the extent practicable, to complete  
 27 the course, at no cost to the student, before the beginning of the next

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school year;

3. Awarding a diploma, at the student's request, by a district from which the student transferred, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate from the district to which the student transfers, but meets the graduation requirements of the district from which the student transferred; and

4. Exempting the student from all coursework and other requirements imposed by the local board of education that are in addition to the minimum requirements for high school graduation established by the Kentucky Board of Education pursuant to KRS 156.160(1)(d) in the district to which the student transfers, if the student transfers schools at any time after the completion of the student's second year of high school and the student is ineligible to graduate both from the district to which the student transfers and the district from which the student transferred.

(2) (a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:

1. An alternative approach will achieve the same result required by the administrative regulation;
2. Implementation of the administrative regulation will cause a hardship on

- 1 the school district or school or jeopardize the continuation or  
2 development of programs; or
- 3 3. There is a finding of good cause for the waiver.
- 4 (b) The following shall not be subject to waiver:
- 5 1. Administrative regulations relating to health and safety;
- 6 2. Administrative regulations relating to civil rights;
- 7 3. Administrative regulations required by federal law; and
- 8 4. Administrative regulations promulgated in accordance with KRS  
9 158.6451, 158.6453, 158.6455, and this section, relating to measurement  
10 of performance outcomes and determination of successful districts or  
11 schools, except upon issues relating to the grade configuration of  
12 schools.
- 13 (c) Any waiver granted under this subsection shall be subject to revocation upon a  
14 determination by the Kentucky Board of Education that the school district or  
15 school holding the waiver has subsequently failed to meet the intent of the  
16 waiver.
- 17 (3) Any private, parochial, or church school may voluntarily comply with curriculum,  
18 certification, and textbook standards established by the Kentucky Board of  
19 Education and be certified upon application to the board by such schools.
- 20 (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a  
21 penalty to be assessed by the commissioner of education as follows:
- 22 (a) The first violation shall result in a fine of no less than one (1) week's revenue  
23 from the sale of the competitive food;
- 24 (b) Subsequent violations shall result in a fine of no less than one (1) month's  
25 revenue from the sale of the competitive food;
- 26 (c) "Habitual violations," which means five (5) or more violations within a six (6)  
27 month period, shall result in a six (6) month ban on competitive food sales for

1 the violating school; and

2 (d) Revenue collected as a result of the fines in this subsection shall be transferred  
3 to the food service fund of the local school district.

4 ➔Section 2. KRS 213.141 is amended to read as follows:

5 (1) Except as provided in subsection (2) of this section, the cabinet shall prescribe by  
6 regulation a fee not to exceed five dollars (\$5), to be paid for certified copies of  
7 certificates or records, or for a search of the files or records when no copy is made,  
8 or for copies or information provided for research, statistical, or administrative  
9 purposes.

10 (2) The cabinet shall prescribe by administrative regulation pursuant to KRS Chapter  
11 13A a fee not to exceed ten dollars (\$10) to be paid for a certified copy of a record  
12 of a birth:

13 (a) Three dollars (\$3) of which shall be used by the Cabinet for Health and  
14 Family Services for the sole purpose of contracting for the operation of  
15 private, not-for-profit, self-help, education, and support groups for parents  
16 who want to prevent or cease physical, sexual, or mental abuse of children;  
17 and

18 (b) One dollar (\$1) of which shall be used by the Division of Maternal and Child  
19 Health to pay for therapeutic food, formulas, supplements, amino acid-based  
20 elemental formula, or low-protein modified foods for all inborn errors of  
21 metabolism and genetic conditions if:

22 1. The therapeutic food, formulas, supplements, amino acid-based  
23 elemental formula, or low-protein modified food products are medically  
24 indicated for the therapeutic treatment of inborn errors of metabolism or  
25 genetic conditions and are administered under the direction of a  
26 physician; and

27 2. The affected person's therapeutic food, formulas, supplements, amino

1 acid-based elemental formula, or low-protein foods are not covered  
2 under any public or private health benefit plan.

3 (3) Fees collected under this section by the state registrar shall be used to help defray  
4 the cost of administering the system of vital statistics.

5 (4) (a) No fee or compensation shall be allowed or paid for furnishing certificates of  
6 birth or death required in support of any claim against the government for  
7 compensation, insurance, back pay, or other allowances or benefits for any  
8 person who has at any time served as a member of the Army, Navy, Marine  
9 Corps, or Air Force of the United States.

10 (b) No fee or compensation shall be allowed or paid for furnishing a certificate of  
11 birth to a member of the Kentucky National Guard who has received  
12 deployment orders during the sixty (60) days prior to the furnishing of the  
13 certificate.

14 (c) No fee or compensation shall be allowed or paid for furnishing a certificate of  
15 birth to a child who is in the custody of or committed to the cabinet, including  
16 a child who has extended commitment to the cabinet in accordance with KRS  
17 610.110(6).

18 **(d) No fee or compensation shall be allowed or paid for furnishing a certificate**  
19 **of birth to a homeless individual as defined by KRS 198A.700, including a**  
20 **minor who is a homeless individual, provided the homeless individual is**  
21 **under twenty five (25) years of age and has been verified as a homeless**  
22 **child or youth, as defined in 42 U.S.C. sec. 11434a(2), by at least one (1) of**  
23 **the following:**

24 **1. A director or designee of a governmental or nonprofit agency that**  
25 **receives public or private funding to provide services to homeless**  
26 **people;**

27 **2. A local educational agency liaison for homeless children and youths**



1 designated pursuant to 42 U.S.C. sec. 11432(g)(1)(J)(ii), or a school  
 2 social worker or school counselor;

3 3. The director, or directors designee, of a federal TRIO Program or a  
 4 Gaining Early Awareness and Readiness for Undergraduate Program;  
 5 or

6 4. A financial aid administrator for an institution of higher education.

7 (5) The cabinet shall notify the State Board of Elections monthly of the name, address,  
 8 birthdate, sex, race, and Social Security number of residents of the Commonwealth  
 9 who died during the previous month. This data shall include only those persons who  
 10 were over the age of eighteen (18) years at the date of death. No fee or  
 11 compensation shall be allowed for furnishing these lists.

12 ➔SECTION 3. A NEW SECTION OF KRS 200.501 TO 200.509 IS CREATED  
 13 TO READ AS FOLLOWS:

14 (1) A qualified mental health professional, as defined in KRS 202A.011, shall  
 15 provide a transition-age youth who has a behavioral health need and who is an  
 16 unaccompanied youth as defined by 42 U.S.C. sec. 11434a(6), with screening,  
 17 diagnosis, and treatment for behavioral health needs, without the consent of the  
 18 youth's parent, parents, or guardian.

19 (2) A qualified mental health professional, as defined in KRS 202A.011, who relies  
 20 in good faith on a child's representation that he or she is a transition-age youth  
 21 who has a behavioral health need and who is an unaccompanied youth as  
 22 defined by 42 U.S.C. sec. 11434a(6), shall:

23 (a) Be under no obligation to undertake further investigation into the  
 24 circumstances forming the basis of the youth's capacity to consent for  
 25 screening, diagnosis and treatment; and

26 (b) Not be subject to criminal or civil liability or professional disciplinary  
 27 action because of that reliance.

- 1 (3) *The provisions of this section shall not be construed to relieve any mental health*
- 2 *professional from liability for negligence in the provision of screening, diagnosis*
- 3 *or treatment.*