

1 AN ACT relating to children of military families.

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

3 ➔Section 1. KRS 159.075 is amended to read as follows:

4 (1) *As used in this section and Section 2 of this Act:*

5 *(a) "Adopt" means the action taken by a school district when it has accepted*
6 *and immediately implemented:*

7 *1. An existing Individualized Education Program, Section 504 Plan, or*
8 *Individualized Family Services Plan that was developed and*
9 *implemented by a child's prior admissions and release committee,*
10 *Section 504 team, or multidisciplinary team; or*

11 *2. A new Individualized Education Program, Section 504 Plan, or*
12 *Individualized Family Services Plan that was developed by a child's*
13 *current admissions and release committee, Section 504 team, or*
14 *multidisciplinary team;*

15 *(b) "Date of arrival" means the date on which a child of a military family*
16 *physically arrives to the location that the child's military parent or guardian*
17 *is transferred, pending transfer, or returning to within the state;*

18 *(c) "Initial evaluation" means the first comprehensive evaluation of a child,*
19 *regardless of the jurisdiction where the evaluation occurred, to determine if*
20 *the child is a child with a disability, as defined in 20 U.S.C. sec. 1401(3),*
21 *and therefore eligible for special education and related services;*

22 *(d) "Reevaluation" means any comprehensive evaluation after a child's initial*
23 *evaluation to determine if a child continues to be a child with a disability, as*
24 *defined in 20 U.S.C. sec. 1401(3), and whether the child requires*
25 *amendments to his or her special education or related services;*

26 *(e) "Section 504 team" means the group of individuals described in 34 C.F.R.*
27 *sec. 104.35(c)(3); and*

1 (f) "Student instructional year" and "variable student instructional year" have
 2 the same meanings as in KRS 158.070.

3 (2) A child of a military family may pre-enroll or participate in preadmission in a
 4 school district if the parent or guardian of the child:

5 (a) Is transferred to or is pending transfer to a military installation or to a reserve
 6 component within the state while on active military duty pursuant to an
 7 official military order; or

8 (b) Is returning to the state within one (1) year of being separated from the
 9 military with an honorable discharge, discharge under honorable conditions,
 10 or a general discharge under honorable conditions.

11 (3)~~(2)~~ If a child meets the requirements set forth in subsection (2) of this section, a
 12 school district shall:

13 (a) ~~[A school district shall]~~ Accept the child's~~[an]~~ application for enrollment and
 14 course registration by electronic means~~[for a child who meets the~~
 15 ~~requirements set forth in subsection (1) of this section]~~, including enrollment
 16 in a specific school or program within the school district;~~[-]~~

17 (b) ~~[A school district shall]~~ Not require the parent or guardian of the~~[a]~~ child~~[~~
 18 ~~who meets the requirements set forth in subsection (1) of this section]~~ to
 19 appear in person for enrollment or course registration, including enrollment in
 20 a specific school or program within the school district;~~[-]~~

21 (c) Upon the child's enrollment, take the necessary steps to ensure that
 22 comparable services are in place prior to the child's date of arrival if the
 23 child has an individualized education program or Section 504 plan. To the
 24 greatest extent possible, necessary steps include but are not limited to:

25 1. The prompt transfer of records and prior evaluations in person or via
 26 electronic means, including the acceptance of unofficial records
 27 provided by the child's parent or legal guardian pending receipt of

- 1 official records;
- 2 2. A determination on the need for reevaluation, if necessary; and
- 3 3. Meetings to ensure compliance with the child's plan or program;
- 4 (d) Upon the informed consent of the child's parent or legal guardian, ensure,
- 5 to the greatest extent possible, that any initial evaluation or reevaluation be
- 6 completed within thirty (30) calendar days, in accordance with state and
- 7 federal law;
- 8 (e) Ensure, to the greatest extent possible, that a child's existing or new plan or
- 9 program is adopted within thirty (30) days of the child's date of arrival;
- 10 (f) Document any reason for delay in meeting the requirements of this
- 11 subsection and the steps taken to ensure the child receives comparable
- 12 services to the greatest extent possible. The child's parent or legal guardian
- 13 shall be notified of the documentation prior to the delay and reason for the
- 14 delay; and
- 15 (g) Ensure that all requirements established in KRS 158.305 and 158.8402 are
- 16 provided without regard to the child's enrollment date if the child was not
- 17 enrolled at the start of the school year.

18 ~~(4)~~~~(3)~~ The parent or guardian of a child who meets the requirements set forth in
 19 subsection ~~(2)~~~~(1)~~ of this section shall provide proof of residence to the school
 20 district within ten (10) days after the arrival date provided on official
 21 documentation. The parent or guardian may use, as proof of residence, military
 22 orders or the address of:

- 23 (a) A temporary on-post billeting facility;
- 24 (b) A purchased or leased home or apartment;
- 25 (c) Any federal government housing or off-post military housing, including off-
 26 post military housing that may be provided through a public-private venture;
 27 or

1 (d) A home under contract to be built.

2 ~~(5)~~~~(4)~~ A child who utilizes this section shall not, until actual attendance or
3 enrollment in the school district:

4 (a) Count for the purposes of average daily attendance as defined in KRS 157.320
5 or funding under KRS 157.350; or

6 (b) Be included in the state assessment and accountability system pursuant to
7 KRS 158.6453 ~~and~~~~or~~ 158.6455.

8 ~~(6)~~~~(5)~~ To accommodate for temporary housing, if a child utilizes this section to
9 enroll in a district, but the residence identified in subsection ~~(4)~~~~(3)~~ of this section
10 has not yet become available, then the district shall allow the child to enroll and
11 begin attending the district regardless of the child's temporary residence and
12 subsequently be included in the district's calculation of average daily attendance
13 under KRS 157.320, for a period of up to one (1) year from the parent's or
14 guardian's reporting-for-duty date or separation date before being considered a
15 resident of another district.

16 **(7) The provisions of this section shall not supersede the provisions of:**

17 **(a) The Individuals with Disabilities Education Act, 20 U.S.C. sec. 1400 et seq.,**
18 **and its accompanying regulations at 34 C.F.R. pt. 300 et seq.; and**

19 **(b) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. secs.**
20 **705(20) and 794 to 794b, and its accompanying regulations at 34 C.F.R. pt.**
21 **104 et seq.**

22 ➔Section 2. KRS 200.664 is amended to read as follows:

23 (1) **As used in this section, the following terms have the same meanings as in Section**
24 **1 of this Act:**

25 **(a) "Adopt";**

26 **(b) "Date of arrival";**

27 **(c) "Initial evaluation"; and**

1 (d) "Reevaluation".

2 (2) Upon identification of an eligible infant or toddler with disabilities, representatives
3 of the entity serving as point of entry shall cause a multidisciplinary team, as
4 defined in KRS 200.654, to be created for the child and family.

5 ~~(3)~~~~(2)~~ The multidisciplinary team shall develop an individualized family service
6 plan, as defined in KRS 200.654, for the child and family.

7 ~~(4)~~~~(3)~~ The individualized family services plan shall include:

8 (a) A comprehensive multidisciplinary evaluation of the present level of
9 development of and services needed by the child and an assessment of and
10 plan to address the resources, priorities, and concerns of the family;

11 (b) An explanation of the multidisciplinary evaluation and all service options to
12 be made available in the family's cultural language, in their primary mode of
13 communication, or through a speech or language interpreter, whichever is
14 necessary to facilitate comprehension.

15 ~~(5)~~~~(4)~~ The plan shall be developed within forty-five (45) days of the referral date of
16 the child and family to the point of entry. If the completion of the initial evaluation
17 and assessment is delayed and will not be completed within the forty-five (45) day
18 time period due to the request of the child's parent, illness of the child, or other
19 reasonable circumstances beyond the control of the multidisciplinary team, the
20 point of entry shall document the reason for the delay and shall develop and
21 implement an interim individualized family service plan.

22 ~~(6)~~~~(5)~~ The informed written consent of the parent or guardian is required prior to the
23 implementation of the plan. The parent may reject some services contained in the
24 plan, however, no services to which the parent consents shall be withheld if the
25 parent does not consent to all services in the plan.

26 ~~(7)~~~~(6)~~ The parent or guardian shall sign an agreement to accept responsibility for
27 being an active participant in the child's plan and for learning skills from providers

1 so that the intensity and frequency of services may decline as the child reaches
2 appropriate developmental levels and the family is able to do more for the child.

3 ~~(8)~~~~(7)~~ The plan shall be reviewed by members of the child's current
4 multidisciplinary team or other appropriate entities at no more than six (6) month
5 intervals or more frequently if deemed appropriate based on the needs of the infant
6 or toddler and the family. The child shall be evaluated at least annually to determine
7 continuing program eligibility and the effectiveness of services provided to the
8 child.

9 (9) (a) For the purposes of this subsection, "child of a military family" means a
10 child whose parent or guardian:

11 1. Is transferred to or is pending transfer to a military installation or to a
12 reserve component within the state while on active military duty
13 pursuant to an official military order; or

14 2. Is returning to the state within one (1) year of being separated from
15 the military with an honorable discharge, discharge under honorable
16 conditions, or a general discharge under honorable conditions.

17 (b) If a child of a military family has an individualized family services plan, the
18 point of entry shall take the necessary steps to ensure that comparable
19 services are in place prior to the child's date of arrival to the greatest extent
20 possible, including but not limited to:

21 1. The prompt transfer of records and prior evaluations in person or via
22 electronic means, including the acceptance of unofficial records
23 provided by the child's parent or legal guardian pending receipt of
24 official records;

25 2. A determination on the need for reevaluation, if necessary; and

26 3. Meetings to ensure compliance with the child's plan.

27 (c) For the child of a military family who has an individualized family services

- 1 plan, the point of entry shall, to the greatest extent possible:
- 2 1. Upon the informed consent of the child's parent or legal guardian,
- 3 ensure that any initial evaluation or reevaluation be completed within
- 4 thirty (30) calendar days, in accordance with state and federal law;
- 5 2. Ensure the continuance of comparable services until the child's
- 6 existing or new plan is adopted within thirty (30) days of the child's
- 7 date of arrival;
- 8 3. Document any reason for delay in meeting the requirements of this
- 9 subsection and the steps taken to ensure the child receives comparable
- 10 services in accordance with subparagraph 2. of this paragraph. The
- 11 child's parent or legal guardian shall be notified of the documentation
- 12 prior to the delay and reason for the delay; and
- 13 4. Not require the child's parent or guardian to appear in person to
- 14 complete required documentation or participate in meetings to
- 15 implement the child's existing plan.
- 16 (10) The provisions of this section shall not supersede the provisions of:
- 17 (a) The Individuals with Disabilities Education Act, 20 U.S.C. sec. 1400 et seq.,
- 18 and its accompanying regulations at 34 C.F.R. pt. 300 et seq.; and
- 19 (b) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. secs.
- 20 705(20) and 794 to 794b, and its accompanying regulations at 34 C.F.R. pt.
- 21 104 et seq.