

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

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

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

12 (2) ***If a child meets the requirements set forth in subsection (1) of this section, a***  
13 ***school district shall:***

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

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

22 (c) ***Take the necessary steps to ensure that comparable services are in place***  
23 ***prior to the child's arrival to his or her new location if the child has an***  
24 ***individualized education program or Section 504 plan. Necessary steps***  
25 ***include but are not limited to:***

26 ***1. The prompt transfer of records and prior evaluations;***

27 ***2. A determination on the need for reevaluation, if necessary. If a***

1 reevaluation is deemed necessary, the reevaluation shall occur within  
2 thirty (30) calendar days after the child's date of arrival in the district,  
3 subject to the informed consent of the child's parent or legal guardian,  
4 in accordance with state and federal law; and

5 3. Meetings to ensure compliance with the child's plan; and  
6 (d) Ensure that all requirements established in KRS 158.305 and 158.8402 are  
7 provided without regard to the child's enrollment date if the child was not  
8 enrolled at the start of the school year.

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

- 13 (a) A temporary on-post billeting facility;  
14 (b) A purchased or leased home or apartment;  
15 (c) Any federal government housing or off-post military housing, including off-  
16 post military housing that may be provided through a public-private venture;  
17 or  
18 (d) A home under contract to be built.

19 (4) A child who utilizes this section shall not, until actual attendance or enrollment in  
20 the school district:

- 21 (a) Count for the purposes of average daily attendance as defined in KRS 157.320  
22 or funding under KRS 157.350; or  
23 (b) Be included in the state assessment and accountability system pursuant to  
24 KRS 158.6453 and~~for~~ 158.6455.

25 (5) To accommodate for temporary housing, if a child utilizes this section to enroll in a  
26 district, but the residence identified in subsection (3) of this section has not yet  
27 become available, then the district shall allow the child to enroll and begin

1 attending the district regardless of the child's temporary residence and subsequently  
2 be included in the district's calculation of average daily attendance under KRS  
3 157.320, for a period of up to one (1) year from the parent's or guardian's reporting-  
4 for-duty date or separation date before being considered a resident of another  
5 district.

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

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

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

12 (3) The individualized family services plan shall include:

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

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

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

27 (5) The informed written consent of the parent or guardian is required prior to the

1 implementation of the plan. The parent may reject some services contained in the  
2 plan, however, no services to which the parent consents shall be withheld if the  
3 parent does not consent to all services in the plan.

4 (6) The parent or guardian shall sign an agreement to accept responsibility for being an  
5 active participant in the child's plan and for learning skills from providers so that  
6 the intensity and frequency of services may decline as the child reaches appropriate  
7 developmental levels and the family is able to do more for the child.

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

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

15 1. Is transferred to or is pending transfer to a military installation or to a  
16 reserve component within the state while on active military duty  
17 pursuant to an official military order; or  
18 2. Is returning to the state within one (1) year of being separated from  
19 the military with an honorable discharge, discharge under honorable  
20 conditions, or a general discharge under honorable conditions.

21 (b) If a child of a military family has an individualized family services plan, the  
22 point of entry shall take the necessary steps to ensure that comparable  
23 services are in place prior to the child's arrival to his or her new location,  
24 including but not limited to:

25 1. The prompt transfer of records and prior evaluations;  
26 2. A determination on the need for reevaluation, if necessary. If a  
27 reevaluation is deemed necessary, the reevaluation shall occur within

- 1                   thirty (30) calendar days after the child's date of arrival in the state,  
2                   subject to the informed consent of the child's parent or legal guardian,  
3                   in accordance with state and federal law; and  
4                   3. Meetings to ensure compliance with the child's plan.  
5                   (c) To the extent possible, the point of entry shall not require the child's parent  
6                   or guardian to appear in person to complete required documentation or  
7                   participate in meetings to implement the child's existing plan.