

620.145 Cabinet's assessment of child's educational needs.

- (1) Within sixty (60) days of the commitment date of a child due to abuse, neglect, or dependency, the Cabinet for Health and Family Services shall provide the court with jurisdiction an assessment of the child to determine:
 - (a) The child's current and historical educational functioning;
 - (b) The child's emotional and behavioral functioning; and
 - (c) The extent to which the child's life experiences and circumstances of commitment have created a disabling condition requiring special educational programming or other services to provide the child an appropriate public education.
- (2) Upon discerning of an emotional, behavioral, or other disabling condition with negative impact upon a child's educational experience, the Cabinet for Health and Family Services as guardian of the child shall ensure that whatever services necessary are obtained to allow the child the benefit of a free, appropriate public education.
- (3) Services required to allow the child a free, appropriate public education shall be limited to those required under Section 504 of Pub. L. 93-112, Pub. L. 94-142, or other federal statutes affecting children with emotional or behavioral disabilities.
- (4) The Cabinet for Health and Family Services shall include activities undertaken to ensure a child committed to the Cabinet for Health and Family Services receives adequate public education in the six (6) month case progress report required by KRS 620.240.
- (5) Any child removed from his home due to abuse, neglect, or dependency and placed in the least restrictive appropriate placement available shall, for the purposes of acquiring an appropriate public education, be considered a resident of the school district where the placement occurs.
- (6) The Cabinet for Health and Family Services shall provide a copy of the assessment required by subsection (1) of this section to the foster parent, or other agency or entity providing residential care to a committed child, within five (5) days of filing the assessment with the court.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 667, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 398, sec. 6, effective July 15, 1998; and ch. 426, sec. 619, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 405, sec. 89, effective July 15, 1994; and ch. 416, sec. 16, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 350, sec. 1, effective July 13, 1990.