

**158.135 Reimbursement for school services for state agency children in state institution or day treatment center or in custody of Department of Juvenile Justice.**

- (1) As used in this section, unless the context otherwise requires:
- (a) "State agency children" means:
    - 1. a. Those children of school age committed to or in custody of the Cabinet for Health and Family Services and placed, or financed by the cabinet, in a Cabinet for Health and Family Services operated or contracted institution, treatment center, facility, including those for therapeutic foster care and excluding those for nontherapeutic foster care; or
    - b. Those children placed or financed by the Cabinet for Health and Family Services in a private facility pursuant to child care agreements including those for therapeutic foster care and excluding those for nontherapeutic foster care;
    - 2. Those children of school age in home and community-based services provided as an alternative to intermediate care facility services for the intellectually disabled; and
    - 3. Those children committed to or in custody of the Department of Juvenile Justice and placed in a department operated or contracted facility or program;
  - (b) "Current costs and expenses" means all expenditures, other than for capital outlay and debt service, which are in excess of the amount generated by state agency children under the Support Education Excellence in Kentucky funding formula pursuant to KRS 157.360. These expenditures are necessary to provide a two hundred thirty (230) day school year, smaller teacher pupil ratio, related services if identified on an individual educational plan, and more intensive educational programming; and
  - (c) "Therapeutic foster care" means a remedial care program for troubled children and youth that is in the least restrictive environment where the foster parent is trained to implement planned, remedial supervision and care leading to positive changes in the child's behavior. Children served in this placement have serious emotional problems and meet one (1) or more of the following criteria:
    - 1. Imminent release from a treatment facility;
    - 2. Aggressive or destructive behavior;
    - 3. At risk of being placed in more restrictive settings, including institutionalization; or
    - 4. Numerous placement failures.
- (2) (a) Unless otherwise provided by the General Assembly in a budget bill, any county or independent school district that provides elementary or secondary school services to state agency children shall be reimbursed through a contract with the Kentucky Educational Collaborative for State Agency Children. The school services furnished to state agency children

shall be equal to those furnished to other school children of the district.

- (b) The Department of Education shall, to the extent possible within existing appropriations, set aside an amount of the state agency children funds designated by the General Assembly in the biennial budget to reimburse a school district for its expenditures exceeding twenty percent (20%) of the total amount received from state and federal sources to serve a state agency child.
- (3) The General Assembly shall, if possible, increase funding for the education programs for state agency children by a percentage increase equal to that provided in the biennial budget for the base funding level for each pupil in the program to support education excellence in Kentucky under KRS 157.360 and, if applicable, by an amount necessary to address increases in the number of state agency children being served.
- (4) The Kentucky Educational Collaborative for State Agency Children shall make to the chief state school officer the reports required concerning school services for state agency children, and shall file with the Cabinet for Health and Family Services unit operating or regulating the institution or day treatment center, or contracting for services, in which the children are located a copy of the annual report made to the chief state school officer.
- (5) The Cabinet for Health and Family Services shall contract with a university-affiliated training resource center utilizing all funds generated by the children in state agency programs, except Oakwood and Hazelwood funds, and the funds in the Kentucky Department of Education budget, pursuant to this section, as well as any other educational funds for which all Kentucky children are entitled. The total of these funds shall be utilized to provide educational services through the Kentucky Educational Collaborative for State Agency Children established in KRS 605.110.
- (6) Notwithstanding the provisions of any other statute, the Kentucky Educational Collaborative for State Agency Children shall operate a two hundred thirty (230) day school program.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 141, sec. 7, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 99, sec. 132, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 115, effective July 15, 1998; ch. 433, sec. 1, effective July 15, 1998; and ch. 538, sec. 1, effective April 13, 1998. -- Amended 1996 Ky. Acts ch. 358, sec. 65, effective July 1, 1997. -- Amended 1994 Ky. Acts ch. 376, sec. 2, effective July 15, 1994. Amended 1992 Ky. Acts ch. 357, sec. 1, effective July 1, 1993. -- Amended 1990 Ky. Acts ch. 476, Pt. IV, sec. 203, effective July 13, 1990. -- Amended 1984 Ky. Acts ch. 316, sec. 7, effective July 13, 1984; and ch. 410, sec. 12, effective July 13, 1984. -- Amended 1978 Ky. Acts ch. 150, sec. 2, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 126, sec. 1. -- Amended 1958 Ky. Acts ch. 126, sec. 19. -- Created 1952 Ky. Acts ch. 88, secs. 1 to 4.

**Formerly codified as** KRS 160.631 and 160.632.