

199.802 Consideration of best interest of child in placing child within same or different school district -- Transportation to be provided as needed.

- (1) As used in this section:
 - (a) "Best interest of the child" means the determination regarding the enrollment of a child made when considering all factors relating to the best interest of a child, as outlined in 20 U.S.C. secs. 6301 et seq., including but not limited to:
 1. The benefits to the child of maintaining educational stability;
 2. The appropriateness of the current educational setting;
 3. The child's attachment and meaningful relationships with staff and peers at the current educational setting;
 4. The influence of the school's climate on the child;
 5. The safety of the child; and
 6. The proximity of the placement to the school of origin, and how the length of a commute would impact the child;
 - (b) "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided, that is in the care of the department;
 - (c) "Educational stability" means the maintenance of the enrollment of a child in a particular school upon a transition to a different placement or living arrangement when such maintenance is in the best interest of the child, and if not, the enrollment of the child in a new school in a time and manner that ensures the child experiences a minimal lapse in school attendance; and
 - (d) "School of origin" means the public school in which the child was enrolled immediately prior to placement.
- (2) In determining the placement of a child under KRS 199.801, the department shall, if practicable, locate a placement within the same school district where the child was most recently enrolled to allow the child to remain enrolled in the school of origin.
- (3)
 - (a) The department, in consultation with the local education agency, shall make the determination on whether the child shall remain enrolled in the school of origin based on the best interest of the child, weighing the promotion of educational stability as a primary factor.
 - (b) In accordance with 20 U.S.C. secs. 6301 et seq., the cost of transportation shall not be a factor in determining the best interest of a child for an enrollment decision.
- (4) If the department finds it is in the best interest of a child to remain in the school of origin upon placement of the child in a new school district, reasonable transportation shall be offered from the location of placement to the school of origin in which the child is enrolled for any regularly scheduled school day. In accordance with 20 U.S.C. secs. 6301 et seq., costs incurred by a school district, foster parent, child-placing agency, or child-caring facility for transportation to the school shall be reimbursed by the department upon request.
- (5) Upon the determination that changing a child's school of enrollment is in the best interest of the child:

- (a) The child welfare and local education agencies shall collaborate to ensure the immediate and appropriate enrollment of the child;
 - (b) The child's caseworker shall immediately contact the receiving district to enroll the child;
 - (c) In accordance with 20 U.S.C. secs. 6301 et seq., the new school shall immediately enroll the child, even if the child is unable to produce records required for enrollment, including but not limited to:
 - 1. Academic records;
 - 2. Medical records; and
 - 3. Proof of residency;
 - (d) The new school shall immediately request the records of the child from the child's previous school;
 - (e) The previous school shall provide the new school:
 - 1. Notwithstanding KRS 159.170, all records within the student information system maintained by the Kentucky Department of Education regarding the child within three (3) working days of receipt of a request made under this subsection; and
 - 2. In accordance with KRS 159.170, all remaining records regarding the child within ten (10) working days of receipt of a request made under this subsection;
 - (f) The department responsible for the child shall be granted access to all educational records in order to facilitate the proper transfer of the child;
 - (g) In accordance with KRS 158.140(1), promotions or credits earned in attendance in any approved public school shall be accepted as valid at the new school; and
 - (h) The department, each local education agency, and foster parents shall collaborate to ensure the educational stability of each child.
- (6) The district in which the child is enrolled upon his or her successful completion of all high school graduation requirements shall issue a diploma indicating graduation from high school to the child.

Effective: July 14, 2018

History: Created 2018 Ky. Acts ch. 147, sec. 1, effective July 14, 2018.

Legislative Research Commission Note (7/14/2018). 2018 Ky. Acts ch. 147, sec. 2 provides that this statute created in 2018 Ky. Acts ch. 147, sec. 1 may be cited as the Uninterrupted Scholars Act of Kentucky.