

Definition of State Agency Children

Kentucky Revised Statute 158.135 1 (a) provides the legal definition of state agency children.

LEGAL DEFINITION

"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.
4. Those children referred by a family accountability, intervention, and response team as described in KRS 605.035 and admitted to a Department of Juvenile Justice operated or contracted day treatment program.

School age children are identified as any child age 5 – 21.

All reimbursement from the state agency children fund will be based on this legal definition.

DEFINITIONS AND CONDITIONS OF SERVICE

“Committed to the Cabinet” means an order of the court has been issued which places a child under the custodial control or supervision of the Cabinet for Health and Family Services, or another facility or agency until the child attains the age of eighteen (18) unless the commitment is discharged under KRS Chapter 605 or the committing court terminates or extends the order.

“Order of the Court” means a written direction or command delivered by a court or judge. It is an official proclamation issued by a judge that defines the legal relationship between the parties of a hearing, a trial, an appeal or other court proceedings. Such a ruling requires or authorizes the carrying out of certain steps by one or more parties to a case. A court order must be signed by a judge; some jurisdictions may require it be notarized. This is a legally binding document that identifies the child in question and includes specific directions, expectations or other guidance for a child. It does not include a simple referral or suggestion of services. An official, formal, written court order will be issued if the court has enacted an “order of the court.”

“Custodial control” means a person or organization, other than the child in question, has the "sum total" or "full bundle" of parenting powers and responsibilities, exercised exclusively, with respect to the raising and care of the child, decisions and provision of physical, moral and emotional health, personal care, control, place of residence, discipline, religion, education, medical treatment, property, and naming of the child. For the purposes of the Cabinet there is no identifiable distinction between committed to and custodial control, as custodial control is included in the definition of “commitment.”

“Supervision” means a child is being monitored by the state agency identified in the court order. This may include the ongoing supervision by the Cabinet as a part of a transition period or probation period, for any other period of time as required by the order of the court and included therein. Supervision may include remote monitoring of the child by the state agency including phone monitoring, regular meetings with the child, review of the child’s progress by an affiliated employee of the state agency as directed by the court order. Supervision does not include students who do not have an order of the court.

“Custody of the Cabinet” means a person or organization, other than the child in question, has the "sum total" or "full bundle" of parenting powers and responsibilities, exercised exclusively, with respect to the raising and care of the child, decisions and provision of physical, moral and emotional health, personal care, control, place of residence, discipline, religion, education, medical treatment, property, and naming of the child. For the purposes of the Cabinet there is no identifiable distinction between committed to and custodial control, as custodial control is included in the definition of “commitment.”

The Cabinet for Health and Family Services means the Department for Community Based Services; Department for Medicaid Services; and Department for Behavioral Health, Developmental and Intellectual Disabilities, which includes Impact Plus services. Herein referred to as the Cabinet.

“Placed” means the child has been assigned a location by one of the identified state agencies or by order of the court. The placement could be in a residential or day program where services are provided to meet the particular student’s needs.

“Financed by the Cabinet” means that services provided to the child are paid for by the Cabinet. This may include a per child reimbursement based on a daily rate to a private child care provider through a child care agreement or service contract. This may include reimbursement for services provided to eligible children by the Department of Medicaid Services within the Cabinet.

A program **“operated by the Cabinet”** means that the program is staffed and supervised by the state agency. This means the state agency is responsible for hiring personnel who staff the facility and provide services to the children being served within the facility, with the exception of the education staff that are always hired and supervised by the local education agency (i.e. the local school district). At this time, there are no programs “operated” by the Cabinet.

A program **“contracted by the Cabinet”** means that the state agency has entered into a formal, written agreement with the program to provide services for children. This means the program has responsibility, as identified in the agreement, for hiring and supervising the treatment staff that delivers services to the children. These include any program that has a child care agreement with DCBS or a service contract through Behavioral Health. Entering into a contract with KECSAC does not constitute a contract with the Cabinet or DJJ.

“A Cabinet for Health and Family Services operated or contracted institution” means an incorporated or unincorporated organization organized and operated exclusively for educational, religious, medical, charitable, or other eleemosynary purposes, or a governmental organization to the extent that it holds funds exclusively for any of these purposes.

“A Cabinet for Health and Family Services operated or contracted treatment facility” means a facility with more than eight (8) beds designated by the Cabinet for the treatment of mentally ill children. The treatment program of such facilities shall be supervised by a qualified mental health professional.

“A Cabinet for Health and Family Services operated or contracted facility” means any facility or group home providing residential care on a twenty-four (24) hour basis to children not related by blood, adoption, or marriage to the person maintaining the facility, excluding a state facility or one certified by an appropriate agency and operated primarily for educational or medical purposes.

“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.

Youth in therapeutic foster care (TFC) are assigned caseworkers by the private provider. Caseworkers are on-call 24 hours a day, 7 days a week to assist with problems that may occur. Youth placed in TFC receive a full range of treatment services including individual and group counseling, socialization groups, recreational and educational programs, and any other community resources that can be readily accessed.

“Nontherapeutic foster care” means those children who are involved in the foster care system, but do not meet the definition above as it relates to therapeutic foster care.

“Private Facility” means a private, not state operated, program which provides care or treatment for children on a per child contractual or financed basis.

“Child care agreements” means a formal agreement between the Cabinet and a private facility that identifies the specific services provided, the expectations of the Cabinet and any obligations on the part of either parties on behalf of the children being served or the state agencies. A child care license in itself is not a child care agreement. Every agency providing care to children must have a child care license provided by the Office of the Inspector General; however, not every provider who has a child care license has a child care agreement with the Cabinet. A child care agreement is a contractual agreement between the agency and the Cabinet (i.e., a Memorandum of Agreement, a Memorandum of Understanding, or a Contract). A service provider contract with Behavioral Health will serve as a child care agreement.

“Home” means a privately owned and operated home for the boarding and lodging of individuals which is approved by the Department of Juvenile Justice or the cabinet for the placement of children committed to the department or the cabinet (KRS 600.020).

“Community-based services” means any nonsecure, homelike facility licensed, operated, or permitted to operate by the Department of Juvenile Justice or the Cabinet, which is located within a reasonable proximity of the child's family and home community.

“Intermediate care facility services” means nursing facility services and intermediate care facility for individuals with mental retardation or a developmental disability services.

"Intermediate care facility for individuals with mental retardation or a developmental disability" or "ICF-MR-DD" means a licensed intermediate care facility for individuals with mental retardation or a developmental disability certified to the Department for Medicaid Services as meeting all standards for an intermediate care facility for individuals with mental retardation or a developmental disability.

"Intermediate care facility for individuals with mental retardation or a developmental disability services" means care provided:

(a) To a Medicaid-eligible individual who meets ICF-MR-DD patient status criteria in accordance with Section 4 of this administrative regulation; and

(b) By an ICF-MR-DD participating in the Medicaid Program.

“Mentally retarded” as identified in regards to operations and services of group homes means:

“Developmental disability” means a severe chronic disability which is attributable to a mental or physical impairment or combination of mental and physical impairments manifested before the person attains the age of twenty-two (22) and is likely to continue indefinitely. This disability results in substantial limitations in areas of major life activity including self-care, receptive and expressive language, learning, mobility, capacity for independent living and economic sufficiency and requires individually planned and coordinated services of a lifelong or extended duration.

“Mental retardation” means a significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior which is first manifested during the developmental period.

“Committed to the Department of Juvenile Justice” means an order of the court has been issued which places a child under the custodial control or supervision of the Department of Juvenile Justice or another facility or agency until the child attains the age of eighteen (18) unless the commitment is discharged under KRS Chapter 605 or the committing court terminates or extends the order (KRS 600.020).

“Order of the Court” means a written direction or command delivered by a court or judge. It is an official proclamation issued by a judge that defines the legal relationship between the parties of a hearing, a trial, an appeal or other court proceedings. Such a ruling requires or authorizes the carrying out of certain steps by one or more parties to a case. A court order must be signed by a judge; some jurisdictions may require it be notarized. This is a legally binding document that identifies the child in question and includes specific directions, expectations or other guidance for a child. It does not include a simple referral or suggestion of services. An official, formal, written court order will be issued if the court has enacted an “order of the court.”

“Custodial control” means a person or organization, other than the child in question, has the "sum total" or "full bundle" of parenting powers and responsibilities, exercised exclusively, with respect to the raising and care of the child, decisions and provision of physical, moral and emotional health, personal

care, control, place of residence, discipline, religion, education, medical treatment, property, and naming of the child.

“Supervision” means a child is being monitored by the state agency identified in the court order. This may include the ongoing supervision by the Cabinet as a part of a transition period or probation period, for any other period of time as required by the order of the court and included therein. Supervision may include remote monitoring of the child by the state agency including phone monitoring, regular meetings with the child, review of the child’s progress by an affiliated employee of the state agency as directed by the court order. Supervision does not include students who do not have an order of the court.

“Custody of the Department of Juvenile Justice” means a person or organization, other than the child in question, has the “sum total” or “full bundle” of parenting powers and responsibilities, exercised exclusively, with respect to the raising and care of the child, decisions and provision of physical, moral and emotional health, personal care, control, place of residence, discipline, religion, education, medical treatment, property, and naming of the child. In the case of the Department of Juvenile Justice, it should be noted that custodial control is very rarely removed from the parental unit of the child. Therefore, in most cases, the Department must seek the permission of the custody holder to act on the child’s behalf in making decisions related to the above noted areas of power and responsibility.

“A Department of Juvenile Justice operated facility or program” means the program is staffed and supervised by the state agency. This means the state agency is responsible for hiring personnel who staff the facility and provide services to the children being served with the facility, with the exception of the education staff that are always hired and supervised by the local education agency (i.e. the local school district). The Department of Juvenile Justice has several types of programs that are “operated” by the Department including, but not limited to: youth development centers, detention centers, day treatment centers and group homes.

“A Department of Juvenile Justice contracted facility program” means the state agency has entered into a formal, written agreement with the school district to provide services for children. This means the school district has responsibility, as identified in the agreement, for hiring and supervising the treatment staff that deliver services to the children. The Department of Juvenile Justice has several types of programs that are “contracted” by the Department, including, but not limited to: day treatment centers, group homes, and treatment centers. Entering in a contract with KECSAC does not constitute a contract with the Cabinet or DJJ.

YOUTH WHO DO NOT MEET LEGAL DEFINITION

Children served in alternative placements that do not meet the definition of a state agency child may include, but are not limited to:

- Students referred directly by the local school district.
- Students referred by the Administrative Office of the Courts, without an official court order defined herewithin.
- Students who are referred to the program by a local, state, or regional judge without an official court order.
- Students who have a court designated worker or case worker, but do not have a court order identifying location of placement, terms of placement, length of

- placement, commitment or custody of the child.
- Any student who is in a private placement within a Cabinet contracted or operated program who is not being funded by the Cabinet, or is not committed or in the custody of the Cabinet (i.e. children who are placed in a facility by a legal guardian who is paying for the services privately either directly or through private insurance or by some other non-Cabinet means).
 - Students who are out-of-state residents are not State Agency Children, even if the services are being provided by an in-state agency.
 - A child being served in a Mental Health Day Treatment center who is not being financed by the Cabinet through Medicaid Services or another Cabinet fund would not be eligible for KECSAC funding.

REFERENCES:

KRS 158.135
KRS 159.010
KRS 159.150
KRS 158.030
KRS 158.031
KRS 600.020
KRS 605.035
505 KAR 1:080
907 KAR 1:022
902 KAR 20:078

Adopted: 12/15/09
Amended: 6/6/2018

Legal Definitions

1. "Average daily membership" means the average number of state agency children on the KECSAC designated child count days.
2. "Department" means the Department of Juvenile Justice.
3. "Educational administrative staff" means a principal, assistant principal, supervisor, coordinator, director, pupil personnel worker or guidance counselor employed or contracted by the Kentucky Educational Collaborative for State Agency Children to provide education services.
4. "Extended school calendar" means 230 school days, of which at least 210 shall be instructional days and the remainder shall be determined by the local school district, as required in KRS 158.070. It is recommended that three (3) of the noninstructional days be used for professional development designed for state agency children teachers.
5. "Individual education program" or "IEP" means the instructional program required for state agency children identified as having educational disabilities as governed by 707 KAR 1:210.
6. "Individual plan of instruction" or "IPI" means the instructional plan required for state agency children not identified as having educational disabilities.
7. "Individual treatment plan" or "ITP" means a social and behavioral intervention plan, including the plan for educational instruction that is developed for each state agency child being served by a treatment institution or facility.
8. "KDE" means the Kentucky Department of Education.
9. "KECSAC" means Kentucky Educational Collaborative for State Agency Children.
10. "Local school district" means the school district where a state agency child is provided educational services.
11. "On-site state agency school program" means a school program operated on the campus of a residential facility or day treatment program.
12. "Private child care agency" means a private, not state operated, program which provides care or treatment for children on a per child contractual or financed basis.
13. "Program director" means the administrator at a state operated or contracted institution or day treatment facility or administrator of a private child care agency that is responsible for the safety and security of youth and staff and the operation of the treatment facility.
14. "Rated capacity" means the capacity of the program as determined by the Cabinets for Families and Children or Health Services or the Justice Cabinet.
15. "School" means the site where the educational program for state agency children is provided.

16. "School administrator" means the lead teacher, principal, or lead educator designated by the local district or by KECSAC to be responsible for the operation of the daily education program, and may be the program director of a facility, if the program director has appropriate educational certification.
17. "State agencies" means the Justice Cabinet, the Cabinet for Families and Children (CFC), and the Cabinet for Health Services.
18. "State agency children" or "SAC" is defined in KRS 158.135(1)(a).
19. "State agency children's fund" means appropriations to support KRS 158.135 previously known as out-of-district funds.
20. "Teacher preparation" means those courses provided by a public or private college or university which lead to teacher certification.
21. "Therapeutic foster care state agency child" means a youth in therapeutic foster care as defined by KRS 158.135(1)(c).
22. "Treatment" means the total array of services utilized to produce a positive change in a child served by the treatment facility.

REFERENCES:

505 KAR 1:080

Adopted/Amended: 12/15/09

Interagency Advisory Group

An interagency advisory group (IAG) composed of representatives from the Department of Juvenile Justice (DJJ), Department for Community Based Services (DCBS), Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID), Department of Education (KDE), the State Agency Children School Administrators' Association (SACSAA) and a superintendent from a local school district that provides educational services to state agency children shall provide recommendations for policy and procedure development.

MEETINGS

The IAG shall meet six times per year to review KECSAC activities and provide recommendations for current and future KECSAC activities.

REFERENCES:

KRS 158.135
505 KAR 1:080

Adopted: 12/15/09

Interagency Agreement

Each school district receiving KECSAC funding must submit with the annual memorandum of agreement (MOA) an interagency agreement between the local school district and the treatment provider. The interagency agreement shall include goals and objectives as well as detail the specific responsibilities each will have regarding the education and care of state agency children.

The agreement shall be reviewed annually.

DEPARTMENT OF JUVENILE JUSTICE PROGRAMS

The Interagency Agreement submitted to the Department of Juvenile Justice shall serve as the required interagency agreement for all programs operated or contracted by the Department of Juvenile Justice.

MENTAL HEALTH DAY TREATMENT PROGRAMS

Mental Health Day Treatment programs shall submit a current copy of the Interagency Agreement between the program and the approved service provider, including a copy of the current service provider's contract.

DISPUTE RESOLUTION

If a conflict arises between the local school district and the treatment provider regarding the development or fulfillment of the interagency agreement by either party, it shall be resolved by KECSAC.

REFERENCES:

KRS 158.135
505 KAR 1:080
Memorandum of Agreement

Adopted 12/15/09

State Agency Children School Administrators' Association

Districts shall designate one person from each KECSAC funded program as the school administrator. The school administrator may be a lead teacher, principal, or lead educator and is responsible for the operation of the daily education program.

The school administrator may be the program director of a facility if the program director has the appropriate educational certifications.

The person designated as school administrator shall be a member of the State Agency Children School Administrators' Association (SACSAA) and shall attend two annual meetings.

SACSAA LEADERSHIP

SACSAA shall be governed by a President and President-elect. SACSAA membership shall hold biennial elections to determine the association leadership.

Elections shall be held in the spring of each even numbered year. The president-elect will serve for a two year term beginning June 1st of that year. After completing a two year term, the president-elect will assume the position of president on June 1st and will serve as president for an additional two years.

IAG ROLE

The elected SACSAA representatives shall serve as members of the KECSAC Interagency Advisory Group during their term in office.

REFERENCES:

KRS 158.135
505 KAR 1:080

Adopted: 12/15/09

Funding

State Agency Children's Fund distribution shall be based upon the average daily membership (ADM) for state agency children (SAC) in the educational program.

NEW OR EXPANDED PROGRAMS

For a new or expanded program, the state agency children's fund shall be allocated based on the rated or licensed capacity if opened during the first three (3) quarters of the fiscal year. A program opened or expanded during the last quarter of the fiscal year shall receive funding based on the rated or licensed capacity for the initial fifteen (15) months of operation. A new or expanded program may be funded at a lower per-pupil amount based on availability of state agency children's funds.

If a state agency plans to open or contract for a new program or to expand an existing SAC program, the state agency shall notify KECSAC by April 1 of each year regarding the projected number of youth to be educated at the new or expanded program.

FUNDING LEVELS

KECSAC shall notify local school districts of projected funding levels by December 1, for the following school year.

Districts will be notified by mid-May of the actual per-child funding level.

REFERENCES:

KRS 158.135
505 KAR 1:080

Adopted: 12/15/09
Amended: 6/6/2018

Memorandum of Agreement

An annual memorandum of agreement (MOA) shall be negotiated between KECSAC and the school district providing educational services to state agency children for each program within the district. The MOA is for a period of twelve months, beginning on July 1 and ending on June 30.

ATTACHMENTS

The MOA and attachments form the basis for the operation and distribution of State Agency Children's Funds (SACF) for the delivery of education services to SAC. All MOA attachments requested by KECSAC shall be submitted before the MOA is considered complete. The school district will not receive reimbursement until all information required to complete the MOA is submitted.

NONCOMPLIANCE

Noncompliance with the MOA provisions may result in decreasing SACF allocation as determined by KECSAC. The withholding of funds shall be temporary provided that the school district becomes compliant by the end of the fiscal year.

The original signed MOA and attachments shall be signed and returned to KECSAC within 90 days of issuance. KECSAC may decrease funding by quarterly increments for noncompliance with the submission deadline.

REFERENCES:

- KRS 158.135
- KRS 159.010
- KRS 159.150
- KRS 158.030
- KRS 158.031

Adopted: 12/15/09

Reimbursement of State Agency Children's Fund

The State Agency Children's Fund shall be used to reimburse local school districts contracted with the Kentucky Educational Collaborative for State Agency Children for elementary or secondary school services provided to state agency children.

DOCUMENTATION

The district shall provide documentation of actual expenses incurred for the educational services provided to state agency children up to the amount of the annual allocation. Documentation shall be submitted quarterly in MUNIS format by the published deadline date.

APPROVED EXPENDITURES

Reimbursements may be used to cover all expenditures in excess of the amount generated by the Support Education Excellence in Kentucky (SEEK) necessary to provide a two hundred thirty (230) day school year, smaller teacher to pupil ratio, related services if identified on an Individual Education Plan (IEP) and more intensive educational programming. KECSAC funds may be used for direct labor, supplies, subcontracts, and incidental expenses necessary for the execution of the work.

School services furnished to state agency children shall be equal to those furnished to other school children in the district.

FUNDS NOT EXPENDED

Any KECSAC funds not expended by June 30th of the current fiscal year will be deducted from the programs's following year allocation amount.

PROGRAM THAT CLOSES DURING THE YEAR

The district shall provide KECSAC no less than 30 days notice should a state agency program close.

Should a program close during the year, KECSAC will reimburse the district on a prorated basis. A program that closes before September 30th will be reimbursed up to 25% of the total allocation. A program that closes before December 31st will be reimbursed up to 50% and a program that closes before April 30th will be reimbursed up to 75% of the total allocated funds.

REFERENCES:

KRS 158.135
KECSAC Memorandum of Agreement

Adopted: 12/15/09

SACF Allocation

The State Agency Children's Fund shall be allocated to school districts based upon state agency children (SAC) average daily membership (ADM) or rated capacity. Every program shall submit an ADM report to KECSAC on designated dates: October 15, December 1, and March 15. If the due date falls on a weekend, the ADM report will be due in the KECSAC office on the date designated on the KECSAC Deadlines document.

CABINET FOR HEALTH AND FAMILY SERVICES PROGRAMS

Districts shall be reimbursed based upon average daily membership for all programs contracted with the Department for Community Based Services (DCBS) or the Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID).

No district shall be reimbursed for ADM that is higher than the official licensed capacity established when the child care license was issued.

DEPARTMENT OF JUVENILE JUSTICE PROGRAMS

Districts shall be reimbursed based upon the official rated capacity established by the Department of Juvenile Justice (DJJ) for all residential detention centers and youth development programs operated by DJJ. Day treatment programs will be reimbursed based upon ADM taken on the designated ADM reporting dates.

EXPANDED OR NEW PROGRAMS

Districts shall notify KECSAC in writing prior to April 1 if a program obtains an increase in their official licensed capacity or if a new program is planned.

Districts shall be reimbursed for new programs based on the rated or official licensed capacity for the first year of operation. A new or expanded program may be funded at a lower per-pupil amount based on availability of funds.

REFERENCES:

505 KAR1:080

Adopted: 6/11/09

Rated/Licensed Capacity Change

The rated/licensed capacity for each program shall be established during the KECSAC application process. The rated/licensed capacity established will remain in effect unless the KECSAC office is notified of a change in the program's rated/licensed capacity. No program will be reimbursed the per-child rate for more children than the program's established rated/licensed capacity.

DEPARTMENT OF JUVENILE JUSTICE

The rated capacity for all DJJ operated and contracted programs is established by the Department of Juvenile Justice (DJJ). To change the rated capacity used for funding, Districts with a DJJ program may request a change of rated capacity from the DJJ commissioner. If a rated capacity increase is approved, DJJ will submit an official letter to the KECSAC Director indicating that the program's rated capacity has changed. The KECSAC Director must be notified before April 1st. Reimbursement at the new rate will be implemented at the beginning of the new fiscal year.

DEPARTMENT FOR COMMUNITY BASED SERVICES

The licensed capacity for DCBS programs is established by the Cabinet for Health and Family Services during the initial needs assessment process and verified annually when a new child care license is issued. To change the licensed capacity used for funding, Districts with a DCBS program must notify the KECSAC Director before April 1st of the change and submit a copy of the childcare license with the new licensed capacity. Reimbursement at the new rate will be implemented at the beginning of the new fiscal year.

DEADLINE FOR CHANGING THE RATED CAPACITY.

Programs that have received a change in the rated/licensed capacity must notify the KECSAC Director of the change before April 1st to receive funding at the new rate for the next fiscal year.

REFERENCES:

KRS 158.135
505 KAR 1:080

Adopted/Amended: 4/12/2011
Amended: 6/6/2018

ADM Appeal Process

Districts shall be notified by mid-April of the yearly average daily membership count for each KECSAC program in the district. District personnel shall have five (5) working days to verify the ADM count and report any discrepancies to the KECSAC office.

RIGHT TO APPEAL

If the Districts believes the ADM count derived from the three designated reporting days (October 15, December 1, and March 15 or the date specified in the KECSAC Deadlines document) does not accurately represent the average daily membership of the program, the District may appeal in writing within the timeframe specified in the notification letter.

Documentation to verify a different ADM count than the one derived from the three designated reporting days may include:

- monthly roll with state agency student names, birthdate, identification number, grade level entrance date and state agency classification,
- description of extenuating circumstances that may have affected daily attendance, or
- other documents requested by KECSAC.

KECSAC will notify the District within ten (10) working days of receipt of the letter and supporting documents with a decision regarding the appealed ADM count.

Adopted/Amended: 6/11/09

Students Aging Out

A student who turns 21 on or before the first day of the regular school year is not eligible to be counted on the average daily membership (ADM) count for that year.

A student who turns 21 during the school year will be eligible to be counted on the ADM count until the end of the current school year if that student is still enrolled in a district operated secondary education program, a district operated technical/vocational program or GED preparation classes.

REFERENCES:

KRS 158.135

KRS 159.010

KRS 159.150

KRS 158.030

KRS 158.031

Adopted: 6/11/09

Extended School Days

Districts contracting with KECSAC shall provide a regular school calendar of 177 six hour instructional days or the equivalent hours. Regardless of the number of instructional days, a minimum of 1,062 hours of instruction is required.

EXTENDED CALENDAR

KECSAC programs are required to provide an extended school calendar with thirty-three (33) additional school days for an annual total of 210 instructional days. A minimum of four hours of direct instruction is required for each of the thirty-three extended school days, not including meals or breaks. Banked time shall not be used for extended school days.

A school calendar approved by the Kentucky Department of Education shall be submitted to KECSAC each year.

Days used to satisfy the KECSAC required extended days shall be marked with an "E" on the calendar submitted with the MOA.

Days used by the District as a make-up day will not be considered an extended day and a make-up day simultaneously.

FIELD TRIPS DURING EXTENDED DAYS

Extended school days shall be used to build on and enhance the Kentucky Core Content and Program of Studies. Field trips must be directly related to the curriculum.

REFERENCES:

KRS 158.135
KRS 159.010.
KRS 159.150
KRS 158.030
KRS 158.031
KDE Memo "School Calendar Requirements" 12/7/06

Adopted: 12/15/09

Make-Up of Extended Days

School districts receiving state agency children's funds must provide a 210 instructional day calendar to youth in state agency programs.

MAKE-UP

When inclement weather or other circumstances, such as illness, interfere with the completion of the 210 instructional days KECSAC will approve waivers when the following options have been utilized.

- Use spring break days as instructional days.
- Utilized instructional days in July.
- Other District approved make-up days.

WAIVER

Districts that utilize all available days and still cannot complete the required extended days may apply to KECSAC for a waiver. After review of the program calendar, KECSAC may allow districts to add minutes/hours to the extended days to make-up lost educational days.

With prior approval, KECSAC may allow a program to add time to the extended instructional day and count the time over the four-hour minimum required by KECSAC toward completion of the days missed. For instance, a program that provides six hours of direct instruction during the extended days could apply the two additional hours towards making up ½ of an extended day. Two six-hour extended days would make up for one four-hour KECSAC extended day.

Adding time to extended days to make up lost instructional days will only be allowed with prior KECSAC approval when inclement weather or other circumstances prevent the completion of the 210 instructional day calendar.

WAIVER PROCESS

Once it becomes apparent the state agency children's program will not be able to complete the required 210 instructional days, the school administrator may request in writing approval to add time to the extended days.

The written request must include:

- the circumstances that prevented completion of the 210 days.
- a revised school calendar and detailed plan for making up the time.

All available days, such as spring break and professional development days, must have been utilized before approval to add time to extended days will be granted.

FAILURE TO COMPLETE REQUIRED DAYS

Failure to complete the required instructional days will result in decreased funding in direct proportion to the number of extended days missed. Funding will be withheld from the following year's SACF allocation.

REFERENCES:

KRS 158.135
505 KAR 1:080

Adopted/Amended: 12/14/2010

Assessment

The local school district shall complete a formal or informal academic assessment of the educational needs of all SAC, and vocational needs of SAC aged fourteen (14) and up or in the eight (8th) grade and above, within the first thirty (30) days after admission to on-site programs.

Educational goals and objectives shall be consistent with goals specified in each youth's individual treatment plan (ITP).

EDUCATIONAL DISABILITY

If the youth is suspected to have an educational disability, assessments shall be administered following required due process procedures.

REFERENCES:

505 KAR1:080
KRS 158.135

Adopted: 12/15/09

Records

REQUESTING

Districts providing educational services to youth in a state agency program shall request the student's educational records from the last school or school district the youth attended within five days of enrollment in a state agency educational program.

Upon receipt of the school records the state agency program shall notify the previous school's director of pupil personnel that student is enrolled and not a drop-out.

FORWARDING

The state agency program shall forward educational records to the next school within five (5) days of transferring to a new school

INFINITE CAMPUS

Records obtained from Infinite Campus, the electronic student data collection system used by the Kentucky Department of Education, may meet the requirement of forwarding educational records unless a request for written records is received from the receiving school. If written records are requested from the receiving program, the forwarding program may submit a printed copy of the records from Infinite Campus to the receiving program.

Programs requiring records not contained within Infinite Campus may request a written copy from the forwarding program.

A records request through Infinite Campus may serve as notification to the previous school that the student is enrolled in school and not a drop-out.

REFERENCES:

505 KAR 1:080

Adopted: 12/15/09

Educational Passport

The Educational Passport is a standard form completed by a school or educational facility from which a state agency child is leaving that provides a receiving school or facility with basic demographic and academic information about the state agency child.

INFINITE CAMPUS

Infinite Campus, the electronic student data collection system used by the Kentucky Department of Education, may serve as the standard educational passport for state agency children when all student records are contained within Infinite Campus. Any educational facility that does not have access to Infinite Campus may request a paper copy of the information in Infinite Campus from the educational facility the state agency child attended prior to placement. Educational records must be forwarded to the receiving educational facility within five days of the receipt of the request.

REFERENCES:

KRS 158.135
KRS 158.137
505 KAR 1:080

Adopted/Amended: 12/15/09
Amended: 6/6/2018

Transition

Districts providing educational services to youth in state agency programs shall provide transitional services to facilitate the youth's successful movement from the state agency education program to the next instructional or vocational setting, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

The transition plan shall be based on the individual student's needs, taking into account the child's strengths, preferences, and interests and should include:

- Instruction;
- Related services;
- Community experiences;
- The development of employment and other post-school adult living objectives; and
- If appropriate, acquisition of daily living skills and functional vocational evaluation.

Transitional planning to a postschool setting shall comply with the transitional plan and service requirements of the Individuals with Disabilities Educational Act (IDEA).

REFERENCES:

707 KAR 1:002
505 KAR 1:080

Adopted: 12/15/09

Professional Development

PROFESSIONAL DEVELOPMENT PLAN

As part of the MOA with each local school district, KECSAC shall ensure the development of a plan for professional development of certified staff. A teacher or administrator new to a SAC on-site program shall attend KECSAC Profesional Development for New Educators.

The school district shall maintain an annual record of professional development for all school district employees in SAC on-site programs.

REFERENCES:

505 KAR 1:080

KRS 158.135

Adopted: 12/15/09

Program Improvement Site Visits

Every KECSAC program shall be visited annually by a KECSAC Program Improvement Specialist to provide on-going evaluation of the education quality for state agency children and to ensure youth have access to the same resources and technology as students in regular classrooms.

DURING VISIT

The Program Improvement Specialist will observe classrooms, review prepared evidence, and interview the school administrator, program administrator, teacher(s) and students to determine if the Kentucky Standards and Indicators are developed and implemented in accordance with the KECSAC Standards, Indicators, Descriptors, and Evidence (SIDE) document.

DOCUMENTATION

The Program Improvement Specialist shall randomly review student records for evidence documenting SAC status. Every child counted on the quarterly ADM report shall be a state agency child with written documentation of placement.

If the Program Improvement Specialist finds a pattern of non-eligible students being counted on the ADM report, KECSAC shall require a full examination of all student records, which could result in the loss of SAC funding.

REFERENCES:

Adopted: 12/15/09

Levels of Intervention

PROGRAM IMPROVEMENT SITE VISITS

A KECSAC Program Improvement Specialist shall visit each KECSAC funded program a minimum of one time per year. The Program Improvement Specialist will observe classrooms, review prepared evidence, and interview the school administrator, program administrator, teacher(s) and students to determine if the Kentucky Standards and Indicators are developed and implemented in accordance with the KECSAC Standards, Indicators, Descriptors, and Evidence (SIDE) document.

REPORTS

The Program Improvement Specialists shall submit a written summary report indicating the performance rating for each standard and indicator to the KECSAC office no later than two weeks after the site visit.

CORRECTIVE ACTION PLAN

If the Program Improvement Specialist finds evidence that the program fails to meet the requirements established by statutes, regulation or the KECSAC Memorandum of Agreement, the District shall be required to submit a corrective action plan. The corrective action plan shall address the specific issues noted in the written summary report. The corrective action plan shall be submitted to KECSAC within thirty (30) calendar days of the official request.

Should the District fail to submit a corrective action plan within the specified time frame, KECSAC staff will collaborate with with the District to develop a plan. If the problems persist, the KECSAC school administrator and district superintendent shall be invited to the next meeting of the Interagency Advisory Group (IAG) for an informal hearing to discuss the ongoing issues. If the issues continue, the IAG may request a hearing with a State Agency Commissioner selected by the IAG to discuss possible KECSAC funding reductions or other consequences.

505 KAR 1:080 stipulates that noncompliance with the MOA provisions may result in a decrease of the State Agency Children Fund allocation as determined by KECSAC.

ADDITIONAL SITE VISIT

Program Improvement Specialists may schedule a second site visit at any time during the year.

REFERENCES:

KRS 158.137
KRS 158.137
KRS 605.110
505 KAR 1:080

Adopted: 3/6/09