

May 19, 2017

The following was sent to the KYAE listserv.



State Agency Children - HB522

Effective June 29, 2017, HB522, adopted by the Kentucky General Assembly in 2017 and signed by the Governor, creates a new section of KRS Chapter 158 allowing a state agency child* who is at least 17 years old to seek a high school equivalency diploma (based on the passage of the GED® test in Kentucky).

Please be aware, because these **students are provided instruction through SEEK funding and are legally required to be enrolled in secondary school until age 18 (compulsory age)**, this law only allows these students to **receive an age waiver (through KYAE and established request protocols from authorized personnel) to take the GED® test. Eligibility to take the GED® test does not equate to eligibility for Adult Education services.**

Per WIOA, Title II, Section 203, Definitions (4)(B) “eligible individual” is defined as:

An individual—

(A) who has attained 16 years of age;

(B) who is not enrolled or required to be enrolled in secondary school under State law; and

(C) who— (i) is basic skills deficient; (ii) does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or (iii) is an English language learner.

As such, per federal law KYAE programs CANNOT serve these individuals, including but not limited to the administration of the Ready™ test. Furthermore, local adult education programs will not receive “credit” for passage of GED® tests by these students.

KYAE will begin implementation of the new law on its effective date, June 29, 2017. Please refer any questions you receive regarding this matter to Rae Smith, rae.smith@ky.gov.

*Kentucky Educational Collaborative for State Agency Children (KECSAC):

“State Agency Children” are those children who are committed to or in the custody of the Commonwealth and are being served in community-based and residential treatment programs funded and/or operated by one of Kentucky’s three state agency programs that provides direct care to children: the Department for Community Based Services (DCBS), the Department of Juvenile Justice (DJJ), and the Department for Behavioral Health, Developmental and Intellectual Disabilities (BHDID).

This definition includes the following:

- those located in state operated and contracted day treatment, group homes, and residential placements
- youth placed or financed through the Cabinet for Families and Children in other residential treatment programs
- public juvenile offenders
- youth in therapeutic foster care placements
- those confined in state operated juvenile detention facilities

Jacqueline Korengel, M.B.A., Ed.D., SHRM-SCP, HRI-SHRP
Assistant Vice President
Kentucky Adult Education, Council on Postsecondary Education
1024 Capital Center Dr.
Frankfort, KY 40601
502-892-3033
Jacqueline.korengel@ky.gov