

CHAPTER 150

(SB 38)

AN ACT relating to career pathways, making an appropriation therefor, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 158.812 is amended to read as follows:

- (1) *It is the intent of the General Assembly to provide rigorous academic and career and technical education programs that are relevant for all students and that encourage at-risk students to graduate from high school prepared to enter postsecondary education institutions or the workforce with needed skills.*
- (2) The purposes of elementary and secondary education programs of career and technical education *are to*:
 - (a) Provide students opportunities to *understand the relevance of and master*~~[increase]~~ academic skills in mathematics, science, English, *reading*, and communications as well as technical literacy in *broad-based career fields*~~[work-based settings]~~;
 - (b) Provide students a variety of opportunities to master the usage of technology;
 - (c) Prepare individuals with specialized, transferable academic skills and technical skills for gainful employment~~[in entry-level positions]~~ in broad-based career fields; and
 - (d) Assist individuals in *making*~~[the process of preparing for]~~ successful *transitions*~~[transition]~~ from school to work,~~[or]~~ to postsecondary education,~~[or]~~ to the military, *or from one (1) career to another.*
- ~~(3)~~~~(2)~~ The General Assembly acknowledges that:
 - (a) Rigorous, *relevant, and* high-quality career and technical education offers students an opportunity to develop skills in mathematics, science, *English, reading*, communication, problem-solving, *and technology*, and *in* career and technical areas that are essential to meet the goals for Kentucky education as described in KRS 158.6451 and *that*~~[to]~~ help students achieve the capacities required of all students *as*~~[and]~~ defined in KRS 158.645;
 - (b) Students need access to *career pathway* programs that meet high standards,~~[and]~~ connect technical skills with core academic requirements for high school students, *and align with postsecondary education requirements and business and industry needs*;
 - (c) Students can accelerate their overall scholastic achievement when given an opportunity to learn in an integrated school- and work-based environment;~~[and]~~
 - (d) *Students are less likely to drop out of school when they are making academic progress and see relevance in the program of study to their future potential for success; and*
 - (e) The General Assembly has a responsibility to provide the resources that recognize the increased costs for offering high-quality, relevant *career and* technical *education* programs.

➔Section 2. KRS 158.810 is amended to read as follows:

For purposes of KRS 158.810 to 158.816:

- (1) *"Advanced manufacturing" means manufacturing that uses technology and knowledge-based processes that leverage human, intellectual, and financial capital to create globally competitive products;*
- (2) *"At-risk" means a student who is academically unprepared, has inadequate academic preparation for the next educational level, or who is in danger of dropping out of school;*
- (3) *"Career academy" means a small learning community within a larger high school that:*
 - (a) *Consists of a heterogeneous group of students taking classes together for at least two (2) years who are taught by a team of teachers from different disciplines;*
 - (b) *Provides a college-preparatory academic curriculum based on a career theme that helps students see relationships and connections between academic subjects and their applications in specific career pathways and in broad career areas such as health science, business, pre-engineering, agribusiness, and advanced manufacturing; and*

- (c) *Provides opportunities through partnerships with employers, colleges, and the community for students to engage in internships and work-based learning with adult mentors to motivate students to achieve;*
- (4) "Career and technical education" ~~["or "secondary vocational education" or "secondary vocational study"]~~ means a program of study that leads to the development of academic and specialized occupational skills in career fields;
- (5) *"Career guidance coach" means a counselor who is assigned one hundred percent (100%) of his or her time to:*
- (a) *The development of students', teachers', and parents' understanding of broad career themes and opportunities through career pathways;*
 - (b) *Academic advising and career counseling;*
 - (c) *Assisting students in the development of individual learning plans; and*
 - (d) *Providing assistance to other teachers;*
- (6) *"Career pathway" means a coherent, articulated sequence of rigorous academic and career-related courses, commencing in ninth grade and leading to an associate degree, an industry-recognized certificate or license, or a baccalaureate or higher degree. A career pathway is developed, implemented, and maintained in partnership among secondary and postsecondary education institutions, businesses, and employers. Career pathways are available to all students, including adult learners, and are designed to lead to rewarding careers;*
- (7) *"Career pathway program of study" means a coherent, articulated sequence of rigorous academic and career and technical education courses, including dual credit opportunities, that prepares secondary students for postsecondary study leading to postsecondary degrees, industry certifications, or licensure;*
- (8) *"Evidence-based instructional model" or "evidence-based model" means the application of valid and relevant knowledge to education activities and programs, which are based on the findings from systematic and empirical methods including observations, experiments, and rigorous data analyses;*
- (9) *"Industry certification" means certification that is awarded to a student who has passed a standardized, valid, industry-based examination that measures the knowledge and skills recognized nationally by employers or by an industry group or association within Kentucky as representing the level of proficiency that is needed to enter a specific field;*
- (10)~~(2)~~ "Technical literacy" means a student's ability to read and comprehend the language of a field of study, understand the major technical concepts of that field, and apply the appropriate mathematics concepts to typical problems encountered in the workplace;
- (11)~~(3)~~ "Secondary area technology center" or "secondary area center" means a school facility dedicated to the primary purpose of offering five (5) or more technical preparation programs that lead to skill development focused on specific occupational areas. An area center may be called a "magnet technology center" or "career center" or may be assigned another working title by the parent agency. An area center may be either state or locally operated; and
- (12)~~(4)~~ *"Career and technical education" ~~Vocational~~ department" means a portion of a school facility that has five (5) or more technical preparation programs that lead to skill development focused on specific occupational areas.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

- (1) *Prior to January 1, 2013, the Kentucky Department of Education shall communicate to all local school districts the minimum core content standards for postsecondary education introductory courses and career-readiness standards required under KRS 158.6453.*
- (2) *Prior to the beginning of the 2013-2014 school year, the department shall assist districts in the analyses of assessment data to identify students who are academically behind, who have higher than normal absentee rates, or who have a record of discipline problems at the end of grade six (6), grade eight (8), grade nine (9), grade ten (10), and grade eleven (11).*

- (3) *The department shall develop enhanced courses in English, reading, and mathematics to be offered to students in grade six (6), grade nine (9), grade ten (10), grade eleven (11), and grade twelve (12) who are academically behind to help them meet the college and career-readiness standards.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *If funds are appropriated for the purposes of funding evidence-based instructional models or if internal state or federal funds are available, the Kentucky Department of Education, in collaboration with the Office of Career and Technical Education in the Education and Workforce Development Cabinet, the Kentucky Community and Technical College System, the Education Professional Standards Board, and other appropriate educational entities, shall recommend evidence-based models for addressing the needs of at-risk students.*
- (2) *The evidence-based models shall include a variety of programs and curricula proven to be effective for at-risk students, and shall focus on:*
- (a) *Identification of students at risk for inadequate academic preparation for the next grade level or at risk for dropping out of school;*
 - (b) *Reduction in the number of students retained in grade nine (9) and reduction of high school failure rates;*
 - (c) *Improvement of student performance through grade-level standards in reading and mathematics with an emphasis on grade nine (9);*
 - (d) *Assistance to students and their parents or legal guardians in identifying students' career and educational goals, developing individual learning plans, and the appropriate programs of study to achieve these goals; and*
 - (e) *Assistance to adult students in obtaining a high school diploma or a recognized postsecondary education credential that has value in the workplace.*
- (3) *The evidence-based models shall include the following components designed to facilitate more students having a successful start in high school and successfully completing grade nine (9) requirements:*
- (a) *The use of flexible scheduling as appropriate to increase students' time in the study of core language arts and mathematics;*
 - (b) *The assignment of the most effective teachers as leaders for instructional teams in grade nine (9) to improve instructional planning, delivery of instruction, and the use of reteaching strategies;*
 - (c) *The assignment of mentors to teach students study skills and habits necessary to become independent learners and when possible, the use of career guidance coaches to advise students; and*
 - (d) *Career courses, including career exploration, in grade nine (9) to incorporate project-based instruction that requires the application of grade nine (9) level reading, mathematics, and science skills and that uses a wide variety of technology.*
- (4) (a) *If state or federal funds are available, all career and technical education teachers who teach high school students shall receive training in how to embed reading, mathematics, and science knowledge and skills in specific career and technical education courses.*
- (b) *Training required under paragraph (a) of this subsection may be provided by local school districts or postsecondary education institutions, including community and technical colleges, and outside providers that have a record of working effectively with schools in redesigning the ninth grade.*
- (5) *Career and technical education teachers shall provide evidence through the courses they teach that the students' academic achievement is increased as defined by administrative regulations promulgated by the Kentucky Board of Education and developed in collaboration with the Education and Workforce Development Cabinet and the Kentucky Community and Technical College System.*
- (6) *The evidence-based models shall be incorporated into career and technical education programs, career academies, and career pathway programs of study developed under Section 5 of this Act.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of this section:*
- (a) *"Career academy" means a small learning community within a larger high school that:*

1. *Consists of a heterogeneous group of students taking classes together for at least two (2) years and who are taught by a team of teachers from different disciplines;*
 2. *Provides a college-preparatory academic curriculum based on a career theme that helps students see relationships and connections between academic subjects and their applications in specific career pathways and in broad career areas such as health science, business, pre-engineering, agribusiness, and advanced manufacturing; and*
 3. *Provides opportunities through partnerships with employers, colleges and the community for students to engage in internships and work-based learning with adult mentors to motivate students to achieve;*
- (b) *"Career guidance coach" means a person who is assigned one hundred percent (100%) of his or her time to:*
1. *The development of students', teachers', and parents' understanding of broad career themes and opportunities through career pathways;*
 2. *Academic advising and career counseling;*
 3. *Assisting students in the development of individual learning plans; and*
 4. *Providing assistance to other teachers;*
- (c) *"Career pathway" means a coherent, articulated sequence of rigorous academic and career-related courses, commencing in ninth grade and leading to an associate degree, an industry-recognized certificate or license, or a baccalaureate or higher degree. A career pathway is developed, implemented, and maintained in partnership among secondary and postsecondary education institutions, businesses, and employers. Career pathways are available to all students, including adult learners, and are designed to lead to rewarding careers; and*
- (d) *"Career pathway program of study" means a coherent, articulated sequence of rigorous academic and career and technical education courses, including dual credit opportunities, that prepares secondary students for postsecondary study leading to postsecondary degrees, industry certifications, or licensure.*
- (2) *There is hereby created a trust and agency account to be known as the "career and technical education accessibility fund," to be administered by the Kentucky Department of Education. The fund shall consist of proceeds from grants, federal funds, contributions, appropriations, or other moneys made available for the purposes of the fund. The fund shall provide grants to be used for:*
- (a) *The development of career pathways and programs of study in high-demand occupational fields for students in middle schools and high schools; and*
 - (b) *The establishment of career academies in secondary schools. Each career academy shall employ general education faculty who teach the academic core content and career and technical education faculty who focus the majority of the content around a broad career area and when possible, employ career guidance coaches to advise students. Career academies shall provide students an opportunity to earn a high school diploma and simultaneously earn postsecondary education credit. They shall also provide opportunities to earn industry certification in high-demand fields, including biotechnology, environmental sustainability, agriculture, health, engineering, information technology, and other emerging career areas.*
- (3) *The grants may be used within a high school facility, career and technical education center, or in an area technology center.*
- (4) *The programs may, based on written policies of the education institution in consultation with and approval of the Kentucky Community and Technical College System, serve adult learners who may have interrupted their secondary education and wish to reenter a program or adults who wish to pursue initial study in a career and technical education field.*
- (5) *Funds shall be distributed through a grant program to eligible school districts and the Kentucky Tech System on a matching basis as funds are available.*
- (6) *Financial gifts and in-kind contributions from any business or industry, a community college, or other entity may be accepted to meet the matching requirements based on criteria established by the Kentucky Board of Education.*

- (7) Pursuant to KRS Chapter 13A, the Kentucky Board of Education shall promulgate administrative regulations that specify the:
- (a) Eligibility requirements for participation in the grant program. Low graduation rates, as determined in accordance with the methodology established by the National Center for Education Statistics, shall be high priority for participation in the grant program;
 - (b) Matching requirements;
 - (c) Application and review process;
 - (d) Accountability and data requirements for grant recipients;
 - (e) Procedures for the reallocation of any unused fund balance;
 - (f) Grant continuation requirements; and
 - (g) Other components essential to the implementation of this section.
- (8) Notwithstanding KRS 45.229, any unused balance in the career and technical education accessibility fund shall not lapse but shall be carried forward into the next fiscal year and used only for the purposes described in subsection (2) of this section. Any interest earnings of the fund shall become a part of the fund and shall not lapse. Moneys in the fund are hereby appropriated for the purposes set forth in this section.
- (9) Schools receiving grants shall have an active local advisory council comprised of industry leaders and employers and postsecondary education faculty to provide input on long-range goals for career and technical education.
- (10) Nothing in this section shall prohibit a school that has begun the implementation of a career pathway or a career academy prior to the effective date of this Act from qualifying for funds under this section.

➔Section 6. KRS 158.814 is amended to read as follows:

- (1) In order to ensure that high-quality, relevant secondary career and technical programs are available to students in all school districts that enable them to gain the academic and technical skills to meet high school graduation requirements and for successful transition to postsecondary education, work, or the military and to support present-day and future needs of Kentucky employers, the Kentucky Department of Education and the Office of Career and Technical Education shall jointly ~~implement a comprehensive plan between July 1, 2001, and January 1, 2004, to:~~
- (a) Review and revise as needed the equipment and facilities standards for each career and technical education program identified and described in the career and technical *education* supplement to the Kentucky program of studies and published by the Kentucky Department of Education; and
 - (b) *Determine the statewide unmet needs for career and technical education capital projects, including renovations and expansions of existing facilities and the construction of new technology centers, through* ~~Establish~~ a needs assessment process. *This process shall be tied to specific criteria* ~~for assisting all providers of programs~~ in determining if the current programs *or career pathways* offered in *locally and state-operated* ~~their respective~~ facilities are appropriate for the students in the school districts served as well as for determining if new programs are needed. *The statewide assessment of capital needs for career and technical education shall be incorporated into the local school district facility plan as required by KRS 157.420. The Kentucky Board of Education shall incorporate criteria within the administrative regulations relating to school facility plan requirements to prioritize need for career and technical education programming, regardless of whether the programs are locally or state-operated.*
- (2) Representatives from local school districts, the Kentucky Community and Technical College System, *the Office of Career and Technical Education in the Education and Workforce Development Cabinet, the Division of Career and Technical Education in the Kentucky Department of Education,* business and industry, colleges, universities, and other appropriate agencies shall be consulted in carrying out the requirements of this section.

➔Section 7. KRS 158.816 is amended to read as follows:

- (1) The Kentucky Department of Education and the Office of Career and Technical Education *in the Education and Workforce Development Cabinet,* with involvement of representatives from the local school districts and teacher preparation institutions, shall jointly complete an annual statewide analysis and report of academic

achievement of technical education students who have completed or are enrolled in a sequence of a technical program of at least three (3) high school credits.

- (2) (a) The analysis shall include the previous year's results from the state assessment program described in KRS 158.6453. The data shall be disaggregated for all high school students by career cluster areas of agriculture, business and marketing, human services, health services, transportation, construction, communication, and manufacturing and by special populations. Where available, disaggregated data from other national assessments shall also be used.
- (b) *In addition to assessment scores required under paragraph (a) of this subsection, the analysis shall include:*
1. *The number of students who took state or national assessments of skill standards and qualified for skills certificates;*
 2. *The number of senior concentrators as defined in the Carl D. Perkins Vocational and Technical Education Act, Pub. L. No. 105-332, who have attained a high school diploma or equivalent;*
 3. *The number of students who made successful transitions to work, military, or postsecondary education. A successful transition to postsecondary education means a student enters directly into advanced training, a certificate program, or a degree program without having to take remedial academic courses;*
 4. *The number of students employed in nontraditional careers; and*
 5. *Other factors deemed appropriate by the state education agencies or required under federal law.*
- (3) (a) The Kentucky Department of Education, with assistance from the Office of Career and Technical Education, shall coordinate the development of a statewide technical assistance plan to aid providers of programs in identifying areas for improvement for those schools that do not meet their school performance goal and for those schools where technical students as a group do not score equal to or better than the school average in each of the academic areas. The plan shall address methodologies for further analysis at each school including but not limited to:
1. The academic course-taking patterns of the technical students;
 2. The rigor and intensity of the technical programs and expectations for student performance in reading, math, science, and writing and other academic skills as well as in technical skill development;
 3. The level of communication and collaboration between teachers in technical programs and academic programs, planning, and opportunity for analyzing student achievement, particularly between faculty in the comprehensive high schools with the faculty in state-operated or locally operated secondary area centers and vocational departments;
 4. The faculties' understanding of Kentucky's program of studies, academic expectations, and core content for assessment;
 5. The knowledge and understanding of academic teachers and technical teachers in integrating mutually supportive curricula content;
 6. The level of curricula alignment and articulation in grades eight (8) to sixteen (16);
 7. The availability of extra help for students in meeting higher standards;
 8. The availability and adequacy of school career and guidance counseling;
 9. The availability and adequacy of work-based learning;
 10. The availability and adequacy of distance learning and educational technology;
 11. The adequacy of involvement of business and industry in curricula, work-based learning, and program development; and
 12. The adequacy of teachers' preparation to prepare them for teaching both academic and technical skills to all students that are necessary for successful transition to postsecondary education, work, or the military.

- (b) *1.* The department and the office, in cooperation with *the Education Professional Standards Board*, teacher preparation programs, postsecondary education institutions, and other appropriate partners, shall ensure that academic core content is ~~embedded~~ or integrated within the performance requirements for *teacher education* students.
- 2. Beginning with the 2013-2014 school year and thereafter, the Education Professional Standards Board shall, as a condition of program approval, require career and technical educator preparation programs to include instructional techniques for teacher education students to embed reading, mathematics, and science knowledge and skills into all career and technical education instruction at the secondary level.*
- (c) The department and the office, in cooperation with the Kentucky Community and Technical College System, shall encourage postsecondary education and business and industry to provide professional development and training opportunities to engage technical faculty in continuous improvement activities to enhance their instructional skills.
- (d) The department and the office shall continue efforts with business and industry to develop occupation skill standards and assessments. All efforts shall be made with the involvement of business, industry, and labor. Skill standards and assessments, where available, shall be used as the focus of the curricula.
- (4) The department and the office shall consult with the Education Professional Standards Board in carrying out the requirements of this section as they relate to teacher preparation.

➔Section 8. KRS 18A.010 is amended to read as follows:

- (1) The general purpose of KRS 18A.005 to 18A.200 is to establish for the state a system of personnel administration based on merit principles and scientific methods governing the recruitment, examination, appointment, promotion, transfer, lay-off, removal, discipline, and welfare of its classified employees and other incidents of state employment. All appointments and promotions to positions in the state classified service shall be made solely on the basis of merit and fitness, to be ascertained by competitive examination, except as hereinafter specified. The General Assembly finds that this chapter is necessary in order to improve the morale and motivation of state employees and to gain the maximum utilization of human resources in order to provide better service to the citizens of this Commonwealth.
- (2) The total number of permanent full-time personnel employed in agencies of the executive branch shall not exceed thirty-three thousand (33,000).
- (3) The provisions of subsection (2) of this section do not apply to *teachers, career guidance coaches and counselors, or school administrators employed in state-operated area technology centers*, employees of the General Assembly, the Legislative Research Commission, the Kentucky Higher Education Assistance Authority, the Kentucky Higher Education Student Loan Corporation, or the Court of Justice.
- (4) *As used in this section, "career guidance coach" has the same meaning as in Section 2 of this Act.*

➔Section 9. The Council on Postsecondary Education is urged to provide additional funding to those postsecondary education institutions that have partnerships with high school seniors enrolled in STEM and energy fields.

➔Section 10. This Act shall be known as the "Career Pathways Act of 2012."

➔Section 11. Whereas it is necessary for the Kentucky Board of Education to promulgate administrative regulations in order to implement the provisions of this Act as early in the 2012-2013 fiscal year as possible, an emergency is declared to exist, and this Act takes effect upon its passage and approval of the Governor or upon its otherwise becoming a law.

Signed by Governor April 19, 2012.