

1 AN ACT relating to school employees and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) The Charter Schools Advisory Council is hereby created as an advisory body to*  
6 *the Kentucky Board of Education to recommend the development of*  
7 *administrative regulations, best practices, and policies related to charter schools.*

8 *(2) (a) The council shall be composed of nine (9) members who possess expertise*  
9 *in curriculum, instruction, finance, administration, assessment, and law,*  
10 *including three (3) members of the Kentucky Board of Education, and six*  
11 *(6) citizen members appointed by the Governor who meet the following*  
12 *criteria:*

13 *1. One (1) parent of a school-aged child;*

14 *2. One (1) attorney;*

15 *3. One (1) person with a business or finance background; and*

16 *4. Three (3) persons with education policy expertise.*

17 *(b) The Kentucky Board of Education shall designate members annually to*  
18 *serve on the Charter Schools Advisory Council, as described in paragraph*  
19 *(a) of this subsection, for terms beginning July 1 of each year.*

20 *(c) Citizen members shall serve three (3) year terms.*

21 *(3) The council shall be attached to the Kentucky Department of Education for*  
22 *administrative purposes and be provided suitable staff and resources to conduct*  
23 *its work.*

24 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
25 READ AS FOLLOWS:

26 *(1) The State Advisory Council for Exceptional Children is hereby created and shall*  
27 *have the following duties:*

- 1        (a) Advise the Kentucky Department of Education, Kentucky Board of  
2        Education, and the Education Professional Standards Board of unmet  
3        needs and desired program changes within the Commonwealth related to  
4        the education of children with disabilities, including suggestions for  
5        corrective action plans and personnel development needs;
- 6        (b) Review and comment on administrative regulations proposed by the  
7        Commonwealth relating to the education of children with disabilities and  
8        the procedures for distribution of funds under Part B of the federal  
9        Individuals with Disabilities Education Act;
- 10       (c) Review and comment on written findings of fact and decisions from due  
11       process hearings, including other reports issued by federal and state  
12       authorities relating to exceptional children;
- 13       (d) Advise the Kentucky Department of Education, the Justice and Public  
14       Safety Cabinet, and other public agencies on eligible students with  
15       disabilities in state and local prisons; and
- 16       (e) Provide opportunities for public input through regularly scheduled public  
17       hearings or during general meetings.
- 18       (2) (a) The council shall be composed of at least fifteen (15) but no more than  
19       twenty-one (21) voting members appointed by the Governor. The members  
20       shall be individuals involved in, or concerned with, the education of  
21       children with disabilities and shall meet the following qualifications:
- 22       1. Two (2) individuals with disabilities or exceptional needs;  
23       2. One (1) parent of an exceptional child age birth through twelve (12)  
24       years;  
25       3. One (1) parent of an exceptional child age thirteen (13) through  
26       twenty-six (26) years;  
27       4. One (1) elementary special education teacher;

- 1            5. One (1) middle or high school special education teacher;
- 2            6. One (1) higher education member who trains and prepares special
- 3            education teachers;
- 4            7. One (1) private sector administrator of programs for exceptional
- 5            children;
- 6            8. One (1) local education administrator of programs for exceptional
- 7            children, who shall also be experienced with the federal McKinney-
- 8            Vento Homeless Assistance Act;
- 9            9. One (1) child welfare agency member responsible for foster care;
- 10          10. At least one (1) representative of state juvenile or adult correction
- 11          agencies involved in the delivery of services to disabled children;
- 12          11. One (1) state education official who carries out activities associated
- 13          with the federal McKinney-Vento Homeless Assistance Act;
- 14          12. At least one (1) state agency member involved in the financing or
- 15          delivery of services to children with disabilities;
- 16          13. One (1) member of a vocational, community, or business organization
- 17          concerned with the provision of services to disabled children;
- 18          14. At least one (1) representative of private schools or public charter
- 19          schools; and
- 20          15. Up to six (6) additional members meeting the requirements for the
- 21          state advisory panel under the federal Individuals with Disabilities
- 22          Education Act, 20 U.S.C. sec. 1412.

23          (b) Members shall serve four (4) year terms.

24          (3) The council shall be attached to the Kentucky Department of Education for

25          administrative purposes and be provided suitable staff and resources to conduct

26          its work.

27          ➔Section 3. KRS 156.029 is amended to read as follows:

- 1 (1) (a) There is hereby established a Kentucky Board of Education, which shall  
2 consist of eleven (11) members appointed by the Governor and confirmed by  
3 the Senate ~~and the House of Representatives~~ of the General Assembly, with  
4 the president of the Council on Postsecondary Education serving as an ex  
5 officio nonvoting member.
- 6 (b) Seven (7) members shall represent each of the Supreme Court districts as  
7 established by KRS 21A.010, and four (4) members shall represent the state at  
8 large. Each of the appointed members shall serve for a four (4) year term,  
9 except the initial appointments shall be as follows: the seven (7) members  
10 representing Supreme Court districts shall serve a term which shall expire on  
11 April 14, 1994; and the four (4) at-large members shall serve a term which  
12 shall expire on April 14, 1992. Subsequent appointments shall be submitted to  
13 the Senate ~~and to the House of Representatives~~ for confirmation in  
14 accordance with KRS 11.160. ~~Each appointment by the Governor shall be~~  
15 ~~agreed upon by both chambers in order for the person to be confirmed.~~ Each  
16 confirmed appointee shall take office on April 15.
- 17 (c) *At least one (1) member shall be a parent of a public school student at the*  
18 *time of appointment and at least four (4) members shall possess a minimum*  
19 *of five (5) years of experience within the field of education, including one*  
20 *(1) member with experience as a faculty member of a postsecondary*  
21 *institution. At least four (4) members shall possess a minimum of five (5)*  
22 *years of business leadership experience.*
- 23 (2) Appointments shall be made without reference to ~~occupation,~~ political  
24 affiliation~~,~~ or similar consideration. No member at the time of his appointment or  
25 during the term of his service shall be engaged as a **current** professional educator **in**  
26 **a Kentucky public elementary or secondary school.** Pursuant to KRS 63.080, a  
27 member shall not be removed except for cause.

- 1 (3) A vacancy in the membership of the board shall be filled by the Governor for the  
2 unexpired term with the consent of the Senate~~[and the House of Representatives]~~.  
3 In the event that the General Assembly is not in session at the time of the  
4 appointment, the consent of the Senate~~[and the House of Representatives]~~ shall be  
5 obtained during the time the General Assembly next convenes.
- 6 (4) **On the effective date of this Act,** at the **final**~~[first]~~ regular meeting of the board in  
7 each fiscal year, a chairperson, **vice chairperson, and three (3) members to serve**  
8 **on the Charter Schools Advisory Council** shall be elected from its voting  
9 membership.
- 10 (5) The members shall be reimbursed for actual and necessary expenses incurred in the  
11 performance of their duties.
- 12 (6) The commissioner of education shall serve as the executive secretary to the board  
13 **and attend all meetings. Subject to approval of the board, the commissioner may**  
14 **designate staff to record minutes and facilitate the commissioner's duties. The**  
15 **board may also appoint an administrative coordinator, who shall act as**  
16 **ombudsman for the members, and whose expenses shall be borne by the**  
17 **Department of Education.**
- 18 (7) The primary function of the board shall be to develop and adopt policies and  
19 administrative regulations, with the advice of the Local Superintendents Advisory  
20 Council, by which the Department of Education shall be governed in planning,  
21 coordinating, administering, supervising, operating, and evaluating the educational  
22 programs, services, and activities within the Department of Education which are  
23 within the jurisdiction of the board.
- 24 ➔Section 4. KRS 156.040 is amended to read as follows:
- 25 (1) As used in this section, "relative" means father, mother, brother, sister, husband,  
26 wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.
- 27 (2) A member of the Kentucky Board of Education shall:

- 1 (a) Be at least thirty (30) years of age;
- 2 (b) Have at least an associate degree or its equivalent;
- 3 (c) Have been a resident of Kentucky for at least three (3) years preceding the
- 4 member's appointment;
- 5 (d) Not hold a state office requiring the constitutional oath;
- 6 (e) Not be a member of the General Assembly;
- 7 (f) Not hold or discharge the duties of any civil or political office, deputyship, or
- 8 agency under the city or county of his or her residence;
- 9 (g) Not be directly or indirectly interested in the sale to the Kentucky Board of
- 10 Education or the Department of Education of books, stationery, or any other
- 11 property, materials, supplies, equipment, or services for which board or
- 12 department funds are expended;
- 13 (h) Not have a relative as defined in subsection (1) of this section who is
- 14 employed by the Department of Education;
- 15 (i) Not have been removed from the board for cause; and
- 16 (j) Not be engaged as an elementary or secondary education professional
- 17 educator.

18 (3) Appointments to the board shall be made without reference to~~[-occupation,]~~  
19 political affiliation~~[,]~~ or similar considerations.

20 ➔Section 5. KRS 158.6453 is amended to read as follows:

21 (1) As used in this section:

- 22 (a) "Accelerated learning" means an organized way of helping students meet
- 23 individual academic goals by providing direct instruction to eliminate student
- 24 performance deficiencies or enable students to move more quickly through
- 25 course requirements and pursue higher level skill development;
- 26 (b) "Constructed-response items" or "performance-based items" means individual
- 27 test items that require the student to create an answer rather than select a

- 1 response and may include fill-in-the-blank, short-answer, extended-answer,  
2 open-response, and writing-on-demand formats;
- 3 (c) "Criterion-referenced test" means a test that is aligned with defined academic  
4 content standards and measures an individual student's level of performance  
5 against the standards;
- 6 (d) "End-of-course examination" means the same as defined in KRS 158.860;
- 7 (e) "Formative assessment" means a process used by teachers and students during  
8 instruction to adjust ongoing teaching and learning to improve students'  
9 achievement of intended instructional outcomes. Formative assessments may  
10 include the use of commercial assessments, classroom observations, teacher-  
11 designed classroom tests and assessments, and other processes and  
12 assignments to gain information about individual student learning;
- 13 (f) "Interim assessments" means assessments that are given periodically  
14 throughout the year to provide diagnostic information and to show individual  
15 student performance against content standards;
- 16 (g) "Summative assessment" means an assessment given at the end of the school  
17 year, semester, or other period of time to evaluate students' performance  
18 against content standards within a unit of instruction or a course; and
- 19 (h) "Writing" means a purposeful act of thinking and expression that uses  
20 language to explore ideas and communicate meaning to others. Writing is a  
21 complex, multifaceted act of communication.
- 22 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the  
23 Kentucky Department of Education shall implement a process for reviewing  
24 Kentucky's academic standards and the alignment of corresponding  
25 assessments for possible revision or replacement to ensure alignment with  
26 postsecondary readiness standards necessary for global competitiveness and  
27 with state career and technical education standards.

- 1 (b) The revisions to the content standards shall:
- 2 1. Focus on critical knowledge, skills, and capacities needed for success in
- 3 the global economy;
- 4 2. Result in fewer but more in-depth standards to facilitate mastery
- 5 learning;
- 6 3. Communicate expectations more clearly and concisely to teachers,
- 7 parents, students, and citizens;
- 8 4. Be based on evidence-based research;
- 9 5. Consider international benchmarks; and
- 10 6. Ensure that the standards are aligned from elementary to high school to
- 11 postsecondary education so that students can be successful at each
- 12 education level.
- 13 (c) 1. The department shall establish four (4) standards and assessments
- 14 review and development committees, with each committee composed of
- 15 a minimum of six (6) Kentucky public school teachers and a minimum
- 16 of two (2) representatives from Kentucky institutions of higher
- 17 education, including at least one (1) representative from a public
- 18 institution of higher education. Each committee member shall teach in
- 19 the subject area that his or her committee is assigned to review and have
- 20 no prior or current affiliation with a curriculum or assessment resources
- 21 vendor.
- 22 2. One (1) of the four (4) committees shall be assigned to focus on the
- 23 review of language arts and writing academic standards and
- 24 assessments, one (1) on the review of mathematics academic standards
- 25 and assessments, one (1) on the review of science academic standards
- 26 and assessments, and one (1) on the review of social studies academic
- 27 standards and assessments.



- 1 (d) 1. The department shall establish twelve (12) advisory panels to advise and  
2 assist each of the four (4) standards and assessments review and  
3 development committees.
- 4 2. Three (3) advisory panels shall be assigned to each standards and  
5 assessments review and development committee. One (1) panel shall  
6 review the standards and assessments for kindergarten through grade  
7 five (5), one (1) shall review the standards and assessments for grades  
8 six (6) through eight (8), and one (1) shall review the standards and  
9 assessments for grades nine (9) through twelve (12).
- 10 3. Each advisory panel shall be composed of at least one (1) representative  
11 from a Kentucky institution of higher education and a minimum of six  
12 (6) Kentucky public school teachers who teach in the grade level and  
13 subject reviewed by the advisory panel to which they are assigned and  
14 have no prior or current affiliation with a curriculum or assessment  
15 resources vendor.
- 16 (e) The commissioner of education and the president of the Council on  
17 Postsecondary Education shall also provide consultants for the standards and  
18 assessments review and development committees and the advisory panels who  
19 are business and industry professionals actively engaged in career fields that  
20 depend on the various content areas.
- 21 (f) 1. The standards and assessments process review committee is hereby  
22 established and shall be composed of ten (10) members, including:
- 23 a. Three (3) members appointed by the Governor;
- 24 b. Three (3) members of the Senate appointed by the President of the  
25 Senate;
- 26 c. Three (3) members of the House of Representatives appointed by  
27 the Speaker of the House of Representatives; and

- 1                   d.    The commissioner of education.
- 2                   2.    The review of the committee shall be limited to the procedural aspects
- 3                   of the review process undertaken prior to its consideration.
- 4           (g)  1.    The review process implemented under this subsection shall be an open,
- 5                   transparent process that allows all Kentuckians an opportunity to
- 6                   participate. The department shall ensure the public's assistance in
- 7                   reviewing and suggesting changes to the standards and alignment
- 8                   adjustments to corresponding state assessments by establishing a Web
- 9                   site dedicated to collecting comments by the public and educators. An
- 10                  independent third party, which has no prior or current affiliation with a
- 11                  curriculum or assessment resources vendor, shall be selected by the
- 12                  department to collect and transmit the comments to the department for
- 13                  dissemination to the appropriate advisory panel for review and
- 14                  consideration.
- 15                  2.    Each advisory panel shall review the standards and assessments for its
- 16                  assigned subject matter and grade level and the suggestions made by the
- 17                  public and educators. After completing its review, each advisory panel
- 18                  shall make recommendations for changes to the standards and alignment
- 19                  adjustments for assessments to the appropriate standards and
- 20                  assessments review and development committee.
- 21                  3.    Each standards and assessments review and development committee
- 22                  shall review the findings and make recommendations to revise or replace
- 23                  existing standards and to adjust alignment of assessments to the
- 24                  standards and assessments process review committee.
- 25                  4.    The recommendations shall be published on the Web site established in
- 26                  this subsection for the purpose of gathering additional feedback from the
- 27                  public. The commissioner, on behalf of the standards and assessments

1 process review committee, shall subsequently present the  
2 recommendations and the public feedback to the Interim Joint  
3 Committee on Education.

4 5. The commissioner shall subsequently provide a report to the standards  
5 and assessments process review committee summarizing the process  
6 conducted under this subsection and the resulting recommendations. The  
7 report shall include but not be limited to the timeline of the review  
8 process, public feedback, and responses from the Interim Joint  
9 Committee on Education.

10 6. After receiving the commissioner's report, the standards and assessments  
11 process review committee shall either concur that stakeholders have had  
12 adequate opportunity to provide input on standards and the  
13 corresponding alignment of state assessments or find the input process  
14 deficient. If the process is found deficient, the recommendations may be  
15 returned to the appropriate standards and assessments review and  
16 development committee for review as described in subparagraph 3. of  
17 this paragraph. If the process is found sufficient, the recommendations  
18 shall be forwarded without amendment to the Kentucky Board of  
19 Education.

20 (h) The Kentucky Board of Education shall promulgate administrative regulations  
21 in accordance with KRS Chapter 13A as may be needed for the administration  
22 of the review process, including staggering the timing and sequence of the  
23 review process by subject area and remuneration of the review and  
24 development committees and advisory panels described in paragraphs (c) and  
25 (d) of this subsection.

26 (i) 1. The Kentucky Board of Education shall consider for approval the  
27 revisions to academic standards for a content area and the alignment of

- 1 the corresponding state assessment once recommendations are received  
2 from the standards and assessments process review committee. Existing  
3 state academic standards shall remain in place until the board approves  
4 new standards.
- 5 2. Any revision to, or replacement of, the academic standards and  
6 assessments as a result of the review process conducted under this  
7 subsection shall be implemented in Kentucky public schools no later  
8 than the second academic year following the review process. Existing  
9 academic standards shall be used until new standards are implemented.
- 10 3. The Department of Education shall disseminate the academic content  
11 standards to the schools and teacher preparation programs.
- 12 (j) The Department of Education shall provide or facilitate statewide training  
13 sessions for existing teachers and administrators on how to:
- 14 1. Integrate the revised content standards into classroom instruction;  
15 2. Better integrate performance assessment of students within their  
16 instructional practices; and  
17 3. Help all students use higher-order thinking and communication skills.
- 18 (k) The Education Professional Standards Board in cooperation with the  
19 Kentucky Board of Education and the Council on Postsecondary Education  
20 shall coordinate information and training sessions for faculty and staff in all of  
21 the teacher preparation programs in the use of the revised academic content  
22 standards. The Education Professional Standards Board shall ensure that each  
23 teacher preparation program includes use of the academic standards in the pre-  
24 service education programs and that all teacher interns will have experience  
25 planning classroom instruction based on the revised standards.
- 26 (l) The Council on Postsecondary Education in cooperation with the Kentucky  
27 Department of Education and the postsecondary education institutions in the

1 state shall coordinate information sessions regarding the academic content  
2 standards for faculty who teach in the various content areas.

3 (3) (a) The Kentucky Board of Education shall be responsible for creating and  
4 implementing a balanced statewide assessment program that measures the  
5 students', schools', and districts' achievement of the goals set forth in KRS  
6 158.645 and 158.6451, to ensure compliance with the federal Every Student  
7 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure  
8 school accountability.

9 (b) The board shall revise the annual statewide assessment program as needed in  
10 accordance with revised academic standards and corresponding assessment  
11 alignment adjustments approved by the board under subsection (2) of this  
12 section.

13 (c) The statewide assessments shall not include any academic standards not  
14 approved by the board under subsection (2) of this section.

15 (d) The board shall seek the advice of the Office of Education Accountability;~~;~~  
16 ~~the School Curriculum, Assessment, and Accountability Council;~~ the  
17 Education Assessment and Accountability Review Subcommittee, and the  
18 National Technical Advisory Panel on Assessment and Accountability in the  
19 development of the assessment program. The statewide assessment program  
20 shall not include measurement of a student's ability to become a self-sufficient  
21 individual or to become a responsible member of a family, work group, or  
22 community.

23 (4) (a) The academic components of the statewide assessment program shall be  
24 composed of annual student summative tests, which may include a  
25 combination of multiple competency-based assessment and performance  
26 measures approved by the Kentucky Board of Education.

27 (b) The annual student summative tests shall:

- 1           1. Measure individual student achievement in language, reading, English,  
2           mathematics, science, and social studies at designated grades;
- 3           2. Provide teachers and parents a valid and reliable comprehensive analysis  
4           of skills mastered by individual students;
- 5           3. Provide diagnostic information that identifies strengths and academic  
6           deficiencies of individual students in the content areas;
- 7           4. Provide information to teachers that can enable them to improve  
8           instruction for current and future students;
- 9           5. Provide longitudinal profiles for students; and
- 10          6. Ensure school and district accountability for student achievement of the  
11          goals set forth in KRS 158.645 and 158.6451, except the statewide  
12          assessment program shall not include measurement of a student's ability  
13          to become a self-sufficient individual or to become a responsible  
14          member of a family, work group, or community.
- 15       (5) The state student assessments shall include the following components:
  - 16           (a) Elementary and middle grades requirements are:
    - 17               1. A criterion-referenced test each in mathematics and reading in grades  
18               three (3) through eight (8) that is valid and reliable for an individual  
19               student and that measures the depth and breadth of Kentucky's academic  
20               content standards;
    - 21               2. A criterion-referenced test each in science and social studies that is valid  
22               and reliable for an individual student as necessary to measure the depth  
23               and breadth of Kentucky's academic content standards to be  
24               administered one (1) time within the elementary and middle grades,  
25               respectively;
    - 26               3. An on-demand assessment of student writing to be administered one (1)  
27               time within the elementary grades and one (1) time within the middle

1 grades; and

2 4. An editing and mechanics test relating to writing, using multiple choice  
3 and constructed response items, to be administered one (1) time within  
4 the elementary and the middle grades, respectively;

5 (b) High school requirements are:

6 1. A criterion-referenced test in mathematics, reading, and science that is  
7 valid and reliable for an individual student and that measures the depth  
8 and breadth of Kentucky's academic content standards to be  
9 administered one (1) time within the high school grades;

10 2. A criterion-referenced test in social studies that is valid and reliable for  
11 an individual student as necessary to measure the depth and breadth of  
12 Kentucky's academic content standards to be administered one (1) time  
13 within the high school grades;

14 3. An on-demand assessment of student writing to be administered one (1)  
15 time within the high school grades;

16 4. An editing and mechanics test relating to writing, using multiple choice  
17 and constructed response items, to be administered one (1) time within  
18 the high school grades; and

19 5. A college admissions examination to assess English, reading,  
20 mathematics, and science in the spring of grade ten (10) and the spring  
21 of grade eleven (11);

22 (c) The Kentucky Board of Education shall add any other component necessary to  
23 comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or  
24 its successor, as determined by the United States Department of Education;

25 (d) The criterion-referenced components required in this subsection shall be  
26 composed of constructed response items and multiple choice items;

27 (e) The Kentucky Board of Education may incorporate end-of-course

1 examinations into the assessment program to be used in lieu of requirements  
2 for criterion-referenced tests required under paragraph (b) of this subsection;  
3 and

4 (f) The results of the assessment program developed under this subsection shall  
5 be used by schools and districts to determine appropriate instructional  
6 modifications for all students in order for students to make continuous  
7 progress, including that needed by advanced learners.

8 (6) Each school district shall administer the statewide student assessment during the  
9 last fourteen (14) days of school in the district's instructional calendar. The  
10 Kentucky Board of Education may change the testing window to allow for  
11 innovative assessment systems or other online test administration and shall  
12 promulgate administrative regulations that minimize the number of days of testing  
13 and outline the procedures to be used during the testing process to ensure test  
14 security, including procedures for testing makeup days, and to comply with federal  
15 assessment requirements.

16 (7) A student enrolled in a district-operated or district-contracted alternative program  
17 shall participate in the appropriate assessments required by this section.

18 (8) A local school district may select and use commercial interim or formative  
19 assessments or develop and use its own formative assessments to provide data on  
20 how well its students are growing toward mastery of Kentucky academic standards,  
21 so long as the district's local school board develops a policy minimizing the  
22 reduction in instructional time related to the administration of the interim  
23 assessments. Nothing in this section precludes teachers from using ongoing teacher-  
24 developed formative processes.

25 (9) Each school that enrolls primary students shall use diagnostic assessments and  
26 prompts that measure readiness in reading and mathematics for its primary students  
27 as determined by the school to be developmentally appropriate. The schools may



1 use commercial products, use products and procedures developed by the district, or  
2 develop their own diagnostic procedures. The results shall be used to inform the  
3 teachers and parents or guardians of each student's skill level.

4 (10) The state board shall ensure that a technically sound longitudinal comparison of the  
5 assessment results for the same students shall be made available.

6 (11) The following provisions shall apply to the college admissions examinations  
7 described in subsection (5)(b)5. of this section:

8 (a) The cost of both college admissions examinations administered to students in  
9 high school shall be paid for by the Kentucky Department of Education. The  
10 costs of additional college admissions examinations shall be the responsibility  
11 of the student;

12 (b) If funds are available, the Kentucky Department of Education shall provide a  
13 college admissions examination preparation program to all public high school  
14 juniors. The department may contract for necessary services; and

15 (c) Accommodations provided to a student with a disability taking the college  
16 admissions assessments under this subsection shall consist of:

17 1. Accommodations provided in a manner allowed by the college  
18 admissions assessment provider when results in test scores are  
19 reportable to a postsecondary institution for admissions and placement  
20 purposes, except as provided in subparagraph 2. of this paragraph; or

21 2. Accommodations provided in a manner allowed by a student's  
22 individualized education program as defined in KRS 158.281 for a  
23 student whose disability precludes valid assessment of his or her  
24 academic abilities using the accommodations provided under  
25 subparagraph 1. of this paragraph when the student's scores are not  
26 reportable to a postsecondary institution for admissions and placement  
27 purposes.

- 1 (12) Kentucky teachers shall have a significant role in the design of the assessments,  
2 except for the college admissions exams described in subsection (5)(b)5. of this  
3 section. The assessments shall be designed to:
- 4 (a) Measure grade appropriate core academic content, basic skills, and higher-  
5 order thinking skills and their application;
  - 6 (b) Provide valid and reliable scores for schools. If scores are reported for  
7 students individually, they shall be valid and reliable;
  - 8 (c) Minimize the time spent by teachers and students on assessment; and
  - 9 (d) Assess Kentucky academic standards only.
- 10 (13) The results from assessment under subsections (3) and (5) of this section shall be  
11 reported to the school districts and schools no later than seventy-five (75) days  
12 following the last day the assessment can be administered. Assessment reports  
13 provided to the school districts and schools shall include an electronic copy of an  
14 operational subset of test items from each assessment administered to their students  
15 and the results for each of those test items by student and by school.
- 16 (14) The Department of Education shall gather information to establish the validity of  
17 the assessment and accountability program. It shall develop a biennial plan for  
18 validation studies that shall include but not be limited to the consistency of student  
19 results across multiple measures, the congruence of school scores with documented  
20 improvements in instructional practice and the school learning environment, and the  
21 potential for all scores to yield fair, consistent, and accurate student performance  
22 level and school accountability decisions. Validation activities shall take place in a  
23 timely manner and shall include a review of the accuracy of scores assigned to  
24 students and schools, as well as of the testing materials. The plan shall be submitted  
25 to the Commission by July 1 of the first year of each biennium. A summary of the  
26 findings shall be submitted to the Legislative Research Commission by September 1  
27 of the second year of the biennium.

- 1 (15) The Department of Education and the state board shall offer optional assistance to  
2 local school districts and schools in developing and using continuous assessment  
3 strategies needed to assure student progress. The continuous assessment shall  
4 provide diagnostic information to improve instruction to meet the needs of  
5 individual students.
- 6 (16) The Administration Code for Kentucky's Assessment Program shall include  
7 prohibitions of inappropriate test preparation activities by school district employees  
8 charged with test administration and oversight, including but not limited to the issue  
9 of teachers being required to do test practice in lieu of regular classroom instruction  
10 and test practice outside the normal work day. The code shall include disciplinary  
11 sanctions that may be taken toward a school or individuals.
- 12 (17) The Kentucky Board of Education, after the Department of Education has received  
13 advice from the Office of Education Accountability~~]; the School Curriculum,~~  
14 ~~Assessment, and Accountability Council;]~~ and the National Technical Advisory  
15 Panel on Assessment and Accountability, shall promulgate an administrative  
16 regulation under KRS Chapter 13A to establish the components of a reporting  
17 structure for assessments administered under this section. The reporting structure  
18 shall include the following components:
- 19 (a) A school report card that clearly communicates with parents and the public  
20 about school performance. The school report card shall be sent to the parents  
21 of the students of the districts, and information on electronic access to a  
22 summary of the results for the district shall be published in the newspaper  
23 with the largest circulation in the county. It shall include but not be limited to  
24 the following components reported by race, gender, and disability when  
25 appropriate:
- 26 1. Student academic achievement, including the results from each of the  
27 assessments administered under this section;

- 1           2. For Advanced Placement, Cambridge Advanced International, and  
2           International Baccalaureate, the courses offered, the number of students  
3           enrolled, completing, and taking the examination for each course, and  
4           the percentage of examinees receiving a score of three (3) or better on  
5           AP examinations, a score of "e" or better on Cambridge Advanced  
6           International examinations, or a score of five (5) or better on IB  
7           examinations. The data shall be disaggregated by gender, race, students  
8           with disabilities, and economic status;
- 9           3. Nonacademic achievement, including the school's attendance, retention,  
10          graduation rates, and student transition to postsecondary;
- 11          4. School learning environment, including measures of parental  
12          involvement; and
- 13          5. Any other school performance data required by the Every Student  
14          Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- 15      (b) An individual student report to parents for each student in grades three (3)  
16          through eight (8) summarizing the student's skills in reading, science, social  
17          studies, and mathematics. The school's staff shall develop a plan for  
18          accelerated learning for any student with identified deficiencies or strengths;  
19          and
- 20      (c) A student's highest scores on the college admissions assessments administered  
21          under subsection (5)(b)5. of this section.
- 22      (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the  
23              Kentucky Department of Education shall implement a comprehensive process  
24              for reviewing and revising the academic standards in visual and performing  
25              arts and practical living skills and career studies for all levels and in foreign  
26              language for middle and high schools. The department shall develop review  
27              committees for the standards for each of the content areas that include

1 representation from certified specialist public school teachers and  
2 postsecondary teachers in those subject areas.

3 (b) The department shall provide to all schools guidelines for programs that  
4 incorporate the adopted academic standards in visual and performing arts and  
5 practical living and career studies. The department shall provide to middle and  
6 high schools guidelines for including a foreign language program. The  
7 guidelines shall address program length and time, courses offered, staffing,  
8 resources, and facilities.

9 (c) The Kentucky Department of Education, in consultation with certified public  
10 school teachers of visual and performing arts, may develop program standards  
11 for the visual and performing arts.

12 (19) The Kentucky Department of Education shall provide to all schools guidelines for  
13 including an effective writing program within the curriculum. Each school-based  
14 decision making council or, if there is no school council, a committee appointed by  
15 the principal, shall adopt policies that determine the writing program for its school  
16 and submit it to the Department of Education for review and comment. The writing  
17 program shall incorporate a variety of language resources, technological tools, and  
18 multiple opportunities for students to develop complex communication skills for a  
19 variety of purposes.

20 (20) (a) The Kentucky Department of Education, in consultation with the review  
21 committees described in subsection (18) of this section, shall develop a school  
22 profile report to be used by all schools to document how they will address the  
23 adopted academic standards in their implementation of the programs as  
24 described in subsection (18) of this section, which may include student  
25 opportunities and experiences in extracurricular activities.

26 (b) By October 1 of each year, each school principal shall complete the school  
27 profile report, which shall be signed by the members of the school council, or

1 the principal if no school council exists, and the superintendent. The report  
2 shall be electronically transmitted to the Kentucky Department of Education,  
3 and the original shall be maintained on file at the local board office and made  
4 available to the public upon request. The department shall include a link to  
5 each school's profile report on its Web site.

6 (c) If a school staff member, student, or a student's parent has concerns regarding  
7 deficiencies in a school's implementation of the programs described in  
8 subsection (18) of this section, he or she may submit a written inquiry to the  
9 school council.

10 ➔Section 6. KRS 158.6455 is amended to read as follows:

11 It is the intent of the General Assembly that schools succeed with all students and receive  
12 the appropriate consequences in proportion to that success.

13 (1) (a) The Kentucky Board of Education shall create an accountability system to  
14 classify districts and schools in accordance with the academic standards and  
15 student assessment program developed pursuant to KRS 158.6453.

16 (b) The accountability system shall include:

17 1. An annual overall summative performance evaluation of each school  
18 and district compared to goals established by the Kentucky Department  
19 of Education. The evaluation for each school and district shall:

20 a. Not consist of a single summative numerical score that ranks  
21 schools against each other; and

22 b. Be based on a combination of academic and school quality  
23 indicators and measures, with greater weight assigned to the  
24 academic measures;

25 2. Student assessment results;

26 3. Progress toward achieving English proficiency by limited English  
27 proficiency students;

- 1           4.   Quality of school climate and safety;
- 2           5.   High school graduation rates;
- 3           6.   Postsecondary readiness for each high school student, which shall be
- 4           included as an academic indicator, and shall be measured by:
- 5           a.   Meeting or exceeding a college readiness benchmark score on the
- 6           college admissions examination used as the statewide assessment
- 7           in KRS 158.6453(5)(b)5. The college readiness benchmark score
- 8           shall be established by the Council on Postsecondary Education; or
- 9           b.   Achievement of college credit, postsecondary articulated credit,
- 10          apprenticeship time toward a credential or associate degree, or any
- 11          industry-recognized certifications, licensures, or credentials, with
- 12          more weight in accountability for industry-recognized
- 13          certifications, licensures, or credentials identified as high demand
- 14          in accordance with the process described in paragraph (c) of this
- 15          subsection. Eligible industry-recognized certifications, licensures,
- 16          or credentials shall not be limited to those earned in conjunction
- 17          with a minimum sequence of courses. Each high school shall
- 18          publicly report the credits, hours, and credentials on an annual
- 19          basis; and
- 20          7.   Any other factor mandated by the federal Every Student Succeeds Act of
- 21          2015, Pub. L. No. 114-95, or its successor.
- 22          (c) Based on data from the Kentucky Center for Education and Workforce
- 23          Statistics, each local workforce investment board, in conjunction with local
- 24          economic development organizations from its state regional sector, shall
- 25          annually compile a list of industry-recognized certifications, licensures, and
- 26          credentials specific to the state and regional workforce area, rank them by
- 27          demand for the state and regional area, and provide the list to the Kentucky

1 Workforce Innovation Board. The Kentucky Workforce Innovation Board, in  
2 conjunction with the Kentucky Department of Education, may revise the lists  
3 before the Kentucky Department of Education disseminates the lists to all  
4 school districts to be used as postsecondary readiness indicators.

- 5 (d) 1. The Kentucky Department of Education shall pay for the cost of an  
6 assessment taken by a high school student for attaining an industry-  
7 recognized certification, credential, or licensure if the student  
8 consecutively completes at least two (2) related career pathway courses  
9 approved by the department prior to taking the assessment.
- 10 2. If a high school student has not completed the two (2) course  
11 requirement described in subparagraph 1. of this paragraph but meets  
12 performance-based experience eligibility and passes an assessment, the  
13 department shall provide a weighted reimbursement amount to the  
14 school district for the cost of the assessment based on the level of  
15 demand of the certificate, credential, or license earned. The Kentucky  
16 Board of Education shall promulgate regulations establishing the  
17 performance-based experience eligibility requirements and weighted  
18 reimbursement amounts.

19 (e) Prior to promulgating administrative regulations to revise the accountability  
20 system, the board shall seek advice from the ~~School Curriculum, Assessment,~~  
21 ~~and Accountability Council; the~~ Office of Education Accountability; the  
22 Education Assessment and Accountability Review Subcommittee; and the  
23 National Technical Advisory Panel on Assessment and Accountability.

24 (2) A student's test scores shall be counted in the accountability measure of:

- 25 (a) 1. The school in which the student is currently enrolled if the student has  
26 been enrolled in that school for at least a full academic year as defined  
27 by the Kentucky Board of Education; or



- 1           2. The school in which the student was previously enrolled if the student  
2           was enrolled in that school for at least a full academic year as defined by  
3           the Kentucky Board of Education; and
- 4           (b) The school district if the student is enrolled in the district for at least a full  
5           academic year as defined by the Kentucky Board of Education; and
- 6           (c) The state if the student is enrolled in a Kentucky public school prior to the  
7           beginning of the statewide testing period.
- 8       (3) After receiving the advice of the Office of Education Accountability~~;~~ ~~the School~~  
9       ~~Curriculum, Assessment, and Accountability Council;~~ and the National Technical  
10       Advisory Panel on Assessment and Accountability, the Kentucky Board of  
11       Education shall promulgate an administrative regulation in conformity with KRS  
12       158.6471 and 158.6472 and KRS Chapter 13A to establish more rigorous action,  
13       intervention, and appropriate consequences for schools that fail to exit  
14       comprehensive support and improvement status described in KRS 160.346. The  
15       consequences shall be designed to improve the academic performance and learning  
16       environment of identified schools and may include but not be limited to:
- 17           (a) A review and audit process to determine the appropriateness of a school's or  
18           district's classification and to recommend needed assistance;
- 19           (b) School and district improvement plans;
- 20           (c) Eligibility to receive Commonwealth school improvement funds under KRS  
21           158.805;
- 22           (d) Education assistance from highly skilled certified staff; and
- 23           (e) Observation of school personnel.
- 24       (4) All students who drop out of school during a school year shall be included in a  
25       school's annual average school graduation rate calculation.
- 26       (5) After receiving the advice of the Education Assessment and Accountability Review  
27       Subcommittee~~;~~ ~~the Office of Education Accountability;~~ ~~the School Curriculum,~~

1 ~~Assessment, and Accountability Council;~~] and the National Technical Advisory  
 2 Panel on Assessment and Accountability, the Kentucky Board of Education may  
 3 promulgate by administrative regulation, in conformity with KRS 158.6471 and  
 4 158.6472 and KRS Chapter 13A, a system of district accountability that includes  
 5 establishing a formula for accountability, goals for improvement over a three (3)  
 6 year period, rewards for leadership in improving teaching and learning in the  
 7 district, and consequences that address the problems and provide assistance when  
 8 one (1) or more schools in the district fail to exit comprehensive support and  
 9 improvement status after three (3) consecutive years of implementing the  
 10 turnaround intervention process described in KRS 160.346.

11 (6) After receiving the advice of the Office of Education Accountability~~[- the School~~  
 12 ~~Curriculum, Assessment, and Accountability Council;~~] and the National Technical  
 13 Advisory Panel on Assessment and Accountability, the Kentucky Board of  
 14 Education shall promulgate administrative regulations in conformity with KRS  
 15 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a  
 16 school shall be allowed to appeal a performance judgment which it considers  
 17 grossly unfair. Upon appeal, an administrative hearing shall be conducted in  
 18 accordance with KRS Chapter 13B. The state board may adjust a performance  
 19 judgment on appeal when evidence of highly unusual circumstances warrants the  
 20 conclusion that the performance judgment is based on fraud or a mistake in  
 21 computations, is arbitrary, is lacking any reasonable basis, or when there are  
 22 significant new circumstances occurring during the three (3) year assessment period  
 23 which are beyond the control of the school.

24 ➔Section 7. KRS 158.6457 is amended to read as follows:

25 As used in this section and KRS~~[-158.6452,]~~ 158.6453~~[-]~~ and 158.6455, unless the  
 26 context requires otherwise:

27 (1) "Accountability index" means the statistic, as provided by KRS 158.6455(1), that

1 combines a school's academic and nonacademic factors;

2 (2) "Core content for assessment" means the content identified for all students to know  
3 that is to be included on the state assessment; and

4 (3) "Nonacademic factors" means the statistic that describes school success on:

5 (a) Increasing attendance and decreasing retention rates at the elementary school  
6 level;

7 (b) Increasing attendance rates and decreasing retention and dropout rates at the  
8 middle school level; and

9 (c) Increasing attendance rates and decreasing retention and dropout rates and  
10 improving the transition to adult life at the secondary school level.

11 ➔Section 8. KRS 158.648 is repealed, reenacted, and amended to read as follows:

12 (1) The State Advisory Council for Gifted and Talented Education is hereby created  
13 and attached to the Kentucky Department of Education, which shall provide the  
14 council suitable staff and resources to conduct its work. The council's purpose is  
15 to make recommendations regarding the provisions of services for gifted and  
16 talented students in Kentucky's education system.

17 ~~(2)(a)~~ The council shall be composed of eleven (11)~~nineteen (19)~~ voting members  
18 who shall be appointed by the Governor and three (3) nonvoting~~[, ex officio]~~  
19 members.

20 (a) The Governor shall appoint the following voting members, who shall  
21 possess specific knowledge, experience, or background in the areas of gifted  
22 and talented education~~[The members shall be appointed representing various~~  
23 ~~constituencies as follows]:~~

- 24 1. One (1) elementary school teacher;
- 25 2. One (1) middle or high school teacher;
- 26 3. One (1) gifted and talented program coordinator;
- 27 4. One (1) parent of a gifted or talented child;

1 5. One (1) science, technology, engineering, or mathematics teacher;

2 6. One (1) arts and humanities teacher;

3 7. One (1) school counselor or psychologist;

4 8. One (1) superintendent or district assessment coordinator;

5 9. One (1) faculty member of a private postsecondary institution;

6 10. One (1) faculty member of a public postsecondary institution; and

7 11. One (1) at-large member who is not currently employed as an

8 educator [~~Four (4) members shall be teachers within local school~~  
9 ~~districts representing elementary, middle, and high school levels with at~~  
10 ~~least one (1) full-time teacher of gifted and talented students and one (1)~~  
11 ~~full-time teacher who teaches in a regular classroom;~~

12 ~~2. Four (4) members shall be parents of students in local school districts,~~  
13 ~~including two (2) parents of students identified as gifted and talented~~  
14 ~~and at least one (1) who serves or has served on a school council;~~

15 ~~3. Three (3) members shall be from postsecondary education institutions,~~  
16 ~~including one (1) from an independent college or university;~~

17 ~~4. One (1) member shall be a superintendent of a local school district;~~

18 ~~5. Two (2) members shall be principals, including one (1) from an~~  
19 ~~elementary or middle school and one (1) from a high school;~~

20 ~~6. Two (2) members shall be coordinators of gifted and talented programs~~  
21 ~~and services in local school districts;~~

22 ~~7. One (1) member shall be a local board of education member;~~

23 ~~8. One (1) member shall represent the visual and performing arts; and~~

24 ~~9. One (1) member shall be appointed from the private business sector].~~

25 (b) The nonvoting members shall be:

26 1. The commissioner of education or designee;

27 2. A member of the Education Professional Standards Board designated

1 by the board; and

2 3. The president of the Council on Postsecondary Education or  
 3 designee ~~[The three (3) nonvoting ex officio members shall be: the state~~  
 4 ~~consultant for gifted and talented education in the Kentucky Department~~  
 5 ~~of Education, a staff person designated by the executive secretary of the~~  
 6 ~~Education Professional Standards Board, and a staff person designated~~  
 7 ~~by the president of the Council on Postsecondary Education. Vacancies~~  
 8 ~~shall be filled by the Governor as they occur in a manner consistent with~~  
 9 ~~the provisions for initial appointment].~~

10 (c) The members shall serve the following terms:

11 1. Four (4) members shall serve a two (2) year term;

12 2. Four (4) members shall serve a three (3) year term; and

13 3. Three (3) members shall serve a four (4) year term. ~~[Each board~~  
 14 ~~member shall serve a three (3) year term or until a successor is~~  
 15 ~~appointed, except that for initial appointments to the board, three (3) of~~  
 16 ~~the members shall be appointed to serve a one (1) year term, eight (8) of~~  
 17 ~~the members shall be appointed to serve a two (2) year term, and eight~~  
 18 ~~(8) of the members shall be appointed to serve a three (3) year term. A~~  
 19 ~~member may be reappointed but may not serve more than two (2)~~  
 20 ~~consecutive terms.]~~

21 (3) ~~(2)~~ The council shall advise the commissioner of education, the Kentucky Board  
 22 of Education, and the Education Professional Standards Board concerning the  
 23 development of administrative regulations and education policy regarding gifted  
 24 and talented students. The commissioner of education and the executive secretary  
 25 for the Education Professional Standards Board shall submit proposed  
 26 administrative regulations and educational policies relating to gifted and talented  
 27 education and other administrative regulations that impact gifted and talented

1 students for review by the advisory council prior to seeking approval of the  
2 appropriate board.

3 ~~(4)~~~~(3)~~ As the advisory council considers issues relating to gifted and talented  
4 students, it shall seek dialogue with other agencies and organizations, including the  
5 Parent Teachers Association, the Governor's Scholars Program, the Governor's  
6 School for the Arts, the Governor's School for Entrepreneurs Program, the  
7 Kentucky Association of School Councils, the Kentucky Association for Gifted  
8 Education, the Kentucky School Boards Association, the Kentucky Association of  
9 School Administrators, and the Kentucky Council for Exceptional Children.

10 ~~(5)~~~~(4)~~ The advisory council shall annually elect a chair from its membership,  
11 establish meeting operational procedures, and meet at least two (2) times annually.

12 ~~[(5) The Department of Education shall provide staff and administrative support and  
13 shall administer the funds appropriated to support the expenses of the council.]~~

14 (6) The members of the advisory council shall serve without compensation but shall be  
15 reimbursed for necessary expenses in the same manner as state employees.

16 ➔SECTION 9. KRS 158.794 IS REPEALED AND REENACTED TO READ AS  
17 FOLLOWS:

18 **(1) The Read to Achieve Council is hereby created for the purpose of implementing**  
19 **and overseeing the reading diagnostic and intervention fund created by KRS**  
20 **158.792.**

21 **(2) The council shall be composed of fourteen (14) members, including the secretary**  
22 **of the Education and Workforce Development Cabinet, or designee, who shall**  
23 **serve as a voting ex officio member, and the commissioner of education, or**  
24 **designee, who shall serve as a nonvoting ex officio member. A member of the**  
25 **Collaborative Center for Literacy Development designated by the center and a**  
26 **member of the Education Professional Standards Board designated by the board**  
27 **shall serve as nonvoting members for two (2) year terms. The Governor shall**

1 appoint the following ten (10) voting members who shall possess a specific  
2 background in reading and literacy:

3 (a) One (1) parent;

4 (b) One (1) elementary school teacher;

5 (c) One (1) middle or high school teacher;

6 (d) One (1) special education teacher;

7 (e) One (1) gifted and talented teacher;

8 (f) One (1) university or college professor;

9 (g) One (1) speech-language pathologist;

10 (h) One (1) librarian or certified media specialist;

11 (i) One (1) reading intervention teacher or administrator; and

12 (j) One (1) person who has experience assisting deaf and hearing-impaired  
13 children.

14 (3) The members appointed by the Governor shall serve the following terms:

15 1. Four (4) members shall serve a two (2) year term;

16 2. Four (4) members shall serve a three (3) year term; and

17 3. Two (2) members shall serve a four (4) year term.

18 (4) A majority of the voting membership shall constitute a quorum.

19 (5) The council shall elect, by majority vote, a chair who shall be the presiding  
20 officer of the council, preside at all meetings, and coordinate the functions and  
21 activities of the council. The chair shall be elected or reelected each calendar  
22 year.

23 (6) The council shall be attached to the Department of Education for administrative  
24 purposes and be provided suitable staff and resources to conduct its work. The  
25 commissioner of education shall assign a staff liaison dedicated solely to assist  
26 the council in the performance of its duties and to act on the commissioner's  
27 behalf in all instances of absence from the council's meetings and functions.

1 Upon request of the council, the commissioner of education shall assign  
 2 additional staff dedicated solely to assist the council in the performance of its  
 3 duties.

4 (7) The council shall:

5 (a) Identify needs, trends, and issues in schools throughout the state regarding  
 6 reading and literacy programs;

7 (b) Make recommendations regarding the content of administrative regulations  
 8 to be promulgated by the Kentucky Board of Education under KRS 158.792;

9 (c) Recommend approval of grant applications based upon the provisions of  
 10 KRS 158.792 and administrative regulations promulgated by the Kentucky  
 11 Board of Education as required under KRS 158.792; and

12 (d) Advise the Kentucky Board of Education and the Department of Education  
 13 regarding costs and effectiveness of various reading intervention programs.

14 ➔Section 10. KRS 158.860 is amended to read as follows:

15 (1) As used in this section:

16 (a) "Core course" means any course offered in the middle grades or high school  
 17 grades that is a specific high school graduation requirement or a course that  
 18 may be used to fulfill a minimum graduation requirement in the content areas  
 19 of language arts, mathematics, science, and social studies as specified in  
 20 administrative regulation promulgated by the Kentucky Board of Education  
 21 under the provisions of KRS 156.160; and

22 (b) "End-of-course examination" or "end-of-course exam" means a test that  
 23 measures a student's knowledge and skills upon completion of a core content  
 24 course.

25 (2) The Kentucky Department of Education shall coordinate the development of end-  
 26 of-course exams.

27 (a) The development process shall initially include end-of-course exams for



1 Algebra I, Algebra II, and Geometry.

2 (b) Content teachers in the core courses, postsecondary faculty including subject  
3 matter specialists as well as teacher educators, curriculum specialists, and  
4 other appropriate practitioners shall be involved in the development and  
5 review of items for the exams. Content teachers shall comprise the majority of  
6 the developers and reviewers of the test items.

7 (c) The department shall ensure that each end-of-course exam:

- 8 1. Aligns with the standards, content, goals, and academic expectations  
9 relevant to the course;
- 10 2. Requires student demonstration of knowledge, comprehension,  
11 application, and higher order cognitive skills;
- 12 3. Provides reliable and valid test items;
- 13 4. Is available to schools in an on-line format if resources are available;  
14 and
- 15 5. Provides individual student scores; test item analyses; aggregate  
16 comparisons of student data at the school, district, and state levels; and  
17 disaggregated data by student subpopulations at the school district and  
18 state levels.

19 (d) The department shall make available a parallel form for each exam.

20 (e) The initial end-of-course exam developed as required in paragraph (a) of this  
21 subsection shall be available and piloted in selected school districts no later  
22 than the end of the 2007-2008 school year.

23 (3) The department may contract for services as deemed necessary to fulfill its duties  
24 under this section.

25 (4) The Kentucky Department of Education shall conduct a study of the end-of-course  
26 examinations and the processes used during the pilot of the exams.

27 (a) Following the initial use of the end-of-course exams in Algebra I, Algebra II,

1 and Geometry, the department, with assistance from the developers identified  
2 in subsection (2)(b) of this section, shall determine whether the exams meet  
3 the requirements in subsection (2)(c) of this section. The determination shall  
4 be based on an analysis of individual test items, analyses of student results on  
5 the exams, pilot teachers' input, and review of other data gathered during the  
6 pilot year.

7 (b) The department shall consult with the Education Assessment and  
8 Accountability Review Subcommittee ~~and~~ the National Technical Advisory  
9 Panel on Assessment and Accountability, ~~and the School Curriculum,~~  
10 ~~Assessment, and Accountability Council~~ regarding the implications for  
11 statewide implementation and shall advise the Kentucky Board of Education  
12 of its findings and recommendations.

13 (c) Following the consultations and discussions required in paragraphs (a) and (b)  
14 of this subsection, the commissioner of education shall report the findings of  
15 the pilot project and policy options to the Interim Joint Committee on  
16 Education.

17 (5) End-of-course exams in the pilot period shall not be used as a criterion for formally  
18 evaluating or compensating teachers. Student results may be discussed during the  
19 formative evaluation stage in compliance with KRS 156.557.

20 (6) The department shall develop the test procedures, including testing  
21 accommodations for students with special needs, retest provisions, reporting  
22 requirements, and other procedures as necessary to implement the provisions of this  
23 section.

24 (7) A teacher shall use a student's score on any end-of-course exam that is administered  
25 in calculating the student's final grade in accordance with policies of the local board  
26 of education and the school-based decision making council.

27 (8) The commissioner of education or a designee shall provide a written status report

1 regarding implementation of this section to the Interim Joint Committee on  
 2 Education and the Education Assessment and Accountability Review Subcommittee  
 3 by December 1, 2007, and July 1, 2008.

4 (9) The Kentucky Department of Education and local school districts shall use end-of-  
 5 course exams to promote increased student accountability. The department and local  
 6 school districts shall also use test results to determine the need for technical  
 7 assistance, professional development, and other resources to improve instruction.

8 ➔Section 11. KRS 161.028 is repealed, reenacted, and amended to read as  
 9 follows:

10 (1) The Education Professional Standards Board is recognized to be a public body  
 11 corporate and politic ~~and an agency~~ and instrumentality of the Commonwealth~~, in~~  
 12 ~~the performance of essential governmental functions].~~ **The board shall be attached**  
 13 **to the Kentucky Department of Education for administrative purposes and shall**  
 14 **be provided staff by the commissioner of education. The board may also appoint**  
 15 **an administrative coordinator, who shall act as the executive secretary and**  
 16 **ombudsman for the members, and whose expenses shall be borne by the**  
 17 **Kentucky Department of Education.** The Education Professional Standards Board  
 18 has the authority and responsibility to:

19 (a) Establish standards and requirements for obtaining and maintaining a teaching  
 20 certificate;

21 (b) Set standards for, approve, and evaluate college, university, and school district  
 22 programs for the preparation of teachers and other professional school  
 23 personnel. Program standards shall reflect national standards and shall  
 24 address, at a minimum, the following:

25 1. The alignment of programs with the state's core content for assessment  
 26 as defined in KRS 158.6457;

27 2. Research-based classroom practices, including effective classroom

- 1 management techniques;
- 2 3. Emphasis on subject matter competency of teacher education students;
- 3 4. Methodologies to meet diverse educational needs of all students;
- 4 5. The consistency and quality of classroom and field experiences,
- 5 including early practicums and student teaching experiences;
- 6 6. The amount of college-wide or university-wide involvement and support
- 7 during the preparation as well as the induction of new teachers;
- 8 7. The diversity of faculty;
- 9 8. The effectiveness of partnerships with local school districts; and
- 10 9. The performance of graduates on various measures as determined by the
- 11 board;
- 12 (c) Conduct an annual review of diversity in teacher preparation programs;
- 13 (d) Provide assistance to universities and colleges in addressing diversity, which
- 14 may include researching successful strategies and disseminating the
- 15 information, encouraging the development of nontraditional avenues of
- 16 recruitment and providing incentives, waiving administrative regulations
- 17 when needed, and other assistance as deemed necessary;
- 18 (e) Discontinue approval of programs that do not meet standards or whose
- 19 graduates do not perform according to criteria set by the board;
- 20 (f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose
- 21 probationary or supervisory conditions upon; issue a written reprimand or
- 22 admonishment; or any combination of actions regarding any certificate;
- 23 (g) Develop specific guidelines to follow upon receipt of an allegation of sexual
- 24 misconduct by an employee certified by the Education Professional Standards
- 25 Board. The guidelines shall include investigation, inquiry, and hearing
- 26 procedures which ensure the process does not revictimize the alleged victim
- 27 or cause harm if an employee is falsely accused;

- 1 (h) Receive, along with investigators hired by the Kentucky Department of  
 2 Education~~[Education—Professional—Standards—Board]~~, training on the  
 3 dynamics of sexual misconduct of professionals, including the nature of this  
 4 abuse of authority, characteristics of the offender, the impact on the victim,  
 5 the possibility and the impact of false accusations, investigative procedures in  
 6 sex offense cases, and effective intervention with victims and offenders;
- 7 (i) Recommend to the Kentucky Board of Education the essential data elements  
 8 relating to teacher preparation and certification, teacher supply and demand,  
 9 teacher attrition, teacher diversity, and employment trends to be included in a  
 10 state comprehensive data and information system and periodically report data  
 11 to the Interim Joint Committee on Education;
- 12 (j) Submit reports to the Governor and the Legislative Research Commission and  
 13 inform the public on the status of teaching in Kentucky;
- 14 (k) Devise a credentialing system that provides alternative routes to gaining  
 15 certification and greater flexibility in staffing local schools while maintaining  
 16 standards for teacher competence;
- 17 (l) Develop a professional code of ethics;
- 18 ~~{(m) Set the qualifications and salary for the positions of executive director and~~  
 19 ~~deputy executive director to the board, notwithstanding the provisions of KRS~~  
 20 ~~64.640;~~
- 21 ~~(n) Recruit, select, employ and evaluate the executive director to the board;~~
- 22 ~~(o) Approve employment procedures for the employment of policy level staff,~~  
 23 ~~subject to the provisions of KRS 12.050;~~
- 24 ~~(p) Approve the biennial budget request;]~~
- 25 (m)~~{(q)}~~ Charge reasonable fees for the issuance, reissuance, and renewal of  
 26 certificates that are established by administrative regulation. The proceeds  
 27 shall be used to meet a portion of the costs of the issuance, reissuance, and

1 renewal of certificates, and the costs associated with disciplinary action  
2 against a certificate holder under KRS 161.120;

3 ~~(n)~~~~(r)~~ Waive a requirement that may be established in an administrative  
4 regulation promulgated by the board. A request for a waiver shall be  
5 submitted to the board, in writing, by an applicant for certification, a  
6 postsecondary institution, or a superintendent of a local school district, with  
7 appropriate justification for the waiver. The board may approve the request if  
8 the person or institution seeking the waiver has demonstrated extraordinary  
9 circumstances justifying the waiver. Any waiver granted under this subsection  
10 shall be subject to revocation if the person or institution falsifies information  
11 or subsequently fails to meet the intent of the waiver;

12 ~~(o)~~~~(s)~~ Promote the development of one (1) or more innovative, nontraditional  
13 or alternative administrator or teacher preparation programs through public or  
14 private colleges or universities, private contractors, the Department of  
15 Education, or the Kentucky Commonwealth Virtual University and waive  
16 administrative regulations if needed in order to implement the program; ***and***

17 ~~(p)~~~~(t)~~ Grant approval, if appropriate, of a university's request for an alternative  
18 program that enrolls an administrator candidate in a postbaccalaureate  
19 administrator preparation program concurrently with employment as an  
20 assistant principal, principal, assistant superintendent, or superintendent in a  
21 local school district. An administrator candidate in the alternative program  
22 shall be granted a temporary provisional certificate and shall be a candidate in  
23 the Kentucky Principal Internship Program, notwithstanding provisions of  
24 KRS 161.030, or the Superintendent's Assessment process, notwithstanding  
25 provisions of KRS 156.111, as appropriate. The temporary certificate shall be  
26 valid for a maximum of two (2) years, and shall be contingent upon the  
27 candidate's continued enrollment in the preparation program and compliance

1 with all requirements established by the board. A professional certificate shall  
 2 be issued upon the candidate's successful completion of the program,  
 3 internship requirements, and assessments as required by the board[;

4 ~~(u) Employ consultants as needed;~~

5 ~~(v) Enter into contracts. Disbursements to professional educators who receive less~~  
 6 ~~than one thousand dollars (\$1,000) in compensation per fiscal year from the~~  
 7 ~~board for serving on an assessment validation panel or as a test scorer or~~  
 8 ~~proctor shall not be subject to KRS 45A.690 to 45A.725;~~

9 ~~(w) Sponsor studies, conduct research, conduct conferences, and publish~~  
 10 ~~information as appropriate; and~~

11 ~~(x) Issue orders as necessary in any administrative action before the board].~~

12 (2) (a) The board shall be composed of fourteen (14)~~seventeen (17)]~~ members. The  
 13 commissioner of education and the president of the Council on Postsecondary  
 14 Education, or their designees, shall serve as ex officio voting members. The  
 15 Governor shall make the following twelve (12)~~fifteen (15)]~~ appointments,  
 16 subject to Senate confirmation:

17 1. One (1) elementary school teacher;

18 2. One (1) middle school teacher;

19 3. One (1) high school teacher;

20 4. One (1) science, technology, engineering, or mathematics teacher;

21 5. One (1) arts and humanities teacher;

22 6. One (1) exceptional education teacher;

23 7. One (1) career and technical education professional;

24 8. One (1) principal or school administrator;

25 9. One (1) school counselor or psychologist;

26 10. One (1) faculty member of a private postsecondary institution who is  
 27 also the institution's chief academic officer;

1           11. One (1) faculty member of a public postsecondary institution who is  
 2           also the institution's chief academic officer; and

3           12. One (1) parent or at-large member~~[Nine (9) members who shall be~~  
 4           ~~teachers representative of elementary, middle or junior high, secondary,~~  
 5           ~~special education, and secondary vocational classrooms;~~

6           ~~2. Two (2) members who shall be school administrators, one (1) of whom~~  
 7           ~~shall be a school principal;~~

8           ~~3. One (1) member representative of local boards of education; and~~

9           ~~4. Three (3) members representative of postsecondary institutions, two (2)~~  
 10           ~~of whom shall be deans of colleges of education at public universities~~  
 11           ~~and one (1) of whom shall be the chief academic officer of an~~  
 12           ~~independent not for profit college or university].~~

13           (b) Members of the board shall serve four (4) year terms.~~[The members~~  
 14           ~~appointed by the Governor after June 21, 2001, shall be confirmed by the~~  
 15           ~~Senate and the House of Representatives under KRS 11.160. If the General~~  
 16           ~~Assembly is not in session at the time of the appointment, persons appointed~~  
 17           ~~shall serve prior to confirmation, but the Governor shall seek the consent of~~  
 18           ~~the General Assembly at the next regular session or at an intervening~~  
 19           ~~extraordinary session if the matter is included in the call of the General~~  
 20           ~~Assembly.~~

21           (c) ~~A vacancy on the board shall be filled in the same manner as the original~~  
 22           ~~appointment within sixty (60) days after it occurs. A member shall continue to~~  
 23           ~~serve until his successor is named. Any member who, through change of~~  
 24           ~~employment status or residence, or for other reasons, no longer meets the~~  
 25           ~~criteria for the position to which he was appointed shall no longer be eligible~~  
 26           ~~to serve in that position.]~~

27           (c)~~(d)~~ Members of the board shall serve without compensation but shall be



1 permitted to attend board meetings and perform other board business without  
2 loss of income or other benefits.

3 ~~(d)~~~~(e)~~ A state agency or any political subdivision of the state, including a  
4 school district, required to hire a substitute for a member of the board who is  
5 absent from the member's place of employment while performing board  
6 business shall be reimbursed by the board for the actual amount of any costs  
7 incurred.

8 ~~(e)~~~~(f)~~ A chairman shall be elected by and from the membership. A member  
9 shall be eligible to serve no more than three (3) one (1) year terms in  
10 succession as chairman. The commissioner of education~~executive director~~  
11 shall keep records of proceedings. Regular meetings shall be held at least  
12 semiannually on call of the chairman.

13 ~~(f)~~~~(g)~~ *The Kentucky Board of Education shall be given thirty (30) days to*  
14 *review and approve all proposed administrative regulations of the*  
15 *Education Professional Standards Board prior to promulgation in a*  
16 *manner prescribed by the Kentucky Board of Education, notwithstanding*  
17 *those filed with an emergency clause.*~~[To carry out the functions relating to~~  
18 ~~its duties and responsibilities, the board is empowered to receive donations~~  
19 ~~and grants of funds; to appoint consultants as needed; and to sponsor studies,~~  
20 ~~conduct conferences, and publish information.]~~

21 ➔Section 12. KRS 161.120 is amended to read as follows:

22 (1) Except as described in KRS 161.795, the Education Professional Standards Board  
23 may revoke, suspend, or refuse to issue or renew; impose probationary or  
24 supervisory conditions upon; issue a written reprimand or admonishment; or any  
25 combination of those actions regarding any certificate issued under KRS 161.010 to  
26 161.100, or any certificate or license issued under any previous law to  
27 superintendents, principals, teachers, substitute teachers, interns, supervisors,

1 directors of pupil personnel, or other administrative, supervisory, or instructional  
2 employees for the following reasons:

3 (a) Being convicted of, or entering an "Alford" plea or plea of nolo contendere to,  
4 notwithstanding an order granting probation or suspending imposition of any  
5 sentence imposed following the conviction or entry of the plea, one (1) of the  
6 following:

7 1. A felony;

8 2. A misdemeanor under KRS Chapter 218A, 508, 509, 510, 522, 525,  
9 529, 530, or 531; or

10 3. A misdemeanor involving a student or minor.

11 A certified copy of the conviction or plea shall be conclusive evidence of the  
12 conviction or plea;

13 (b) Having sexual contact as defined in KRS 510.010(7) with a student or minor.  
14 Conviction in a criminal proceeding shall not be a requirement for disciplinary  
15 action;

16 (c) Committing any act that constitutes fraudulent, corrupt, dishonest, or immoral  
17 conduct. If the act constitutes a crime, conviction in a criminal proceeding  
18 shall not be a condition precedent to disciplinary action;

19 (d) Demonstrating willful or careless disregard for the health, welfare, or safety of  
20 others;

21 (e) Physical or mental incapacity that prevents the certificate holder from  
22 performing duties with reasonable skill, competence, or safety;

23 (f) Possessing, using, or being under the influence of alcohol, which impairs the  
24 performance of duties;

25 (g) Unlawfully possessing or unlawfully using a drug during the performance of  
26 duties;

27 (h) Incompetency or neglect of duty;

- 1 (i) Making, or causing to be made, any false or misleading statement or  
2 concealing a material fact in obtaining issuance or renewal of any certificate;
- 3 (j) Failing to report as required by subsection (2) of this section;
- 4 (k) Failing to comply with an order of the Education Professional Standards  
5 Board;
- 6 (l) Violating any state statute relating to schools or the teaching profession;
- 7 (m) Violating the professional code of ethics for Kentucky school certified  
8 personnel established by the Education Professional Standards Board through  
9 the promulgation of administrative regulation;
- 10 (n) Violating any administrative regulation promulgated by the Education  
11 Professional Standards Board or the Kentucky Board of Education; or
- 12 (o) Receiving disciplinary action or having the issuance of a certificate denied or  
13 restricted by another jurisdiction on grounds that constitute a violation of this  
14 subsection.
- 15 (2) (a) The superintendent of each local school district shall report in writing to the  
16 Education Professional Standards Board the name, address, phone number,  
17 Social Security number, and position name of any certified school employee  
18 in the employee's district whose contract is terminated or not renewed, for  
19 cause except failure to meet local standards for quality of teaching  
20 performance prior to the employee gaining tenure; who resigns from, or  
21 otherwise leaves, a position under threat of contract termination, or  
22 nonrenewal, for cause; who is convicted in a criminal prosecution; or who  
23 otherwise may have engaged in any actions or conduct while employed in the  
24 school district that might reasonably be expected to warrant consideration for  
25 action against the certificate under subsection (1) of this section. The duty to  
26 report shall exist without regard to any disciplinary action, or lack thereof, by  
27 the superintendent, and the required report shall be submitted within thirty

- 1 (30) days of the event giving rise to the duty to report.
- 2 (b) The district superintendent shall inform the Education Professional Standards  
3 Board in writing of the full facts and circumstances leading to the contract  
4 termination or nonrenewal, resignation, or other absence, conviction, or  
5 otherwise reported actions or conduct of the certified employee, that may  
6 warrant action against the certificate under subsection (1) of this section, and  
7 shall forward copies of all relevant documents and records in his possession.
- 8 (c) The Education Professional Standards Board may consider reports and  
9 information received from other sources.
- 10 (d) The certified school employee shall be given a copy of any report provided to  
11 the Education Professional Standards Board by the district superintendent or  
12 other sources. The employee shall have the right to file a written rebuttal to  
13 the report which shall be placed in the official file with the report.
- 14 (3) A finding or action by a school superintendent or tribunal does not create a  
15 presumption of a violation or lack of a violation of subsection (1) of this section.
- 16 (4) The board may issue a written admonishment to the certificate holder if the board  
17 determines, based on the evidence, that a violation has occurred that is not of a  
18 serious nature. A copy of the written admonishment shall be placed in the official  
19 file of the certificate holder. The certificate holder may respond in writing to the  
20 admonishment within thirty (30) days of receipt and have that response placed in his  
21 official certification file. Alternatively, the certificate holder may file a request for a  
22 hearing with the board within thirty (30) days of receipt of the admonishment. Upon  
23 receipt of a request for a hearing, the board shall set aside the written admonishment  
24 and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.
- 25 (5) (a) The Education Professional Standards Board shall schedule and conduct a  
26 hearing in accordance with KRS Chapter 13B:
- 27 1. Before revoking, suspending, refusing to renew, imposing probationary

- 1 or supervisory conditions upon, issuing a written reprimand, or any  
2 combination of these actions regarding any certificate;
- 3 2. After denying an application for a certificate, upon written request filed  
4 within thirty (30) days of receipt of the letter advising of the denial; or
- 5 3. After issuing a written admonishment, upon written request for a hearing  
6 filed within thirty (30) days of receipt of the written admonishment.
- 7 (b) Upon request, a hearing may be public or private at the discretion of the  
8 certified employee or applicant.
- 9 (c) The hearing shall be conducted before the full board, a panel of three (3)  
10 members of the board, or a person appointed as hearing officer by the board  
11 pursuant to KRS 13B.030(1).
- 12 (6) The Education Professional Standards Board or its chair may take emergency action  
13 pursuant to KRS 13B.125. Emergency action shall not affect a certificate holder's  
14 contract or tenure rights in the school district.
- 15 (7) If the Education Professional Standards Board substantiates that sexual contact  
16 occurred between a certified employee and a student or minor, the employee's  
17 certificate may be revoked or suspended with mandatory treatment of the employee  
18 as prescribed by the Education Professional Standards Board. The Education  
19 Professional Standards Board may require the employee to pay a specified amount  
20 for mental health services for the student or minor which are needed as a result of  
21 the sexual contact.
- 22 (8) At any time during the investigative or hearing processes, the board may enter into  
23 an agreed order or accept an assurance of voluntary compliance with the certificate  
24 holder.
- 25 (9) The board may reconsider, modify, or reverse its decision on any disciplinary  
26 action.
- 27 (10) Suspension of a certificate shall be for a specified period of time, not to exceed two

1 (2) years.

2 (a) At the conclusion of the specified period, upon demonstration of compliance  
3 with any educational requirements and the terms set forth in the agreed order,  
4 the certificate shall be reactivated.

5 (b) A suspended certificate is subject to expiration and termination.

6 (11) Revocation of a certificate is a permanent forfeiture. The board shall establish the  
7 minimum period of time before an applicant can apply for a new certificate.

8 (a) At the conclusion of the specified period, and upon demonstration of  
9 compliance with any educational requirements and the terms set forth in the  
10 agreed order, the applicant shall bear the burden of proof to show that he or  
11 she is again fit for practice.

12 (b) The board shall have discretion to impose conditions that it deems reasonably  
13 appropriate to ensure the applicant's fitness and the protection of public safety.  
14 Any conditions imposed by the board shall address or apply to only that time  
15 period after the revocation of the certificate.

16 (12) An appeal from any final order of the Education Professional Standards Board shall  
17 be filed in Franklin Circuit Court in accordance with KRS Chapter 13B.

18 **(13) The commissioner of education, on behalf of the Education Professional**  
19 **Standards Board, may issue administrative subpoenas for the attendance of**  
20 **witnesses and the production of documents relevant to disciplinary cases under**  
21 **consideration. Compliance with subpoenas shall be enforceable by the Circuit**  
22 **Court in Franklin County.**

23 ➔Section 13. KRS 164.011 is amended to read as follows:

24 (1) There is hereby created and established a Council on Postsecondary Education in  
25 Kentucky as an agency, instrumentality, and political subdivision of the  
26 Commonwealth and a public body corporate and politic having all powers, duties,  
27 and responsibilities as are provided to it by law, appointed for a term set by law

1 pursuant to Section 23 of the Constitution of Kentucky. The council shall be  
2 composed of fifteen (15) voting members appointed by the Governor and  
3 confirmed by the Senate, including a postsecondary faculty member, a  
4 postsecondary student member, and thirteen (13) citizen members from the state-  
5 at-large. ~~[the commissioner of education, a faculty member, a student member, and~~  
6 ~~thirteen (13) citizen members appointed by the Governor. The citizen members~~  
7 ~~shall be confirmed by the Senate under KRS 11.160, and]~~ The commissioner of  
8 education shall serve as a nonvoting ex officio member. Citizen council members  
9 shall be selected from a list of nominees provided to the Governor under the  
10 nominating process set forth in KRS 164.005. If the General Assembly is not in  
11 session at the time of the appointment, persons appointed shall serve prior to  
12 confirmation, but the Governor shall seek the consent of the Senate at the next  
13 regular session or at an intervening extraordinary session if the matter is included in  
14 the call of the General Assembly.

15 (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary  
16 Education Nominating Committee shall submit nominations to the Governor as set  
17 forth in KRS 164.005. On making citizen appointments to the council, the Governor  
18 shall ensure broad geographical and political representation; ensure equal  
19 representation of the two (2) sexes, inasmuch as possible; ensure no less than  
20 proportional representation of the two (2) leading political parties of the  
21 Commonwealth based on the state's voter registration and the political affiliation of  
22 each appointee as of December 31 of the year preceding the date of his or her  
23 appointment; and ensure that appointments reflect the minority racial composition  
24 of the Commonwealth based on the total minority racial population using the most  
25 recent census or estimate data from the United States Census Bureau. If the  
26 determination of proportional minority representation does not result in a whole  
27 number of minority members, it shall be rounded up to the next whole number. A

1 particular political affiliation shall not be a prerequisite to appointment to the  
2 council generally; however, if any person is appointed to the council that does not  
3 represent either of the two (2) leading political parties of the Commonwealth, the  
4 proportional representation by political affiliation requirement shall be determined  
5 and satisfied based on the total number of members on the council less any  
6 members not affiliated with either of the two (2) leading political parties. In filling  
7 vacancies to the council, the Governor shall act so as to provide, inasmuch as  
8 possible, equal representation of the two (2) sexes by appointing a member of the  
9 sex that is the lesser represented at the time of the appointment. If the remaining  
10 membership already has an equal number of males and females, the Governor may  
11 appoint a member of either sex. No more than two (2) members of the council shall  
12 hold an undergraduate degree from any one (1) Kentucky university, and no more  
13 than three (3) voting members of the council shall reside in any one (1) judicial  
14 district of the Kentucky Supreme Court as of the date of the appointment. However,  
15 change in residency after the date of appointment shall not affect the ability to serve.

16 (3) One (1) member shall be a full-time faculty member employed at a state institution  
17 of postsecondary education. The faculty member shall be appointed to a four (4)  
18 year term by the Governor from a list of three (3) nominees selected and submitted  
19 by majority vote of the ten (10) faculty members who serve as faculty  
20 representatives of the boards of trustees and boards of regents of the nine (9)  
21 postsecondary education institutions.

22 (4) One (1) member shall be enrolled as a full-time student at a state institution of  
23 postsecondary education and shall be selected annually in the following manner: not  
24 later than June 1 of each year the eight (8) student body presidents of the four (4)  
25 year state public institutions of higher education, the two (2) student members to the  
26 Kentucky Community and Technical College System, and one (1) student body  
27 president representing the members of the Association of Independent Kentucky



1 Colleges and Universities shall elect by majority vote three (3) nominees to submit  
2 to the Governor. From this list of nominees, the Governor shall appoint a student  
3 member.

4 (5) In filling any *citizen* vacancies, the Governor shall ensure the continuing  
5 representation upon the council of the broad constituencies as set forth in subsection  
6 (2) of this section. Vacancies on the council shall be filled for the unexpired term in  
7 accordance with the procedures established for the original appointments.

8 (6) Each citizen member shall serve a term of six (6) years unless removed by the  
9 Governor for cause, except the initial appointments shall be as follows:

10 (a) Two (2) appointments shall expire December 31, 1997;

11 (b) Three (3) appointments shall expire December 31, 1998;

12 (c) Two (2) appointments shall expire December 31, 1999;

13 (d) Two (2) appointments shall expire December 31, 2000;

14 (e) Two (2) appointments shall expire December 31, 2001; and

15 (f) Two (2) appointments shall expire December 31, 2002.

16 (7) Any person, other than the chief state school officer, holding either an elective or  
17 appointive state office or who is a member of the governing board of any state  
18 university in Kentucky, shall be ineligible for membership or appointment on the  
19 council during his term.

20 (8) The members of the council shall elect the chair and the vice chair of the council  
21 from among the council's membership, and the chair and vice chair shall serve at  
22 the pleasure of the council. The vice chair shall serve as chair in the absence of the  
23 chair.

24 (9) The council shall meet at least quarterly and at other times upon the call of the chair  
25 or a majority of the council.

26 (10) A quorum shall be a majority of the appointive membership of the council.

27 (11) A quorum shall be required to organize and conduct the business of the council,

1           except that an affirmative vote of eight (8) or more appointive members of the  
2           entire council shall be required to dismiss from employment the president of the  
3           council, and to adopt or amend the state strategic postsecondary education agenda.

4           (12) New appointees to the council shall not serve more than two (2) consecutive terms.

5           (13) New appointees to the council shall complete an orientation and education program  
6           set forth in KRS 164.020(25) to be eligible for appointment to a second term.

7           **(14) The president of the Council on Postsecondary Education shall serve as executive**  
8           **secretary of the council and attend all meetings. Subject to approval of the**  
9           **council, the president may designate staff to record minutes and facilitate the**  
10           **president's duties. The council may appoint an administrative coordinator who**  
11           **shall act as ombudsman for members and whose salary shall be borne by the**  
12           **council.**

13           ➔Section 14. KRS 161.220 is amended to read as follows:

14           As used in KRS 161.220 to 161.716 and 161.990:

15           (1) "Retirement system" means the arrangement provided for in KRS 161.220 to  
16           161.716 and 161.990 for payment of allowances to members;

17           (2) "Retirement allowance" means the amount annually payable during the course of his  
18           natural life to a member who has been retired by reason of service;

19           (3) "Disability allowance" means the amount annually payable to a member retired by  
20           reason of disability;

21           (4) "Member" means the commissioner of education, deputy commissioners, associate  
22           commissioners, and all division directors in the State Department of Education,  
23           employees participating in the system pursuant to KRS 196.167(3)(b)1., and any  
24           full-time teacher or professional occupying a position requiring certification or  
25           graduation from a four (4) year college or university, as a condition of employment,  
26           and who is employed by public boards, institutions, or agencies as follows:

27           (a) Local boards of education;

- 1 (b) Eastern Kentucky University, Kentucky State University, Morehead State  
2 University, Murray State University, Western Kentucky University, and any  
3 community colleges established under the control of these universities;
- 4 (c) State-operated secondary area vocational education or area technology centers,  
5 Kentucky School for the Blind, and Kentucky School for the Deaf;
- 6 (d) The Education Professional Standards Board, other public education agencies  
7 as created by the General Assembly, and those members of the administrative  
8 staff of the Teachers' Retirement System of the State of Kentucky whom the  
9 board of trustees may designate by administrative regulation;
- 10 (e) Regional cooperative organizations formed by local boards of education or  
11 other public educational institutions listed in this subsection, for the purpose  
12 of providing educational services to the participating organizations;
- 13 (f) All full-time members of the staffs of the Kentucky Association of School  
14 Administrators, Kentucky Education Association, Kentucky Vocational  
15 Association, Kentucky High School Athletic Association, Kentucky Academic  
16 Association, and the Kentucky School Boards Association who were members  
17 of the Kentucky Teachers' Retirement System or were qualified for a position  
18 covered by the system at the time of employment by the association in the  
19 event that the board of directors of the respective association petitions to be  
20 included. The board of trustees of the Kentucky Teachers' Retirement System  
21 may designate by resolution whether part-time employees of the petitioning  
22 association are to be included. The state shall make no contributions on  
23 account of these employees, either full-time or part-time. The association shall  
24 make the employer's contributions, including any contribution that is specified  
25 under KRS 161.550. The provisions of this paragraph shall be applicable to  
26 persons in the employ of the associations on or subsequent to July 1, 1972;
- 27 (g) Employees of the Council on Postsecondary Education who were employees

- 1 of the Department for Adult Education and Literacy and who were members  
2 of the Kentucky Teachers' Retirement System at the time the department was  
3 transferred to the council pursuant to Executive Order 2003-600;
- 4 (h) The Office of Career and Technical Education, except that the executive  
5 director shall not be a member;
- 6 (i) The Office of Vocational Rehabilitation;
- 7 (j) The Kentucky Educational Collaborative for State Agency Children;
- 8 (k) The Governor's Scholars Program;
- 9 (l) Any person who is retired for service from the retirement system and is  
10 reemployed by an employer identified in this subsection in a position that the  
11 board of trustees deems to be a member;
- 12 (m) Employees of the former Cabinet for Workforce Development who are  
13 transferred to the Kentucky Community and Technical College System and  
14 who occupy positions covered by the Kentucky Teachers' Retirement System  
15 shall remain in the Teachers' Retirement System. New employees occupying  
16 these positions, as well as newly created positions qualifying for Teachers'  
17 Retirement System coverage that would have previously been included in the  
18 former Cabinet for Workforce Development, shall be members of the  
19 Teachers' Retirement System;
- 20 (n) Effective January 1, 1998, employees of state community colleges who are  
21 transferred to the Kentucky Community and Technical College System shall  
22 continue to participate in federal old age, survivors, disability, and hospital  
23 insurance, and a retirement plan other than the Kentucky Teachers' Retirement  
24 System offered by Kentucky Community and Technical College System. New  
25 employees occupying positions in the Kentucky Community and Technical  
26 College System as referenced in KRS 164.5807(5) that would not have  
27 previously been included in the former Cabinet for Workforce Development,

1 shall participate in federal old age, survivors, disability, and hospital insurance  
2 and have a choice at the time of employment of participating in a retirement  
3 plan provided by the Kentucky Community and Technical College System,  
4 including participation in the Kentucky Teachers' Retirement System, on the  
5 same basis as faculty of the state universities as provided in KRS 161.540 and  
6 161.620;

7 (o) Employees of the Office of General Counsel, the Office of Budget and  
8 Administrative Services, and the Office of Quality and Human Resources  
9 within the Office of the Secretary of the former Cabinet for Workforce  
10 Development and the commissioners of the former Department for Adult  
11 Education and Literacy and the former Department for Technical Education  
12 who were contributing to the Kentucky Teachers' Retirement System as of  
13 July 15, 2000;

14 (p) Employees of the Kentucky Department of Education only who are graduates  
15 of a four (4) year college or university, notwithstanding a substitution clause  
16 within a job classification, and who are serving in a professional job  
17 classification as defined by the department;~~[-and]~~

18 (q) The Governor's School for Entrepreneurs Program; and

19 (r) Employees of the Education Professional Standards Board who were  
20 members of the Teachers' Retirement System at the time the board was  
21 transferred to the Kentucky Department of Education on the effective date  
22 of this Act;~~[-]~~

23 (5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940,  
24 and became a member of the retirement system created by 1938 (1st Extra. Sess.)  
25 Ky. Acts ch. 1, on the date of the inauguration of the system or within one (1) year  
26 after that date, and any teacher who was a member of a local teacher retirement  
27 system in the public elementary or secondary schools of the state on or before July

1 1, 1940, and continued to be a member of the system until he, with the membership  
2 of the local retirement system, became a member of the state Teachers' Retirement  
3 System or who becomes a member under the provisions of KRS 161.470(4);

4 (6) "New teacher" means any member not a present teacher;

5 (7) "Prior service" means the number of years during which the member was a teacher  
6 in Kentucky prior to July 1, 1941, except that not more than thirty (30) years' prior  
7 service shall be allowed or credited to any teacher;

8 (8) "Subsequent service" means the number of years during which the teacher is a  
9 member of the Teachers' Retirement System after July 1, 1941;

10 (9) "Final average salary" means the average of the five (5) highest annual salaries  
11 which the member has received for service in a covered position and on which the  
12 member has made contributions, or on which the public board, institution, or  
13 agency has picked-up member contributions pursuant to KRS 161.540(2), or the  
14 average of the five (5) years of highest salaries as defined in KRS 61.680(2)(a),  
15 which shall include picked-up member contributions. Additionally, the board of  
16 trustees may approve a final average salary based upon the average of the three (3)  
17 highest salaries for members who are at least fifty-five (55) years of age and have a  
18 minimum of twenty-seven (27) years of Kentucky service credit. However, if any of  
19 the five (5) or three (3) highest annual salaries used to calculate the final average  
20 salary was paid within the three (3) years immediately prior to the date of the  
21 member's retirement, the amount of salary to be included for each of those three (3)  
22 years for the purpose of calculating the final average salary shall be limited to the  
23 lesser of:

24 (a) The member's actual salary; or

25 (b) The member's annual salary that was used for retirement purposes during each  
26 of the prior three (3) years, plus a percentage increase equal to the percentage  
27 increase received by all other members employed by the public board,

1 institution, or agency, or for members of school districts, the highest  
2 percentage increase received by members on any one (1) rank and step of the  
3 salary schedule of the school district. The increase shall be computed on the  
4 salary that was used for retirement purposes.

5 This limitation shall not apply if the member receives an increase in salary in a  
6 percentage exceeding that received by the other members, and this increase was  
7 accompanied by a corresponding change in position or in length of employment.

8 This limitation shall also not apply to the payment to a member for accrued annual  
9 leave if the individual becomes a member before July 1, 2008, or accrued sick leave  
10 which is authorized by statute and which shall be included as part of a retiring  
11 member's annual compensation for the member's last year of active service;

12 (10) "Annual compensation" means the total salary received by a member as  
13 compensation for all services performed in employment covered by the retirement  
14 system during a fiscal year. Annual compensation shall not include payment for any  
15 benefit or salary adjustments made by the public board, institution, or agency to the  
16 member or on behalf of the member which is not available as a benefit or salary  
17 adjustment to other members employed by that public board, institution, or agency.  
18 Annual compensation shall not include the salary supplement received by a member  
19 under KRS 157.197(2)(c), 158.6455, or 158.782 on or after July 1, 1996. Under no  
20 circumstances shall annual compensation include compensation that is earned by a  
21 member while on assignment to an organization or agency that is not a public board,  
22 institution, or agency listed in subsection (4) of this section. In the event that federal  
23 law requires that a member continue membership in the retirement system even  
24 though the member is on assignment to an organization or agency that is not a  
25 public board, institution, or agency listed in subsection (4) of this section, the  
26 member's annual compensation for retirement purposes shall be deemed to be the  
27 annual compensation, as limited by subsection (9) of this section, last earned by the

1 member while still employed solely by and providing services directly to a public  
2 board, institution, or agency listed in subsection (4) of this section. The board of  
3 trustees shall determine if any benefit or salary adjustment qualifies as annual  
4 compensation. For an individual who becomes a member on or after July 1, 2008,  
5 annual compensation shall not include lump-sum payments upon termination of  
6 employment for accumulated annual or compensatory leave;

7 (11) "Age of member" means the age attained on the first day of the month immediately  
8 following the birthdate of the member. This definition is limited to retirement  
9 eligibility and does not apply to tenure of members;

10 (12) "Employ," and derivatives thereof, means relationships under which an individual  
11 provides services to an employer as an employee, as an independent contractor, as  
12 an employee of a third party, or under any other arrangement as long as the services  
13 provided to the employer are provided in a position that would otherwise be covered  
14 by the Kentucky Teachers' Retirement System and as long as the services are being  
15 provided to a public board, institution, or agency listed in subsection (4) of this  
16 section;

17 (13) "Regular interest" means interest at three percent (3%) per annum, except for an  
18 individual who becomes a member on or after July 1, 2008, "regular interest" means  
19 interest at two and one-half percent (2.5%) per annum for purposes of crediting  
20 interest to the teacher savings account or any other contributions made by the  
21 employee that are refundable to the employee upon termination of employment;

22 (14) "Accumulated contributions" means the contributions of a member to the teachers'  
23 savings fund, including picked-up member contributions as described in KRS  
24 161.540(2), plus accrued regular interest;

25 (15) "Annuitant" means a person who receives a retirement allowance or a disability  
26 allowance;

27 (16) "Local retirement system" means any teacher retirement or annuity system created



- 1 in any public school district in Kentucky in accordance with the laws of Kentucky;
- 2 (17) "Fiscal year" means the twelve (12) month period from July 1 to June 30. The  
3 retirement plan year is concurrent with this fiscal year. A contract for a member  
4 employed by a local board of education may not exceed two hundred sixty-one  
5 (261) days in the fiscal year;
- 6 (18) "Public schools" means the schools and other institutions mentioned in subsection  
7 (4) of this section;
- 8 (19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was  
9 receiving, at the time of death of the member, at least one-half (1/2) of the support  
10 from the member for maintenance, including board, lodging, medical care, and  
11 related costs;
- 12 (20) "Active contributing member" means a member currently making contributions to  
13 the Teachers' Retirement System, who made contributions in the next preceding  
14 fiscal year, for whom picked-up member contributions are currently being made, or  
15 for whom these contributions were made in the next preceding fiscal year;
- 16 (21) "Full-time" means employment in a position that requires services on a continuing  
17 basis equal to at least seven-tenths (7/10) of normal full-time service on a fiscal year  
18 basis;
- 19 (22) "Full actuarial cost," when used to determine the payment that a member must pay  
20 for service credit means the actuarial value of all costs associated with the  
21 enhancement of a member's benefits or eligibility for benefit enhancements,  
22 including health insurance supplement payments made by the retirement system.  
23 The actuary for the retirement system shall determine the full actuarial value costs  
24 and actuarial cost factor tables as provided in KRS 161.400;
- 25 (23) "Last annual compensation" means the annual compensation, as defined by  
26 subsection (10) of this section and as limited by subsection (9) of this section,  
27 earned by the member during the most recent period of contributing service, either

1 consecutive or nonconsecutive, that is sufficient to provide the member with one (1)  
2 full year of service credit in the Kentucky Teachers' Retirement System, and which  
3 compensation is used in calculating the member's initial retirement allowance,  
4 excluding bonuses, retirement incentives, payments for accumulated sick, annual,  
5 personal and compensatory leave, and any other lump-sum payment. For an  
6 individual who becomes a member on or after July 1, 2008, payments for annual or  
7 compensatory leave shall not be included in determining the member's last annual  
8 compensation;

9 (24) "Participant" means a member, as defined by subsection (4) of this section, or an  
10 annuitant, as defined by subsection (15) of this section;

11 (25) "Qualified domestic relations order" means any judgment, decree, or order,  
12 including approval of a property settlement agreement, that:

13 (a) Is issued by a court or administrative agency; and

14 (b) Relates to the provision of child support, alimony payments, or marital  
15 property rights to an alternate payee; and

16 (26) "Alternate payee" means a spouse, former spouse, child, or other dependent of a  
17 participant, who is designated to be paid retirement benefits in a qualified domestic  
18 relations order.

19 ➔Section 15. KRS 158.792 is amended to read as follows:

20 (1) As used in this section and KRS 164.0207, unless the context requires otherwise:

21 (a) "Comprehensive reading program" means a program that emphasizes the  
22 essential components of reading: phonemic awareness, phonics, fluency,  
23 vocabulary, comprehension, and connections between writing and reading  
24 acquisition and motivation to read.

25 (b) "Reading diagnostic assessment" means an assessment that identifies a  
26 struggling reader and measures the reader's skills against established  
27 performance levels in the essential components of reading. The purpose is to

1 screen for areas that require intervention in order for the student to learn to  
2 read proficiently.

3 (c) "Reading intervention program" means short-term intensive instruction in the  
4 essential skills necessary to read proficiently that is provided to a student by a  
5 highly trained teacher. This instruction may be conducted one-on-one or in  
6 small groups; shall be research-based, reliable, and replicable; and shall be  
7 based on the ongoing assessment of individual student needs.

8 (d) "Reliable, replicable research" means objective, valid, scientific studies that:

- 9 1. Include rigorously defined samples of subjects that are sufficiently large  
10 and representative to support the general conclusions drawn;
- 11 2. Rely on measurements that meet established standards of reliability and  
12 validity;
- 13 3. Test competing theories, where multiple theories exist;
- 14 4. Are subjected to peer review before their results are published; and
- 15 5. Discover effective strategies for improving reading skills.

16 (2) The reading diagnostic and intervention fund is created to help teachers and library  
17 media specialists improve the reading skills of struggling readers in the primary  
18 program. The Department of Education, upon the recommendation of the Read to  
19 Achieve Advisory Council~~[Reading Diagnostic and Intervention Grant Steering~~  
20 ~~Committee]~~, shall provide renewable, two (2) year grants to schools to support  
21 teachers in the implementation of reliable, replicable research-based reading  
22 intervention programs that use a balance of diagnostic tools and instructional  
23 strategies that emphasize phonemic awareness, phonics, fluency, vocabulary,  
24 comprehension, and connections between writing and reading acquisition and  
25 motivation to read to address the diverse learning needs of those students reading at  
26 low levels. Any moneys in the fund at the close of the fiscal year shall not lapse but  
27 shall be carried forward to be used for the purposes specified in this section.

1 (3) (a) The Kentucky Board of Education shall promulgate administrative  
2 regulations, based on recommendations from the secretary of the Education  
3 and Workforce Development Cabinet, the Read to Achieve Advisory  
4 Council~~[Reading Diagnostic and Intervention Grant Steering Committee]~~  
5 established in KRS 158.794, and the Collaborative Center for Literacy  
6 Development established in KRS 164.0207 to:

- 7 1. Identify eligible grant applicants, taking into consideration how the grant  
8 program described in this section will relate to other grant programs;
- 9 2. Specify the criteria for acceptable diagnostic assessments and  
10 intervention programs;
- 11 3. Specify the criteria for acceptable ongoing assessment of each child to  
12 determine his or her reading progress;
- 13 4. Establish the minimum evaluation process for an annual review of each  
14 grant recipient's program and progress;
- 15 5. Identify the annual data that must be provided from grant recipients;
- 16 6. Define the application review and approval process;
- 17 7. Establish matching requirements deemed necessary;
- 18 8. Define the professional development and continuing education  
19 requirements for teachers, library media specialists, administrators, and  
20 staff of grant recipients;
- 21 9. Establish the conditions for renewal of a two (2) year grant; and
- 22 10. Specify other conditions necessary to implement the purposes of this  
23 section.

24 (b) The board shall require that a grant applicant provide assurances that the  
25 following principles will be met if the applicant's request for funding is  
26 approved:

- 27 1. A research-based comprehensive schoolwide reading program will be

1 available;

2 2. Intervention services will supplement, not replace, regular classroom  
3 instruction;

4 3. Intervention services will be provided to struggling primary program  
5 readers within the school based upon ongoing assessment of their needs;  
6 and

7 4. A system for informing parents of struggling readers of the available  
8 family literacy services within the district will be established.

9 (4) In order to qualify for funding, the school council, or if none exists, the principal or  
10 the superintendent of schools, shall allocate matching funds required by grant  
11 recipients under subsection (3) of this section. Funding for professional  
12 development allocated to the school council under KRS 160.345 and for continuing  
13 education under KRS 158.070 may be used as part of the school's match.

14 (5) The Department of Education shall make available to schools:

15 (a) Information concerning successful, research-based comprehensive reading  
16 programs, diagnostic tools for pre- and post-assessment, and intervention  
17 programs, from the Collaborative Center for Literacy Development created  
18 under KRS 164.0207;

19 (b) Strategies for successfully implementing early reading programs, including  
20 professional development support and the identification of funding sources;  
21 and

22 (c) A list of professional development providers offering teacher training related  
23 to reading that emphasizes the essential components for successful reading:  
24 phonemic awareness, phonics, fluency, vocabulary, comprehension, and  
25 connections between writing and reading acquisition and motivation to read.

26 (6) The Department of Education shall submit a report to the Interim Joint Committee  
27 on Education no later than September 1 of each year outlining the use of grant

1 funds. The report shall also include comparisons of the overall costs and  
2 effectiveness of intervention programs. The annual report for an odd-numbered year  
3 shall include an estimate of the cost to expand the reading diagnostic and  
4 intervention grant program.

5 ➔Section 16. KRS 18A.115 is amended to read as follows:

6 (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise  
7 all positions in the state service now existing or hereafter established, except the  
8 following:

9 (a) The General Assembly and employees of the General Assembly, including the  
10 employees of the Legislative Research Commission;

11 (b) Officers elected by popular vote and persons appointed to fill vacancies in  
12 elective offices;

13 (c) Members of boards and commissions;

14 (d) Officers and employees on the staff of the Governor, the Lieutenant Governor,  
15 the Office of the Secretary of the Governor's Cabinet, and the Office of  
16 Program Administration;

17 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads  
18 of all boards and commissions, including the executive director of Kentucky  
19 Educational Television~~[and the executive director and deputy executive~~  
20 ~~director of the Education Professional Standards Board]~~;

21 (f) Employees of Kentucky Educational Television who have been determined to  
22 be exempt from classified service by the Kentucky Authority for Educational  
23 Television, which shall have sole authority over such exempt employees for  
24 employment, dismissal, and setting of compensation, up to the maximum  
25 established for the executive director and his principal assistants;

26 (g) One (1) principal assistant or deputy for each person exempted under  
27 subsection (1)(e) of this section;

1 (h) One (1) additional principal assistant or deputy as may be necessary for  
2 making and carrying out policy for each person exempted under subsection  
3 (1)(e) of this section in those instances in which the nature of the functions,  
4 size, or complexity of the unit involved are such that the secretary approves  
5 such an addition on petition of the relevant cabinet secretary or department  
6 head and such other principal assistants, deputies, or other major assistants as  
7 may be necessary for making and carrying out policy for each person  
8 exempted under subsection (1)(e) of this section in those instances in which  
9 the nature of the functions, size, or complexity of the unit involved are such  
10 that the board may approve such an addition or additions on petition of the  
11 department head approved by the secretary. Effective August 1, 2010:

12 1. All positions approved under this paragraph prior to August 1, 2010,  
13 shall be abolished effective December 31, 2010, unless reapproved  
14 under subparagraph 2. of this paragraph; and

15 2. A position approved under this paragraph on or after August 1, 2010,  
16 shall be approved for a period of five (5) years, after which time the  
17 position shall be abolished unless reapproved under this subparagraph  
18 for an additional five (5) year period;

19 (i) Division directors subject to the provisions of KRS 18A.170. Division  
20 directors in the classified service as of January 1, 1980, shall remain in the  
21 classified service;

22 (j) Physicians employed as such;

23 (k) One (1) private secretary for each person exempted under subsection (1)(e),  
24 (g), and (h) of this section;

25 (l) The judicial department, referees, receivers, jurors, and notaries public;

26 (m) Officers and members of the staffs of state universities and colleges and  
27 student employees of such institutions; officers and employees of the

- 1 Teachers' Retirement System; and officers, teachers, and employees of local  
2 boards of education;
- 3 (n) Patients or inmates employed in state institutions;
- 4 (o) Persons employed in a professional or scientific capacity to make or conduct a  
5 temporary or special inquiry, investigation, or examination on behalf of the  
6 General Assembly, or a committee thereof, or by authority of the Governor,  
7 and persons employed by state agencies for a specified, limited period to  
8 provide professional, technical, scientific, or artistic services under the  
9 provisions of KRS 45A.690 to 45A.725;
- 10 (p) Interim employees;
- 11 (q) Officers and members of the state militia;
- 12 (r) Department of Kentucky State Police troopers;
- 13 (s) University or college engineering students or other students employed part-  
14 time or part-year by the state through special personnel recruitment programs;  
15 provided that while so employed such aides shall be under contract to work  
16 full-time for the state after graduation for a period of time approved by the  
17 commissioner or shall be participants in a cooperative education program  
18 approved by the commissioner;
- 19 (t) Superintendents of state mental institutions, including heads of centers for  
20 individuals with an intellectual disability, and penal and correctional  
21 institutions as referred to in KRS 196.180(2);
- 22 (u) Staff members of the Kentucky Historical Society, if they are hired in  
23 accordance with KRS 171.311;
- 24 (v) County and Commonwealth's attorneys and their respective appointees;
- 25 (w) Chief district engineers and the state highway engineer;
- 26 (x) Veterinarians employed as such by the Kentucky Horse Racing Commission;
- 27 (y) Employees of the Kentucky Peace Corps;



- 1 (z) Employees of the Council on Postsecondary Education;
- 2 (aa) Executive director of the Commonwealth Office of Technology;
- 3 (ab) Employees of the Kentucky Commission on Community Volunteerism and  
4 Service;
- 5 (ac) Persons employed in certified teaching positions at the Kentucky School for  
6 the Blind and the Kentucky School for the Deaf; and
- 7 (ad) Federally funded time-limited employees as defined in KRS 18A.005.
- 8 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or  
9 amend the provisions of KRS 150.022 and 150.061.
- 10 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any  
11 nonmanagement, nonpolicy-making position which must be included in the  
12 classified service as a prerequisite to the grant of federal funds to a state agency.
- 13 (4) Career employees within the classified service promoted to positions exempted  
14 from classified service shall, upon termination of their employment in the exempted  
15 service, revert to a position in that class in the agency from which they were  
16 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be  
17 considered for employment in any vacant position for which they were qualified  
18 pursuant to KRS 18A.130 and 18A.135.
- 19 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing  
20 officers from filling unclassified positions in the manner in which positions in the  
21 classified service are filled except as otherwise provided in KRS 18A.005 to  
22 18A.200.
- 23 (6) The positions of employees who are transferred, effective July 1, 1998, from the  
24 Cabinet for Workforce Development to the Kentucky Community and Technical  
25 College System shall be abolished and the employees' names removed from the  
26 roster of state employees. Employees that are transferred, effective July 1, 1998, to  
27 the Kentucky Community and Technical College System under KRS Chapter 164

1 shall have the same benefits and rights as they had under KRS Chapter 18A and  
2 have under KRS 164.5805; however, they shall have no guaranteed reemployment  
3 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An  
4 employee who seeks reemployment in a state position under KRS Chapter 151B or  
5 KRS Chapter 18A shall have years of service in the Kentucky Community and  
6 Technical College System counted towards years of experience for calculating  
7 benefits and compensation.

8 (7) On August 15, 2000, all certified and equivalent personnel, all unclassified  
9 personnel, and all certified and equivalent and unclassified vacant positions in the  
10 Department for Adult Education and Literacy shall be transferred from the  
11 personnel system under KRS Chapter 151B to the personnel system under KRS  
12 Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel  
13 system. All records shall be transferred including accumulated annual leave, sick  
14 leave, compensatory time, and service credit for each affected employee. The  
15 personnel officers who administer the personnel systems under KRS Chapter 151B  
16 and KRS Chapter 18A shall exercise the necessary administrative procedures to  
17 effect the change in personnel authority. No certified or equivalent employee in the  
18 Department for Adult Education and Literacy shall suffer any penalty in the  
19 transfer.

20 (8) On August 15, 2000, secretaries and assistants attached to policymaking positions  
21 in the Department for Technical Education and the Department for Adult Education  
22 and Literacy shall be transferred from the personnel system under KRS Chapter  
23 151B to the personnel system under KRS Chapter 18A. The positions shall be  
24 deleted from the KRS Chapter 151B system. All records shall be transferred  
25 including accumulated annual leave, sick leave, compensatory time, and service  
26 credit for each affected employee. No employee shall suffer any penalty in the  
27 transfer.

1 (9) On May 1, 2017, all contract employees of Eastern Kentucky University who are  
 2 engaged in providing instructional and support services to the Department of  
 3 Criminal Justice Training shall be transferred to the personnel system under KRS  
 4 Chapter 18A. All records shall be transferred, including accumulated annual leave,  
 5 sick leave, compensatory time, and service credit for each affected employee. The  
 6 personnel officers who administer the personnel systems for Eastern Kentucky  
 7 University and under KRS Chapter 18A shall exercise the necessary administrative  
 8 procedures to effect the change in personnel authority. No employee shall suffer any  
 9 penalty in the transfer.

10 ➔Section 17. KRS 151B.134 is amended to read as follows:

11 (1) The Board of the Kentucky Center for Education and Workforce Statistics is hereby  
 12 established and attached to the Education and Workforce Development Cabinet,  
 13 Office of the Secretary.

14 (2) The board shall be composed of:

15 (a) The commissioner of the Department of Education or designee;

16 (b) The secretary of the Economic Development Cabinet or designee~~{The~~  
 17 ~~executive director of the Education Professional Standards Board or~~  
 18 ~~designee}~~;

19 (c) The president of the Council on Postsecondary Education or designee;

20 (d) The secretary of the Education and Workforce Development Cabinet or  
 21 designee;

22 (e) The secretary of the Cabinet for Health and Family Services or designee;

23 (f) The commissioner of the Department of Workforce Investment or designee;

24 and

25 (g)~~{(e)}~~ The executive director of the Kentucky Higher Education Assistance  
 26 Authority.

27 (3) The duties and functions of the board shall be to:

- 1 (a) Develop a detailed data access and use policy for requests that shall include  
2 but not be limited to the following:
- 3 1. Direct access to data in the Kentucky Longitudinal Data System shall be  
4 restricted to authorized staff of the office;
  - 5 2. Data or information that may result in any individual or employer being  
6 identifiable based on the size or uniqueness of the population under  
7 consideration may not be reported in any form by the office; and
  - 8 3. The office may not release data or information if disclosure is prohibited  
9 under relevant federal or state privacy laws;
- 10 (b) Establish the research agenda of the office;
- 11 (c) Make nominations to the Governor for the appointment of an executive  
12 director;
- 13 (d) Oversee compliance by the office with the federal Family Educational Rights  
14 and Privacy Act, 20 U.S.C. sec. 1232g, and other relevant federal and state  
15 privacy laws;
- 16 (e) Ensure that reports generated by the Office for Education and Workforce  
17 Statistics are distributed to appropriate personnel within the agencies  
18 represented by the board members; and
- 19 (f) Provide general oversight of the office.
- 20 (4) The secretary of the Education and Workforce Development Cabinet shall serve as  
21 chair of the board.
- 22 (5) The board shall meet at least semiannually and at other times upon the call of the  
23 chair. The meetings shall be subject to the open meetings requirements of KRS  
24 61.800 to 61.850 and 61.991.
- 25 (6) The board may form committees, work groups, or advisory councils to accomplish  
26 its purposes.
- 27 ➔Section 18. KRS 158.842 is amended to read as follows:

- 1 (1) As used in KRS 158.840 to 158.844, unless the context requires otherwise:
- 2 (a) "Concepts" means mathematical ideas that serve as the basis for  
3 understanding mathematics;
- 4 (b) "Mathematics" means the curriculum of numbers and computations, geometry  
5 and measurements, probability and statistics, and algebraic ideas;
- 6 (c) "Mathematics coach" means a mathematics leader whose primary  
7 responsibility is to provide ongoing support for one (1) or more mathematics  
8 teachers. The role of the coach is to improve mathematics teaching practices  
9 by working with teachers in their classrooms, observing and providing  
10 feedback to them, modeling appropriate teaching practices, conducting  
11 workshops or institutes, establishing learning communities, and gathering  
12 appropriate and useful resources;
- 13 (d) "Mathematics diagnostic assessment" means an assessment that identifies a  
14 student at risk of failure in mathematics or a student with major deficits in  
15 numeracy and other mathematical concepts and skills;
- 16 (e) "Mathematics intervention program" means an intensive instructional program  
17 that is based on valid research and is provided by a highly trained teacher to  
18 specifically meet individual students' needs;
- 19 (f) "Mathematics leader" means any educator with a specialization in  
20 mathematics who:
- 21 1. Serves in a supervisory capacity, such as mathematics department chair,  
22 school-based mathematics specialist, or district mathematics supervisor  
23 or coordinator; or
- 24 2. Regularly conducts or facilitates teacher professional development, such  
25 as higher education faculty or other mathematics teachers;
- 26 (g) "Mathematics mentor" means an experienced mathematics coach who  
27 typically works with beginning or novice teachers only. The responsibilities

1 and roles of the mentor are the same as those of the coach;

2 (h) "Numeracy" means the development of the basic concepts which include  
3 counting, place value, addition and subtraction strategies, multiplication and  
4 division strategies, and the concepts of time, money, and length. To be  
5 numerate is to have and be able to use appropriate mathematical knowledge,  
6 concepts, skills, intuition, and experience in relationship to every day life;

7 (i) "Relationships" means connections of mathematical concepts and skills within  
8 mathematics; and

9 (j) "Skills" means actions of mathematics.

10 (2) The Committee for Mathematics Achievement is hereby created for the purposes of  
11 developing a multifaceted strategic plan to improve student achievement in  
12 mathematics at all levels of schooling, prekindergarten through postsecondary and  
13 adult. At a minimum the plan shall address:

14 (a) Challenging curriculum that is aligned prekindergarten through postsecondary,  
15 including consensus among high school teachers and postsecondary education  
16 faculty about expectations, curriculum, and assessment;

17 (b) Attitudes and beliefs of teachers about mathematics;

18 (c) Teachers' knowledge of mathematics;

19 (d) Diagnostic assessment, intervention services, and instructional strategies;

20 (e) Shortages of teachers of mathematics, including incentives to attract strong  
21 candidates to mathematics teaching;

22 (f) Statewide institutes that prepare cadres of mathematics leaders in local school  
23 districts, which may include highly skilled retired mathematics teachers, to  
24 serve as coaches and mentors in districts and schools;

25 (g) Cohesive continuing education options for experienced mathematics  
26 classroom teachers;

27 (h) Closing the student achievement gap among various student subpopulations;

- 1 (i) Curriculum expectations and assessments of students among the various  
2 school levels, prekindergarten, primary, elementary, middle, and high school;
- 3 (j) Content standards for adult education centers providing mathematics  
4 curricula;
- 5 (k) Introductory postsecondary education mathematics courses that are  
6 appropriate to the wide array of academic programs and majors;
- 7 (l) Research to analyze further the issues of transition from high school or High  
8 School Equivalency Diploma programs to postsecondary education  
9 mathematics; and
- 10 (m) The early mathematics testing program under KRS 158.803.

11 Other factors may be included in the strategic plan as deemed appropriate by the  
12 committee to improve mathematics achievement of Kentucky students.

13 (3) In carrying out its responsibility under subsection (2)(f) of this section, the  
14 committee shall:

15 (a) Design a statewide professional development program that includes summer  
16 mathematics institutes at colleges and universities, follow-up, and school-  
17 based support services, beginning no later than June 1, 2006, to prepare teams  
18 of teachers as coaches and mentors of mathematics at all school levels to  
19 improve student achievement. Teachers shall receive training in diagnostic  
20 assessment and intervention. The statewide initiative shall be funded, based  
21 on available funds, from the Teachers' Professional Growth Fund described in  
22 KRS 156.553. The design shall:

- 23 1. Define the curricula focus;
- 24 2. Build on the expertise of specific colleges and universities;
- 25 3. Place emphasis on mathematics concepts, skills and relationships,  
26 diagnostic assessment, intervention services, and instructional strategies;
- 27 4. Identify quality control measures for the delivery of each institute;

- 1           5.    Establish evaluation procedures for the summer institutes and the other  
2           professional development components;
- 3           6.    Provide updates and networking opportunities for coaches and mentors  
4           throughout the school year; and
- 5           7.    Define other components within the initiative that are necessary to meet  
6           the goal of increasing student achievement in mathematics;
- 7       (b)   Require schools and districts approved to have participants in the mathematics  
8       leader institutes to provide assurances that:
  - 9           1.    The district and schools have, or will develop, local mathematics  
10          curricula and assessments that align with state standards for  
11          mathematics;
  - 12          2.    There is a local commitment to build a cadre of mathematics leaders  
13          within the district;
  - 14          3.    The district and participating schools will provide in-school support for  
15          coaching and mentoring activities;
  - 16          4.    The mathematics teachers are willing to develop classroom assessments  
17          that align with state assessments; and
  - 18          5.    Students who need modified instructional and intervention services will  
19          have opportunity for continuing education services beyond the regular  
20          school day, week, or year; and
- 21       (c)   In addition to the conditions specified in paragraph (b) of this subsection, the  
22       committee shall make recommendations to the Kentucky Department of  
23       Education and the Kentucky Board of Education for criteria to be included in  
24       administrative regulations promulgated by the board which define:
  - 25           1.    Eligible grant recipients, taking into consideration how this program  
26           relates to other funded mathematics initiatives;
  - 27           2.    The application process and review;



- 1           3.    The responsibilities of schools and districts, including but not limited to  
2                    matching funds requirements, released or extended time for coaches and  
3                    mentors during the school year, continuing education requirements for  
4                    teachers and administrators in participating schools, data to be collected,  
5                    and local evaluation requirements; and
- 6           4.    Other recommendations requested by the Kentucky Department of  
7                    Education.
- 8   (4)   The committee shall ~~initially~~ be composed of twenty-five (25) members as  
9           follows:
- 10           (a)   The commissioner of education or his or her designee;
- 11           (b)   The president of the Council on Postsecondary Education or his or her  
12                    designee;
- 13           (c)   The president of the Association of Independent Kentucky Colleges and  
14                    Universities or his or her designee;
- 15           (d)   The executive director of the *Center for Mathematics created under KRS*  
16                    *164.525* ~~Education Professional Standards Board or his or her designee~~;
- 17           (e)   The secretary of the Education and Workforce Development Cabinet or his or  
18                    her designee;
- 19           (f)   A representative with a specialty in mathematics or mathematics education  
20                    who has expertise and experience in professional development, especially  
21                    with coaching and mentoring of teachers, from each of the nine (9) public  
22                    postsecondary education institutions defined in KRS 164.001. The  
23                    representatives shall be selected by mutual agreement of the president of the  
24                    Council on Postsecondary Education and the commissioner of education;
- 25           (g)   Two (2) adult education instructors selected by the vice president for  
26                    Kentucky Adult Education;
- 27           (h)   Two (2) elementary, two (2) middle, and two (2) high school mathematics

1 teachers, appointed by the board of the statewide professional education  
2 association having the largest paid membership with approval from their  
3 respective local principals and superintendents of schools; and

4 (i) Three (3) school administrators, with one (1) each representing elementary,  
5 middle, and high school, appointed by the board of the statewide  
6 administrators' association having the largest paid membership with approval  
7 from their respective local superintendents of schools.

8 ~~When the Center for Mathematics created under KRS 164.525 becomes operational,~~  
9 ~~the executive director of the center shall be added to the committee, which shall~~  
10 ~~then be composed of twenty six (26) members. Appointments to the committee~~  
11 ~~shall be made no later than thirty (30) days following March 18, 2005, and the first~~  
12 ~~meeting of the committee shall occur no later than thirty (30) days following~~  
13 ~~appointment of the members.]~~

14 (5) A majority of the full membership shall constitute a quorum.

15 (6) Each member of the committee, other than members who serve by virtue of their  
16 positions, shall serve for a term of three (3) years or until a successor is appointed  
17 and qualified, except that the initial appointments shall be made in the following  
18 manner: six (6) members shall serve a one (1) year term, six (6) members shall  
19 serve a two (2) year term, and eight (8) members shall serve a three (3) year term.

20 (7) A temporary chair of the committee shall be appointed prior to the first meeting of  
21 the committee through consensus of the president of the Council on Postsecondary  
22 Education and the commissioner of education, to serve ninety (90) days after his or  
23 her appointment. Prior to the end of the ninety (90) days, the committee shall elect a  
24 chair by majority vote. The temporary chair may be a nominee for the chair by  
25 majority vote. Thereafter, a chair shall be elected each calendar year. An individual  
26 may not serve as chair for more than three (3) consecutive years. The chair shall be  
27 the presiding officer of the committee, and coordinate the functions and activities of

1 the committee.

2 (8) The committee shall be attached to the Kentucky Department of Education for  
3 administrative purposes. The commissioner of education may contract with a  
4 mathematics-trained professional to provide part-time staff support to the  
5 committee. The commissioner of education and the president of the council shall  
6 reach consensus in the selection of a person to fill the position. The person selected  
7 shall have a graduate degree, a mathematics major, and teaching or administrative  
8 experience in elementary and secondary education. The person shall not be a current  
9 employee of any entity represented on the committee. The department shall provide  
10 office space and other resources necessary to support the staff position and the work  
11 of the committee.

12 (9) The committee, under the leadership of the chair, may organize itself into  
13 appropriate subcommittees and work structures to accomplish the purposes of the  
14 committee.

15 (10) Members of the committee shall serve without compensation but shall be  
16 reimbursed for necessary travel and expenses while attending meetings at the same  
17 per diem rate promulgated in administrative regulation for state employees under  
18 provisions of KRS Chapter 45. Funds shall be provided school districts to cover the  
19 cost of substitute teachers for those teachers on the committee at each district's  
20 established rate for substitute teachers.

21 (11) If a vacancy occurs within the committee during its duration, the board of the  
22 statewide professional education association having the largest paid membership or  
23 the board of the statewide administrators association having the largest paid  
24 membership or the president of the Council on Postsecondary Education, as  
25 appropriate, shall appoint a person to fill the vacancy.

26 (12) The committee shall:

27 (a) Present a draft strategic plan addressing the requirements in subsection (1) of

1           this section and other issues that arose during the work of the committee to the  
2           Education Assessment and Accountability Review Subcommittee no later than  
3           August 2005;

4           (b) Present the strategic plan for improving mathematics achievement to the  
5           Interim Joint Committee on Education by July 15, 2006, which shall include  
6           any recommendations that require legislative action; and

7           (c) Provide a final written report of committee activities to the Interim Joint  
8           Committee on Education and the Legislative Research Commission by  
9           December 1, 2006.

10       (13) The committee shall have ongoing responsibility for providing advice and guidance  
11       to policymakers in the development of statewide policies and in the identification  
12       and allocation of resources to improve mathematics achievement. In carrying out  
13       this responsibility, the committee shall periodically review the strategic plan and  
14       make modifications as deemed appropriate and report those to the Interim Joint  
15       Committee on Education.

16       (14) The committee shall collaborate with the Center for Mathematics to ensure that  
17       there is ongoing identification of research-based intervention programs for K-12  
18       students who have fallen behind in mathematics, rigorous mathematics curricula  
19       that prepare students for the next level of schooling, research-based professional  
20       development models that prepare teachers in mathematics and pedagogy, and  
21       strategies for closing the gap between high school or a High School Equivalency  
22       Diploma program and postsecondary mathematics preparation.

23       ➔Section 19. KRS 161.100 is amended to read as follows:

24       When a district board of education satisfies the Education Professional Standards Board  
25       that it is impossible to secure qualified teachers for a position in a school under the  
26       control of the district board, the Education Professional Standards Board may issue  
27       emergency certificates to persons who meet the qualifications determined by the

1 Education Professional Standards Board for emergency certificates. An emergency  
2 certificate shall be valid only for the specific job for which issued and for the current  
3 school term. The Education Professional Standards Board may require the passing of a  
4 written examination before an emergency certificate is issued. The examination shall be  
5 prepared and administered and the papers graded in the state offices of the Education  
6 Professional Standards Board under the direction of the commissioner of  
7 education~~[executive director]~~, in accordance with administrative regulations approved by  
8 the Education Professional Standards Board.

9 →Section 20. KRS 161.126 is amended to read as follows:

10 (1) The "designated state official" for this state shall be the commissioner of  
11 education~~[executive director of the Education Professional Standards Board]~~. The  
12 commissioner~~[executive director]~~ shall enter into contracts pursuant to Article III of  
13 the agreement only with the approval of the specific text by the Education  
14 Professional Standards Board.

15 (2) True copies of all contracts made on behalf of this state pursuant to the agreement  
16 shall be kept on file in the office of the Education Professional Standards Board and  
17 in the office of the Secretary of State. The commissioner of education~~[executive~~  
18 ~~director of the board]~~ shall publish all contracts in convenient form.

19 →Section 21. KRS 12.020 is amended to read as follows:

20 Departments, program cabinets and their departments, and the respective major  
21 administrative bodies that they include are enumerated in this section. It is not intended  
22 that this enumeration of administrative bodies be all-inclusive. Every authority, board,  
23 bureau, interstate compact, commission, committee, conference, council, office, or any  
24 other form of organization shall be included in or attached to the department or program  
25 cabinet in which they are included or to which they are attached by statute or statutorily  
26 authorized executive order; except in the case of the Personnel Board and where the  
27 attached department or administrative body is headed by a constitutionally elected officer,

1 the attachment shall be solely for the purpose of dissemination of information and  
2 coordination of activities and shall not include any authority over the functions,  
3 personnel, funds, equipment, facilities, or records of the department or administrative  
4 body.

5 I. Cabinet for General Government - Departments headed by elected officers:

6 (1) The Governor.

7 (2) Lieutenant Governor.

8 (3) Department of State.

9 (a) Secretary of State.

10 (b) Board of Elections.

11 (c) Registry of Election Finance.

12 (4) Department of Law.

13 (a) Attorney General.

14 (5) Department of the Treasury.

15 (a) Treasurer.

16 (6) Department of Agriculture.

17 (a) Commissioner of Agriculture.

18 (b) Kentucky Council on Agriculture.

19 (7) Auditor of Public Accounts.

20 II. Program cabinets headed by appointed officers:

21 (1) Justice and Public Safety Cabinet:

22 (a) Department of Kentucky State Police.

23 (b) Department of Criminal Justice Training.

24 (c) Department of Corrections.

25 (d) Department of Juvenile Justice.

26 (e) Office of the Secretary.

27 (f) Office of Drug Control Policy.

- 1 (g) Office of Legal Services.
- 2 (h) Office of the Kentucky State Medical Examiner.
- 3 (i) Parole Board.
- 4 (j) Kentucky State Corrections Commission.
- 5 (k) Office of Legislative and Intergovernmental Services.
- 6 (l) Office of Management and Administrative Services.
- 7 (m) Department of Public Advocacy.
- 8 (2) Education and Workforce Development Cabinet:
- 9 (a) Office of the Secretary.
- 10 1. Governor's Scholars Program.
- 11 2. Governor's School for Entrepreneurs Program.
- 12 (b) Office of Legal and Legislative Services.
- 13 1. Client Assistance Program.
- 14 (c) Office of Communication.
- 15 (d) Office of Budget and Administration.
- 16 1. Division of Human Resources.
- 17 2. Division of Administrative Services.
- 18 (e) Office of Technology Services.
- 19 (f) Office of Educational Programs.
- 20 (g) Office for Education and Workforce Statistics.
- 21 (h) Board of the Kentucky Center for Education and Workforce Statistics.
- 22 (i) Board of Directors for the Center for School Safety.
- 23 (j) Department of Education.
- 24 1. Kentucky Board of Education.
- 25 2. Kentucky Technical Education Personnel Board.
- 26 (k) Department for Libraries and Archives.
- 27 (l) Department of Workforce Investment.

- 1                   1.    Office for the Blind.
- 2                   2.    Office of Vocational Rehabilitation.
- 3                   3.    Office of Employment and Training.
- 4                   a.    Division of Grant Management and Support.
- 5                   b.    Division of Workforce and Employment Services.
- 6                   c.    Division of Unemployment Insurance.
- 7                   (m)  Foundation for Workforce Development.
- 8                   (n)  Kentucky Office for the Blind State Rehabilitation Council.
- 9                   (o)  Kentucky Workforce Investment Board.
- 10                  (p)  Statewide Council for Vocational Rehabilitation.
- 11                  (q)  Unemployment Insurance Commission.
- 12                  (r)  ~~Education Professional Standards Board.~~
- 13                    1. ~~— Division of Educator Preparation.~~
- 14                    2. ~~— Division of Certification.~~
- 15                    3. ~~— Division of Professional Learning and Assessment.~~
- 16                    4. ~~— Division of Legal Services.~~
- 17                  (s) ~~—~~ Kentucky Commission on the Deaf and Hard of Hearing.
- 18                  (s)~~[(t)]~~    Kentucky Educational Television.
- 19                  (t)~~[(u)]~~    Kentucky Environmental Education Council.
- 20                  (3)  Energy and Environment Cabinet:
- 21                   (a)  Office of the Secretary.
- 22                    1.    Office of Legislative and Intergovernmental Affairs.
- 23                    2.    Office of General Counsel.
- 24                    3.    Office of Administrative Hearings.
- 25                    4.    Mine Safety Review Commission.
- 26                    5.    Kentucky State Nature Preserves Commission.
- 27                    6.    Kentucky Public Service Commission.



- 1 (b) Department for Environmental Protection.
- 2 1. Office of the Commissioner.
- 3 2. Division for Air Quality.
- 4 3. Division of Water.
- 5 4. Division of Environmental Program Support.
- 6 5. Division of Waste Management.
- 7 6. Division of Enforcement.
- 8 7. Division of Compliance Assistance.
- 9 (c) Department for Natural Resources.
- 10 1. Office of the Commissioner.
- 11 2. Division of Technical and Administrative Support.
- 12 3. Division of Mine Permits.
- 13 4. Division of Mine Reclamation and Enforcement.
- 14 5. Division of Abandoned Mine Lands.
- 15 6. Division of Oil and Gas.
- 16 7. Division of Mine Safety.
- 17 8. Division of Forestry.
- 18 9. Division of Conservation.
- 19 10. Office of the Reclamation Guaranty Fund.
- 20 (d) Department for Energy Development and Independence.
- 21 1. Division of Efficiency and Conservation.
- 22 2. Division of Renewable Energy.
- 23 3. Division of Biofuels.
- 24 4. Division of Energy Generation Transmission and Distribution.
- 25 5. Division of Carbon Management.
- 26 6. Division of Fossil Energy Development.
- 27 (4) Public Protection Cabinet.

- 1 (a) Office of the Secretary.
- 2 1. Office of Communications and Public Outreach.
- 3 2. Office of Legal Services.
- 4 a. Insurance Legal Division.
- 5 b. Charitable Gaming Legal Division.
- 6 c. Alcoholic Beverage Control Legal Division.
- 7 d. Housing, Buildings and Construction Legal Division.
- 8 e. Financial Institutions Legal Division.
- 9 (b) Kentucky Claims Commission.
- 10 (c) Kentucky Boxing and Wrestling Commission.
- 11 (d) Kentucky Horse Racing Commission.
- 12 1. Office of Executive Director.
- 13 a. Division of Pari-mutuel Wagering and Compliance.
- 14 b. Division of Stewards.
- 15 c. Division of Licensing.
- 16 d. Division of Enforcement.
- 17 e. Division of Incentives and Development.
- 18 f. Division of Veterinary Services.
- 19 (e) Department of Alcoholic Beverage Control.
- 20 1. Division of Distilled Spirits.
- 21 2. Division of Malt Beverages.
- 22 3. Division of Enforcement.
- 23 (f) Department of Charitable Gaming.
- 24 1. Division of Licensing and Compliance.
- 25 2. Division of Enforcement.
- 26 (g) Department of Financial Institutions.
- 27 1. Division of Depository Institutions.

- 1                   2.    Division of Non-Depository Institutions.
- 2                   3.    Division of Securities.
- 3                   (h)  Department of Housing, Buildings and Construction.
- 4                   1.    Division of Fire Prevention.
- 5                   2.    Division of Plumbing.
- 6                   3.    Division of Heating, Ventilation, and Air Conditioning.
- 7                   4.    Division of Building Code Enforcement.
- 8                   (i)  Department of Insurance.
- 9                   1.    Division of Insurance Product Regulation.
- 10                  2.    Division of Administrative Services.
- 11                  3.    Division of Financial Standards and Examination.
- 12                  4.    Division of Agent Licensing.
- 13                  5.    Division of Insurance Fraud Investigation.
- 14                  6.    Division of Consumer Protection.
- 15                  7.    Division of Kentucky Access.
- 16                  (j)  Department of Professional Licensing.
- 17                  1.    Real Estate Authority.
- 18                  (5)  Labor Cabinet.
- 19                  (a)  Office of the Secretary.
- 20                  1.    Division of Management Services.
- 21                  2.    Office of General Counsel.
- 22                      a.    Workplace Standards Legal Division.
- 23                      b.    Workers' Claims Legal Division.
- 24                  (b)  Office of General Administration and Program Support for Shared
- 25                  Services.
- 26                  1.    Division of Human Resource Management.
- 27                  2.    Division of Fiscal Management.

- 1                   3.    Division of Budgets.
- 2                   4.    Division of Information Services.
- 3           (c)    Office of Inspector General for Shared Services.
- 4           (d)    Department of Workplace Standards.
  - 5                   1.    Division of Apprenticeship.
  - 6                   2.    Division of Occupational Safety and Health Compliance.
  - 7                   3.    Division of Occupational Safety and Health Education and
  - 8                    Training.
  - 9                   4.    Division of Wages and Hours.
- 10          (e)    Department of Workers' Claims.
  - 11                   1.    Division of Workers' Compensation Funds.
  - 12                   2.    Office of Administrative Law Judges.
  - 13                   3.    Division of Claims Processing.
  - 14                   4.    Division of Security and Compliance.
  - 15                   5.    Division of Information Services.
  - 16                   6.    Division of Ombudsman and Workers' Compensation Specialist
  - 17                    Services.
  - 18                   7.    Workers' Compensation Board.
- 19          (f)    Workers' Compensation Funding Commission.
- 20          (g)    Occupational Safety and Health Standards Board.
- 21          (h)    Apprenticeship and Training Council.
- 22          (i)    State Labor Relations Board.
- 23          (j)    Employers' Mutual Insurance Authority.
- 24          (k)    Kentucky Occupational Safety and Health Review Commission.
- 25          (l)    Workers' Compensation Nominating Committee.
- 26          (6)    Transportation Cabinet:
  - 27                   (a)    Department of Highways.

- 1                   1.    Office of Project Development.
- 2                   2.    Office of Project Delivery and Preservation.
- 3                   3.    Office of Highway Safety.
- 4                   4.    Highway District Offices One through Twelve.
- 5                   (b)  Department of Vehicle Regulation.
- 6                   (c)  Department of Aviation.
- 7                   (d)  Department of Rural and Municipal Aid.
  - 8                   1.    Office of Local Programs.
  - 9                   2.    Office of Rural and Secondary Roads.
- 10                  (e)  Office of the Secretary.
  - 11                  1.    Office of Public Affairs.
  - 12                  2.    Office for Civil Rights and Small Business Development.
  - 13                  3.    Office of Budget and Fiscal Management.
  - 14                  4.    Office of Inspector General.
- 15                  (f)  Office of Support Services.
- 16                  (g)  Office of Transportation Delivery.
- 17                  (h)  Office of Audits.
- 18                  (i)  Office of Human Resource Management.
- 19                  (j)  Office of Information Technology.
- 20                  (k)  Office of Legal Services.
- 21                  (7)  Cabinet for Economic Development:
  - 22                  (a)  Office of the Secretary.
    - 23                  1.    Office of Legal Services.
    - 24                  2.    Department for Business Development.
      - 25                  a.    Office of Entrepreneurship.
        - 26                  i.    Commission on Small Business Advocacy.
      - 27                  b.    Office of Research and Public Affairs.

- 1                   c.    Bluegrass State Skills Corporation.
- 2                   3.    Office of Financial Services.
- 3                   a.    Kentucky Economic Development Finance Authority.
- 4                   b.    Division of Finance and Personnel.
- 5                   c.    Division of Network Administration.
- 6                   d.    Compliance Division.
- 7                   e.    Incentive Assistance Division.
- 8           (8)   Cabinet for Health and Family Services:
- 9                   (a)   Office of the Secretary.
- 10                  (b)   Office of Health Policy.
- 11                  (c)   Office of Legal Services.
- 12                  (d)   Office of Inspector General.
- 13                  (e)   Office of Communications and Administrative Review.
- 14                  (f)   Office of the Ombudsman.
- 15                  (g)   Office of Finance and Budget.
- 16                  (h)   Office of Human Resource Management.
- 17                  (i)   Office of Administrative and Technology Services.
- 18                  (j)   Department for Public Health.
- 19                  (k)   Department for Medicaid Services.
- 20                  (l)   Department for Behavioral Health, Developmental and Intellectual
- 21                    Disabilities.
- 22                  (m)   Department for Aging and Independent Living.
- 23                  (n)   Department for Community Based Services.
- 24                  (o)   Department for Income Support.
- 25                  (p)   Department for Family Resource Centers and Volunteer Services.
- 26                  (q)   Kentucky Commission on Community Volunteerism and Service.
- 27                  (r)   Kentucky Commission for Children with Special Health Care Needs.

- 1 (s) Governor's Office of Electronic Health Information.
- 2 (t) Office of Legislative and Regulatory Affairs.
- 3 (9) Finance and Administration Cabinet:
- 4 (a) Office of the Secretary.
- 5 (b) Office of the Inspector General.
- 6 (c) Office of Legislative and Intergovernmental Affairs.
- 7 (d) Office of General Counsel.
- 8 (e) Office of the Controller.
- 9 (f) Office of Administrative Services.
- 10 (g) Office of Policy and Audit.
- 11 (h) Department for Facilities and Support Services.
- 12 (i) Department of Revenue.
- 13 (j) Commonwealth Office of Technology.
- 14 (k) State Property and Buildings Commission.
- 15 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 16 (m) Kentucky Employees Retirement Systems.
- 17 (n) Commonwealth Credit Union.
- 18 (o) State Investment Commission.
- 19 (p) Kentucky Housing Corporation.
- 20 (q) Kentucky Local Correctional Facilities Construction Authority.
- 21 (r) Kentucky Turnpike Authority.
- 22 (s) Historic Properties Advisory Commission.
- 23 (t) Kentucky Tobacco Settlement Trust Corporation.
- 24 (u) Kentucky Higher Education Assistance Authority.
- 25 (v) Kentucky River Authority.
- 26 (w) Kentucky Teachers' Retirement System Board of Trustees.
- 27 (x) Executive Branch Ethics Commission.

- 1           (10) Tourism, Arts and Heritage Cabinet:
- 2               (a) Kentucky Department of Tourism.
- 3                   1. Division of Tourism Services.
- 4                   2. Division of Marketing and Administration.
- 5                   3. Division of Communications and Promotions.
- 6               (b) Kentucky Department of Parks.
- 7                   1. Division of Information Technology.
- 8                   2. Division of Human Resources.
- 9                   3. Division of Financial Operations.
- 10                  4. Division of Facilities Management.
- 11                  5. Division of Facilities Maintenance.
- 12                  6. Division of Customer Services.
- 13                  7. Division of Recreation.
- 14                  8. Division of Golf Courses.
- 15                  9. Division of Food Services.
- 16                  10. Division of Rangers.
- 17                  11. Division of Resort Parks.
- 18                  12. Division of Recreational Parks and Historic Sites.
- 19               (c) Department of Fish and Wildlife Resources.
- 20                   1. Division of Law Enforcement.
- 21                   2. Division of Administrative Services.
- 22                   3. Division of Engineering, Infrastructure, and Technology.
- 23                   4. Division of Fisheries.
- 24                   5. Division of Information and Education.
- 25                   6. Division of Wildlife.
- 26                   7. Division of Marketing.
- 27               (d) Kentucky Horse Park.



- 1                   1.    Division of Support Services.
- 2                   2.    Division of Buildings and Grounds.
- 3                   3.    Division of Operational Services.
- 4                   (e)  Kentucky State Fair Board.
- 5                   1.    Office of Administrative and Information Technology Services.
- 6                   2.    Office of Human Resources and Access Control.
- 7                   3.    Division of Expositions.
- 8                   4.    Division of Kentucky Exposition Center Operations.
- 9                   5.    Division of Kentucky International Convention Center.
- 10                  6.    Division of Public Relations and Media.
- 11                  7.    Division of Venue Services.
- 12                  8.    Division of Personnel Management and Staff Development.
- 13                  9.    Division of Sales.
- 14                  10.  Division of Security and Traffic Control.
- 15                  11.  Division of Information Technology.
- 16                  12.  Division of the Louisville Arena.
- 17                  13.  Division of Fiscal and Contract Management.
- 18                  14.  Division of Access Control.
- 19                  (f)  Office of the Secretary.
- 20                  1.    Office of Finance.
- 21                  2.    Office of Government Relations and Administration.
- 22                  3.    Office of Film and Tourism Development.
- 23                  4.    Kentucky Sports Authority.
- 24                  (g)  Office of Legal Affairs.
- 25                  (h)  Office of Human Resources.
- 26                  (i)  Office of Public Affairs and Constituent Services.
- 27                  (j)  Office of Creative Services.

- 1 (k) Office of Capital Plaza Operations.
- 2 (l) Office of Arts and Cultural Heritage.
- 3 (m) Kentucky African-American Heritage Commission.
- 4 (n) Kentucky Foundation for the Arts.
- 5 (o) Kentucky Humanities Council.
- 6 (p) Kentucky Heritage Council.
- 7 (q) Kentucky Arts Council.
- 8 (r) Kentucky Historical Society.
  - 9 1. Division of Museums.
  - 10 2. Division of Oral History and Educational Outreach.
  - 11 3. Division of Research and Publications.
  - 12 4. Division of Administration.
- 13 (s) Kentucky Center for the Arts.
  - 14 1. Division of Governor's School for the Arts.
- 15 (t) Kentucky Artisans Center at Berea.
- 16 (u) Northern Kentucky Convention Center.
- 17 (v) Eastern Kentucky Exposition Center.
- 18 (11) Personnel Cabinet:
  - 19 (a) Office of the Secretary.
  - 20 (b) Department of Human Resources Administration.
  - 21 (c) Office of Employee Relations.
  - 22 (d) Kentucky Public Employees Deferred Compensation Authority.
  - 23 (e) Office of Administrative Services.
  - 24 (f) Office of Legal Services.
  - 25 (g) Governmental Services Center.
  - 26 (h) Department of Employee Insurance.
  - 27 (i) Office of Diversity, Equality, and Training.

1 (j) Office of Public Affairs.

2 III. Other departments headed by appointed officers:

3 (1) Council on Postsecondary Education.

4 (2) Department of Military Affairs.

5 (3) Department for Local Government.

6 (4) Kentucky Commission on Human Rights.

7 (5) Kentucky Commission on Women.

8 (6) Department of Veterans' Affairs.

9 (7) Kentucky Commission on Military Affairs.

10 (8) Office of Minority Empowerment.

11 (9) Governor's Council on Wellness and Physical Activity.

12 (10) Kentucky Communications Network Authority.

13 ➔Section 22. The following KRS sections are repealed:

14 158.6452 School Curriculum, Assessment, and Accountability Council.

15 161.017 Executive director of Education Professional Standards Board.

16 ➔Section 23. All terms of members of the School Curriculum, Assessment, and  
17 Accountability Council appointed under KRS 158.6452 shall expire on the effective date  
18 of this Act.

19 ➔Section 24. All personnel, records, files, equipment, and funds of the Education  
20 Professional Standards Board shall be transferred to the Kentucky Department of  
21 Education in accordance with Section 11 of this Act.

22 ➔Section 25. Upon the effective date of this Act, members appointed to serve on  
23 the Charter Schools Advisory Council, the State Advisory Council for Exceptional  
24 Children, and the Education Professional Standards Board pursuant to Executive Order  
25 2017-364, dated June 16, 2017, shall continue to serve on the respective board or council  
26 as constituted under this Act. The terms of service shall continue until the expiration date  
27 of their terms of service under said orders of appointment.

1           ➔Section 26. The General Assembly confirms Executive Order 2017-364, dated  
2 June 16, 2017, to the extent not otherwise confirmed or superseded by this Act, relating to  
3 the reorganization of various education boards.