

1 AN ACT relating to reorganization.

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, the Education Professional Standards Board,*
7 *the Local Superintendents Advisory Council, and the Legislative Research*
8 *Commission to help ensure that charter schools maintain the highest quality and*
9 *to provide resources to stakeholder groups regarding charter school activities.*

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

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

16 *2. One (1) attorney;*

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

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

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

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

23 *(3) The council shall have the following duties:*

24 *(a) Recommend to the Kentucky Board of Education the adoption of*
25 *administrative regulations regarding all aspects of charter school operation,*
26 *including timelines, standards, criteria for acceptance and approval of*
27 *applications, monitoring of charter schools, appeals to the Kentucky Board*

- 1 of Education, and grounds for revocation of charters;
- 2 (b) Review charter applications and make recommendations to the Kentucky
- 3 Board of Education for final approval of charter applications;
- 4 (c) Recommend actions relating to the appeals of charter applications,
- 5 renewals of charters, nonrenewals of charters, and revocations of charters;
- 6 and
- 7 (d) Undertake any other duties and responsibilities delegated by the Kentucky
- 8 Board of Education or established by enactment of the General Assembly.
- 9 (4) The council shall be attached to the Kentucky Department of Education for
- 10 administrative purposes and be provided suitable staff and resources to conduct
- 11 its work. The commissioner of education shall assign a staff liaison dedicated
- 12 solely to assist the council in the performance of its duties and to act on the
- 13 commissioner's behalf in all instances of absence from meetings and functions
- 14 necessary to the council's performance of its duties. Upon request of the council,
- 15 the commissioner of education shall assign additional staff dedicated solely to
- 16 assist the council in the performance of its duties.

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO

18 READ AS FOLLOWS:

- 19 (1) The State Advisory Council for Exceptional Children is hereby created and shall
- 20 have the following duties:
- 21 (a) Advise the Kentucky Department of Education, Kentucky Board of
- 22 Education, and the Education Professional Standards Board of unmet
- 23 needs and desired program changes within the Commonwealth related to
- 24 the education of children with disabilities, including suggestions for
- 25 corrective action plans and personnel development needs;
- 26 (b) Review and comment on administrative regulations proposed by the
- 27 Commonwealth relating to the education of children with disabilities and

- 1 the procedures for distribution of funds under Part B of the federal
2 Individuals with Disabilities Education Act;
- 3 (c) Review and comment on written findings of fact and decisions from due
4 process hearings, including other reports issued by federal and state
5 authorities relating to exceptional children;
- 6 (d) Advise the Kentucky Department of Education, the Justice and Public
7 Safety Cabinet, and other public agencies on eligible students with
8 disabilities in state and local prisons; and
- 9 (e) Provide opportunities for public input through regularly scheduled public
10 hearings or during general meetings.
- 11 (2) (a) The council shall be composed of at least fifteen (15) but no more than
12 twenty-one (21) voting members appointed by the Governor. The members
13 shall be individuals involved in, or concerned with, the education of
14 children with disabilities and shall meet the following qualifications:
- 15 1. Two (2) individuals with disabilities or exceptional needs;
16 2. One (1) parent of an exceptional child age birth through twelve (12)
17 years;
18 3. One (1) parent of an exceptional child age thirteen (13) through
19 twenty-six (26) years;
20 4. One (1) elementary special education teacher;
21 5. One (1) middle or high school special education teacher;
22 6. One (1) higher education member who trains and prepares special
23 education teachers;
24 7. One (1) private sector administrator of programs for exceptional
25 children;
26 8. One (1) local education administrator of programs for exceptional
27 children, who shall also be experienced with the federal McKinney-

- 1 *Vento Homeless Assistance Act;*
2 *9. One (1) child welfare agency member responsible for foster care;*
3 *10. At least one (1) representative of state juvenile or adult correction*
4 *agencies involved in the delivery of services to disabled children;*
5 *11. One (1) state education official who carries out activities associated*
6 *with the federal McKinney-Vento Homeless Assistance Act;*
7 *12. At least one (1) state agency member involved in the financing or*
8 *delivery of services to children with disabilities;*
9 *13. One (1) member of a vocational, community, or business organization*
10 *concerned with the provision of services to disabled children;*
11 *14. At least one (1) representative of private schools or public charter*
12 *schools; and*
13 *15. Up to six (6) additional members meeting the requirements for the*
14 *state advisory panel under the federal Individuals with Disabilities*
15 *Education Act, 20 U.S.C. sec. 1412.*

16 *(b) Members shall serve four (4) year terms.*

17 *(3) The council shall be attached to the Kentucky Department of Education for*
18 *administrative purposes and be provided suitable staff and resources to conduct*
19 *its work. Upon request of the council, the commissioner of education shall assign*
20 *staff dedicated solely to assist the council in the performance of its duties.*

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

22 (1) *(a)* There is hereby established a Kentucky Board of Education, which shall
23 consist of eleven (11) members appointed by the Governor and confirmed by
24 the Senate ~~and the House of Representatives~~ of the General Assembly, with
25 the president of the Council on Postsecondary Education serving as an ex
26 officio nonvoting member. *The board may also include four (4) nonvoting*
27 *advisors.*

1 **(b)** Seven (7) members shall represent each of the Supreme Court districts as
2 established by KRS 21A.010, and four (4) members shall represent the state at
3 large. Each of the appointed members shall serve for a four (4) year term,
4 except the initial appointments shall be as follows: the seven (7) members
5 representing Supreme Court districts shall serve a term which shall expire on
6 April 14, 1994; and the four (4) at-large members shall serve a term which
7 shall expire on April 14, 1992. Subsequent appointments shall be submitted to
8 the Senate~~[and to the House of Representatives]~~ for confirmation in
9 accordance with KRS 11.160.~~[Each appointment by the Governor shall be~~
10 ~~agreed upon by both chambers in order for the person to be confirmed.]~~ Each
11 confirmed appointee shall take office on April 15.

12 **(c)** *At least one (1) member shall be a parent of a public school student at the*
13 *time of appointment and at least four (4) members shall possess a minimum*
14 *of five (5) years of experience within the field of education, including one*
15 *(1) member with experience as a faculty member of a postsecondary*
16 *institution. At least four (4) members shall possess a minimum of five (5)*
17 *years of business leadership experience.*

18 **(d)** *The board may include up to four (4) nonvoting advisors designated by the*
19 *Governor. Each advisor shall meet one (1) of the following requirements:*

- 20 1. *Be a member of the Council on Postsecondary Education;*
- 21 2. *Be a member of the Education Professional Standards Board;*
- 22 3. *Be a member of the Charter Schools Advisory Council; or*
- 23 4. *Be a parent of a child attending public school.*

24 **(e)** *Nonvoting advisors shall not be considered members of the board but shall*
25 *be entitled to be present at all board meetings, including closed sessions,*
26 *and to be fully heard and participate in all topics of discussion, including*
27 *potential or threatened litigation as a party with a common legal interest in*

1 *the board.*

2 *(f) A nonvoting advisor shall serve a term of one (1) year and may serve no*
3 *more than three (3) terms.*

4 (2) Appointments shall be made without reference to~~[occupation,]~~ political
5 affiliation~~[,]~~ or similar consideration. No member at the time of his appointment or
6 during the term of his service shall be engaged as a ***current*** professional educator ***in***
7 ***a Kentucky public elementary or secondary school.*** Pursuant to KRS 63.080, a
8 member shall not be removed except for cause.

9 (3) A vacancy in the membership of the board shall be filled by the Governor for the
10 unexpired term with the consent of the Senate~~[and the House of Representatives].~~
11 In the event that the General Assembly is not in session at the time of the
12 appointment, the consent of the Senate~~[and the House of Representatives]~~ shall be
13 obtained during the time the General Assembly next convenes.

14 (4) ***On the effective date of this Act,*** at the ***final***~~[first]~~ regular meeting of the board in
15 each fiscal year, a chairperson, ***vice chairperson, and three (3) members to serve***
16 ***on the Charter Schools Advisory Council*** shall be elected from its voting
17 membership.

18 (5) The members ***and nonvoting advisors*** shall be reimbursed for actual and necessary
19 expenses incurred in the performance of their duties.

20 (6) The commissioner of education shall serve as the executive secretary to the board
21 ***and attend all meetings. Subject to approval of the board, the commissioner may***
22 ***designate staff to record minutes and facilitate the commissioner's duties. The***
23 ***board may also appoint an administrative coordinator, who shall act as***
24 ***ombudsman for the members, and whose expenses shall be borne by the***
25 ***Department of Education.***

26 (7) The primary function of the board shall be to develop and adopt policies and
27 administrative regulations, with the advice of the Local Superintendents Advisory

1 Council, by which the Department of Education shall be governed in planning,
2 coordinating, administering, supervising, operating, and evaluating the educational
3 programs, services, and activities within the Department of Education which are
4 within the jurisdiction of the board.

5 ➔Section 4. KRS 156.040 is amended to read as follows:

- 6 (1) As used in this section, "relative" means father, mother, brother, sister, husband,
7 wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.
- 8 (2) A member of the Kentucky Board of Education shall:
- 9 (a) Be at least thirty (30) years of age;
- 10 (b) Have at least an associate degree or its equivalent;
- 11 (c) Have been a resident of Kentucky for at least three (3) years preceding the
12 member's appointment;
- 13 (d) Not hold a *paid* state office requiring the constitutional oath;
- 14 (e) Not be a member of the General Assembly;
- 15 (f) Not hold or discharge the duties of any civil or political office, deputyship, or
16 agency under the city or county of his or her residence;
- 17 (g) Not be directly or indirectly interested in the sale to the Kentucky Board of
18 Education or the Department of Education of books, stationery, or any other
19 property, materials, supplies, equipment, or services for which board or
20 department funds are expended;
- 21 (h) Not have a relative as defined in subsection (1) of this section who is
22 employed by the Department of Education;
- 23 (i) Not have been removed from the board for cause; and
- 24 (j) Not be engaged as an elementary or secondary education professional
25 educator.
- 26 (3) Appointments to the board shall be made without reference to~~[-occupation,]~~
27 political affiliation~~[-]~~ or similar considerations.

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

2 (1) As used in this section:

3 (a) "Accelerated learning" means an organized way of helping students meet
4 individual academic goals by providing direct instruction to eliminate student
5 performance deficiencies or enable students to move more quickly through
6 course requirements and pursue higher level skill development;

7 (b) "Constructed-response items" or "performance-based items" means individual
8 test items that require the student to create an answer rather than select a
9 response and may include fill-in-the-blank, short-answer, extended-answer,
10 open-response, and writing-on-demand formats;

11 (c) "Criterion-referenced test" means a test that is aligned with defined academic
12 content standards and measures an individual student's level of performance
13 against the standards;

14 (d) "End-of-course examination" means the same as defined in KRS 158.860;

15 (e) "Formative assessment" means a process used by teachers and students during
16 instruction to adjust ongoing teaching and learning to improve students'
17 achievement of intended instructional outcomes. Formative assessments may
18 include the use of commercial assessments, classroom observations, teacher-
19 designed classroom tests and assessments, and other processes and
20 assignments to gain information about individual student learning;

21 (f) "Interim assessments" means assessments that are given periodically
22 throughout the year to provide diagnostic information and to show individual
23 student performance against content standards;

24 (g) "Summative assessment" means an assessment given at the end of the school
25 year, semester, or other period of time to evaluate students' performance
26 against content standards within a unit of instruction or a course; and

27 (h) "Writing" means a purposeful act of thinking and expression that uses

1 language to explore ideas and communicate meaning to others. Writing is a
2 complex, multifaceted act of communication.

3 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
4 Kentucky Department of Education shall implement a process for reviewing
5 Kentucky's academic standards and the alignment of corresponding
6 assessments for possible revision or replacement to ensure alignment with
7 postsecondary readiness standards necessary for global competitiveness and
8 with state career and technical education standards.

9 (b) The revisions to the content standards shall:

- 10 1. Focus on critical knowledge, skills, and capacities needed for success in
11 the global economy;
- 12 2. Result in fewer but more in-depth standards to facilitate mastery
13 learning;
- 14 3. Communicate expectations more clearly and concisely to teachers,
15 parents, students, and citizens;
- 16 4. Be based on evidence-based research;
- 17 5. Consider international benchmarks; and
- 18 6. Ensure that the standards are aligned from elementary to high school to
19 postsecondary education so that students can be successful at each
20 education level.

21 (c) 1. The department shall establish four (4) standards and assessments
22 review and development committees, with each committee composed of
23 a minimum of six (6) Kentucky public school teachers and a minimum
24 of two (2) representatives from Kentucky institutions of higher
25 education, including at least one (1) representative from a public
26 institution of higher education. Each committee member shall teach in
27 the subject area that his or her committee is assigned to review and have

1 no prior or current affiliation with a curriculum or assessment resources
2 vendor.

3 2. One (1) of the four (4) committees shall be assigned to focus on the
4 review of language arts and writing academic standards and
5 assessments, one (1) on the review of mathematics academic standards
6 and assessments, one (1) on the review of science academic standards
7 and assessments, and one (1) on the review of social studies academic
8 standards and assessments.

9 (d) 1. The department shall establish twelve (12) advisory panels to advise and
10 assist each of the four (4) standards and assessments review and
11 development committees.

12 2. Three (3) advisory panels shall be assigned to each standards and
13 assessments review and development committee. One (1) panel shall
14 review the standards and assessments for kindergarten through grade
15 five (5), one (1) shall review the standards and assessments for grades
16 six (6) through eight (8), and one (1) shall review the standards and
17 assessments for grades nine (9) through twelve (12).

18 3. Each advisory panel shall be composed of at least one (1) representative
19 from a Kentucky institution of higher education and a minimum of six
20 (6) Kentucky public school teachers who teach in the grade level and
21 subject reviewed by the advisory panel to which they are assigned and
22 have no prior or current affiliation with a curriculum or assessment
23 resources vendor.

24 (e) The commissioner of education and the president of the Council on
25 Postsecondary Education shall also provide consultants for the standards and
26 assessments review and development committees and the advisory panels who
27 are business and industry professionals actively engaged in career fields that

1 depend on the various content areas.

2 (f) 1. The standards and assessments process review committee is hereby
3 established and shall be composed of ten (10) members, including:

4 a. Three (3) members appointed by the Governor;

5 b. Three (3) members of the Senate appointed by the President of the
6 Senate;

7 c. Three (3) members of the House of Representatives appointed by
8 the Speaker of the House of Representatives; and

9 d. The commissioner of education.

10 2. The review of the committee shall be limited to the procedural aspects
11 of the review process undertaken prior to its consideration.

12 (g) 1. The review process implemented under this subsection shall be an open,
13 transparent process that allows all Kentuckians an opportunity to
14 participate. The department shall ensure the public's assistance in
15 reviewing and suggesting changes to the standards and alignment
16 adjustments to corresponding state assessments by establishing a Web
17 site dedicated to collecting comments by the public and educators. An
18 independent third party, which has no prior or current affiliation with a
19 curriculum or assessment resources vendor, shall be selected by the
20 department to collect and transmit the comments to the department for
21 dissemination to the appropriate advisory panel for review and
22 consideration.

23 2. Each advisory panel shall review the standards and assessments for its
24 assigned subject matter and grade level and the suggestions made by the
25 public and educators. After completing its review, each advisory panel
26 shall make recommendations for changes to the standards and alignment
27 adjustments for assessments to the appropriate standards and

- 1 assessments review and development committee.
- 2 3. Each standards and assessments review and development committee
3 shall review the findings and make recommendations to revise or replace
4 existing standards and to adjust alignment of assessments to the
5 standards and assessments process review committee.
- 6 4. The recommendations shall be published on the Web site established in
7 this subsection for the purpose of gathering additional feedback from the
8 public. The commissioner, on behalf of the standards and assessments
9 process review committee, shall subsequently present the
10 recommendations and the public feedback to the Interim Joint
11 Committee on Education.
- 12 5. The commissioner shall subsequently provide a report to the standards
13 and assessments process review committee summarizing the process
14 conducted under this subsection and the resulting recommendations. The
15 report shall include but not be limited to the timeline of the review
16 process, public feedback, and responses from the Interim Joint
17 Committee on Education.
- 18 6. After receiving the commissioner's report, the standards and assessments
19 process review committee shall either concur that stakeholders have had
20 adequate opportunity to provide input on standards and the
21 corresponding alignment of state assessments or find the input process
22 deficient. If the process is found deficient, the recommendations may be
23 returned to the appropriate standards and assessments review and
24 development committee for review as described in subparagraph 3. of
25 this paragraph. If the process is found sufficient, the recommendations
26 shall be forwarded without amendment to the Kentucky Board of
27 Education.

- 1 (h) The Kentucky Board of Education shall promulgate administrative regulations
2 in accordance with KRS Chapter 13A as may be needed for the administration
3 of the review process, including staggering the timing and sequence of the
4 review process by subject area and remuneration of the review and
5 development committees and advisory panels described in paragraphs (c) and
6 (d) of this subsection.
- 7 (i) 1. The Kentucky Board of Education shall consider for approval the
8 revisions to academic standards for a content area and the alignment of
9 the corresponding state assessment once recommendations are received
10 from the standards and assessments process review committee. Existing
11 state academic standards shall remain in place until the board approves
12 new standards.
- 13 2. Any revision to, or replacement of, the academic standards and
14 assessments as a result of the review process conducted under this
15 subsection shall be implemented in Kentucky public schools no later
16 than the second academic year following the review process. Existing
17 academic standards shall be used until new standards are implemented.
- 18 3. The Department of Education shall disseminate the academic content
19 standards to the schools and teacher preparation programs.
- 20 (j) The Department of Education shall provide or facilitate statewide training
21 sessions for existing teachers and administrators on how to:
- 22 1. Integrate the revised content standards into classroom instruction;
- 23 2. Better integrate performance assessment of students within their
24 instructional practices; and
- 25 3. Help all students use higher-order thinking and communication skills.
- 26 (k) The Education Professional Standards Board in cooperation with the
27 Kentucky Board of Education and the Council on Postsecondary Education

1 shall coordinate information and training sessions for faculty and staff in all of
2 the teacher preparation programs in the use of the revised academic content
3 standards. The Education Professional Standards Board shall ensure that each
4 teacher preparation program includes use of the academic standards in the pre-
5 service education programs and that all teacher interns will have experience
6 planning classroom instruction based on the revised standards.

7 (l) The Council on Postsecondary Education in cooperation with the Kentucky
8 Department of Education and the postsecondary education institutions in the
9 state shall coordinate information sessions regarding the academic content
10 standards for faculty who teach in the various content areas.

11 (3) (a) The Kentucky Board of Education shall be responsible for creating and
12 implementing a balanced statewide assessment program that measures the
13 students', schools', and districts' achievement of the goals set forth in KRS
14 158.645 and 158.6451, to ensure compliance with the federal Every Student
15 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
16 school accountability.

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

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

23 (d) The board shall seek the advice of the Office of Education Accountability;~~;~~
24 ~~the School Curriculum, Assessment, and Accountability Council;~~ the
25 Education Assessment and Accountability Review Subcommittee, and the
26 National Technical Advisory Panel on Assessment and Accountability in the
27 development of the assessment program. The statewide assessment program

1 shall not include measurement of a student's ability to become a self-sufficient
2 individual or to become a responsible member of a family, work group, or
3 community.

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

8 (b) The annual student summative tests shall:

- 9 1. Measure individual student achievement in language, reading, English,
10 mathematics, science, and social studies at designated grades;
- 11 2. Provide teachers and parents a valid and reliable comprehensive analysis
12 of skills mastered by individual students;
- 13 3. Provide diagnostic information that identifies strengths and academic
14 deficiencies of individual students in the content areas;
- 15 4. Provide information to teachers that can enable them to improve
16 instruction for current and future students;
- 17 5. Provide longitudinal profiles for students; and
- 18 6. Ensure school and district accountability for student achievement of the
19 goals set forth in KRS 158.645 and 158.6451, except the statewide
20 assessment program shall not include measurement of a student's ability
21 to become a self-sufficient individual or to become a responsible
22 member of a family, work group, or community.

23 (5) The state student assessments shall include the following components:

24 (a) Elementary and middle grades requirements are:

- 25 1. A criterion-referenced test each in mathematics and reading in grades
26 three (3) through eight (8) that is valid and reliable for an individual
27 student and that measures the depth and breadth of Kentucky's academic

- 1 content standards;
- 2 2. A criterion-referenced test each in science and social studies that is valid
3 and reliable for an individual student as necessary to measure the depth
4 and breadth of Kentucky's academic content standards to be
5 administered one (1) time within the elementary and middle grades,
6 respectively;
- 7 3. An on-demand assessment of student writing to be administered one (1)
8 time within the elementary grades and one (1) time within the middle
9 grades; and
- 10 4. An editing and mechanics test relating to writing, using multiple choice
11 and constructed response items, to be administered one (1) time within
12 the elementary and the middle grades, respectively;
- 13 (b) High school requirements are:
- 14 1. A criterion-referenced test in mathematics, reading, and science that is
15 valid and reliable for an individual student and that measures the depth
16 and breadth of Kentucky's academic content standards to be
17 administered one (1) time within the high school grades;
- 18 2. A criterion-referenced test in social studies that is valid and reliable for
19 an individual student as necessary to measure the depth and breadth of
20 Kentucky's academic content standards to be administered one (1) time
21 within the high school grades;
- 22 3. An on-demand assessment of student writing to be administered one (1)
23 time within the high school grades;
- 24 4. An editing and mechanics test relating to writing, using multiple choice
25 and constructed response items, to be administered one (1) time within
26 the high school grades; and
- 27 5. A college admissions examination to assess English, reading,

- 1 mathematics, and science in the spring of grade ten (10) and the spring
2 of grade eleven (11);
- 3 (c) The Kentucky Board of Education shall add any other component necessary to
4 comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or
5 its successor, as determined by the United States Department of Education;
- 6 (d) The criterion-referenced components required in this subsection shall be
7 composed of constructed response items and multiple choice items;
- 8 (e) The Kentucky Board of Education may incorporate end-of-course
9 examinations into the assessment program to be used in lieu of requirements
10 for criterion-referenced tests required under paragraph (b) of this subsection;
11 and
- 12 (f) The results of the assessment program developed under this subsection shall
13 be used by schools and districts to determine appropriate instructional
14 modifications for all students in order for students to make continuous
15 progress, including that needed by advanced learners.
- 16 (6) Each school district shall administer the statewide student assessment during the
17 last fourteen (14) days of school in the district's instructional calendar. The
18 Kentucky Board of Education may change the testing window to allow for
19 innovative assessment systems or other online test administration and shall
20 promulgate administrative regulations that minimize the number of days of testing
21 and outline the procedures to be used during the testing process to ensure test
22 security, including procedures for testing makeup days, and to comply with federal
23 assessment requirements.
- 24 (7) A student enrolled in a district-operated or district-contracted alternative program
25 shall participate in the appropriate assessments required by this section.
- 26 (8) A local school district may select and use commercial interim or formative
27 assessments or develop and use its own formative assessments to provide data on

1 how well its students are growing toward mastery of Kentucky academic standards,
2 so long as the district's local school board develops a policy minimizing the
3 reduction in instructional time related to the administration of the interim
4 assessments. Nothing in this section precludes teachers from using ongoing teacher-
5 developed formative processes.

6 (9) Each school that enrolls primary students shall use diagnostic assessments and
7 prompts that measure readiness in reading and mathematics for its primary students
8 as determined by the school to be developmentally appropriate. The schools may
9 use commercial products, use products and procedures developed by the district, or
10 develop their own diagnostic procedures. The results shall be used to inform the
11 teachers and parents or guardians of each student's skill level.

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

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

16 (a) The cost of both college admissions examinations administered to students in
17 high school shall be paid for by the Kentucky Department of Education. The
18 costs of additional college admissions examinations shall be the responsibility
19 of the student;

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

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

25 1. Accommodations provided in a manner allowed by the college
26 admissions assessment provider when results in test scores are
27 reportable to a postsecondary institution for admissions and placement

1 purposes, except as provided in subparagraph 2. of this paragraph; or

2 2. Accommodations provided in a manner allowed by a student's
3 individualized education program as defined in KRS 158.281 for a
4 student whose disability precludes valid assessment of his or her
5 academic abilities using the accommodations provided under
6 subparagraph 1. of this paragraph when the student's scores are not
7 reportable to a postsecondary institution for admissions and placement
8 purposes.

9 (12) Kentucky teachers shall have a significant role in the design of the assessments,
10 except for the college admissions exams described in subsection (5)(b)5. of this
11 section. The assessments shall be designed to:

12 (a) Measure grade appropriate core academic content, basic skills, and higher-
13 order thinking skills and their application;

14 (b) Provide valid and reliable scores for schools. If scores are reported for
15 students individually, they shall be valid and reliable;

16 (c) Minimize the time spent by teachers and students on assessment; and

17 (d) Assess Kentucky academic standards only.

18 (13) The results from assessment under subsections (3) and (5) of this section shall be
19 reported to the school districts and schools no later than seventy-five (75) days
20 following the last day the assessment can be administered. Assessment reports
21 provided to the school districts and schools shall include an electronic copy of an
22 operational subset of test items from each assessment administered to their students
23 and the results for each of those test items by student and by school.

24 (14) The Department of Education shall gather information to establish the validity of
25 the assessment and accountability program. It shall develop a biennial plan for
26 validation studies that shall include but not be limited to the consistency of student
27 results across multiple measures, the congruence of school scores with documented

1 improvements in instructional practice and the school learning environment, and the
2 potential for all scores to yield fair, consistent, and accurate student performance
3 level and school accountability decisions. Validation activities shall take place in a
4 timely manner and shall include a review of the accuracy of scores assigned to
5 students and schools, as well as of the testing materials. The plan shall be submitted
6 to the Commission by July 1 of the first year of each biennium. A summary of the
7 findings shall be submitted to the Legislative Research Commission by September 1
8 of the second year of the biennium.

9 (15) The Department of Education and the state board shall offer optional assistance to
10 local school districts and schools in developing and using continuous assessment
11 strategies needed to assure student progress. The continuous assessment shall
12 provide diagnostic information to improve instruction to meet the needs of
13 individual students.

14 (16) The Administration Code for Kentucky's Assessment Program shall include
15 prohibitions of inappropriate test preparation activities by school district employees
16 charged with test administration and oversight, including but not limited to the issue
17 of teachers being required to do test practice in lieu of regular classroom instruction
18 and test practice outside the normal work day. The code shall include disciplinary
19 sanctions that may be taken toward a school or individuals.

20 (17) The Kentucky Board of Education, after the Department of Education has received
21 advice from the Office of Education Accountability~~]; the School Curriculum,~~
22 ~~Assessment, and Accountability Council;]~~ and the National Technical Advisory
23 Panel on Assessment and Accountability, shall promulgate an administrative
24 regulation under KRS Chapter 13A to establish the components of a reporting
25 structure for assessments administered under this section. The reporting structure
26 shall include the following components:

27 (a) A school report card that clearly communicates with parents and the public

1 about school performance. The school report card shall be sent to the parents
2 of the students of the districts, and information on electronic access to a
3 summary of the results for the district shall be published in the newspaper
4 with the largest circulation in the county. It shall include but not be limited to
5 the following components reported by race, gender, and disability when
6 appropriate:

- 7 1. Student academic achievement, including the results from each of the
8 assessments administered under this section;
- 9 2. For Advanced Placement, Cambridge Advanced International, and
10 International Baccalaureate, the courses offered, the number of students
11 enrolled, completing, and taking the examination for each course, and
12 the percentage of examinees receiving a score of three (3) or better on
13 AP examinations, a score of "e" or better on Cambridge Advanced
14 International examinations, or a score of five (5) or better on IB
15 examinations. The data shall be disaggregated by gender, race, students
16 with disabilities, and economic status;
- 17 3. Nonacademic achievement, including the school's attendance, retention,
18 graduation rates, and student transition to postsecondary;
- 19 4. School learning environment, including measures of parental
20 involvement; and
- 21 5. Any other school performance data required by the Every Student
22 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;

- 23 (b) An individual student report to parents for each student in grades three (3)
24 through eight (8) summarizing the student's skills in reading, science, social
25 studies, and mathematics. The school's staff shall develop a plan for
26 accelerated learning for any student with identified deficiencies or strengths;
27 and

- 1 (c) A student's highest scores on the college admissions assessments administered
2 under subsection (5)(b)5. of this section.
- 3 (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
4 Kentucky Department of Education shall implement a comprehensive process
5 for reviewing and revising the academic standards in visual and performing
6 arts and practical living skills and career studies for all levels and in foreign
7 language for middle and high schools. The department shall develop review
8 committees for the standards for each of the content areas that include
9 representation from certified specialist public school teachers and
10 postsecondary teachers in those subject areas.
- 11 (b) The department shall provide to all schools guidelines for programs that
12 incorporate the adopted academic standards in visual and performing arts and
13 practical living and career studies. The department shall provide to middle and
14 high schools guidelines for including a foreign language program. The
15 guidelines shall address program length and time, courses offered, staffing,
16 resources, and facilities.
- 17 (c) The Kentucky Department of Education, in consultation with certified public
18 school teachers of visual and performing arts, may develop program standards
19 for the visual and performing arts.
- 20 (19) The Kentucky Department of Education shall provide to all schools guidelines for
21 including an effective writing program within the curriculum. Each school-based
22 decision making council or, if there is no school council, a committee appointed by
23 the principal, shall adopt policies that determine the writing program for its school
24 and submit it to the Department of Education for review and comment. The writing
25 program shall incorporate a variety of language resources, technological tools, and
26 multiple opportunities for students to develop complex communication skills for a
27 variety of purposes.

- 1 (20) (a) The Kentucky Department of Education, in consultation with the review
2 committees described in subsection (18) of this section, shall develop a school
3 profile report to be used by all schools to document how they will address the
4 adopted academic standards in their implementation of the programs as
5 described in subsection (18) of this section, which may include student
6 opportunities and experiences in extracurricular activities.
- 7 (b) By October 1 of each year, each school principal shall complete the school
8 profile report, which shall be signed by the members of the school council, or
9 the principal if no school council exists, and the superintendent. The report
10 shall be electronically transmitted to the Kentucky Department of Education,
11 and the original shall be maintained on file at the local board office and made
12 available to the public upon request. The department shall include a link to
13 each school's profile report on its Web site.
- 14 (c) If a school staff member, student, or a student's parent has concerns regarding
15 deficiencies in a school's implementation of the programs described in
16 subsection (18) of this section, he or she may submit a written inquiry to the
17 school council.

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

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

- 21 (1) (a) The Kentucky Board of Education shall create an accountability system to
22 classify districts and schools in accordance with the academic standards and
23 student assessment program developed pursuant to KRS 158.6453.
- 24 (b) The accountability system shall include:
- 25 1. An annual overall summative performance evaluation of each school
26 and district compared to goals established by the Kentucky Department
27 of Education. The evaluation for each school and district shall:

- 1 a. Not consist of a single summative numerical score that ranks
2 schools against each other; and
- 3 b. Be based on a combination of academic and school quality
4 indicators and measures, with greater weight assigned to the
5 academic measures;
- 6 2. Student assessment results;
- 7 3. Progress toward achieving English proficiency by limited English
8 proficiency students;
- 9 4. Quality of school climate and safety;
- 10 5. High school graduation rates;
- 11 6. Postsecondary readiness for each high school student, which shall be
12 included as an academic indicator, and shall be measured by:
- 13 a. Meeting or exceeding a college readiness benchmark score on the
14 college admissions examination used as the statewide assessment
15 in KRS 158.6453(5)(b)5. The college readiness benchmark score
16 shall be established by the Council on Postsecondary Education; or
- 17 b. Achievement of college credit, postsecondary articulated credit,
18 apprenticeship time toward a credential or associate degree, or any
19 industry-recognized certifications, licensures, or credentials, with
20 more weight in accountability for industry-recognized
21 certifications, licensures, or credentials identified as high demand
22 in accordance with the process described in paragraph (c) of this
23 subsection. Eligible industry-recognized certifications, licensures,
24 or credentials shall not be limited to those earned in conjunction
25 with a minimum sequence of courses. Each high school shall
26 publicly report the credits, hours, and credentials on an annual
27 basis; and

- 1 7. Any other factor mandated by the federal Every Student Succeeds Act of
2 2015, Pub. L. No. 114-95, or its successor.
- 3 (c) Based on data from the Kentucky Center for Education and Workforce
4 Statistics, each local workforce investment board, in conjunction with local
5 economic development organizations from its state regional sector, shall
6 annually compile a list of industry-recognized certifications, licensures, and
7 credentials specific to the state and regional workforce area, rank them by
8 demand for the state and regional area, and provide the list to the Kentucky
9 Workforce Innovation Board. The Kentucky Workforce Innovation Board, in
10 conjunction with the Kentucky Department of Education, may revise the lists
11 before the Kentucky Department of Education disseminates the lists to all
12 school districts to be used as postsecondary readiness indicators.
- 13 (d) 1. The Kentucky Department of Education shall pay for the cost of an
14 assessment taken by a high school student for attaining an industry-
15 recognized certification, credential, or licensure if the student
16 consecutively completes at least two (2) related career pathway courses
17 approved by the department prior to taking the assessment.
- 18 2. If a high school student has not completed the two (2) course
19 requirement described in subparagraph 1. of this paragraph but meets
20 performance-based experience eligibility and passes an assessment, the
21 department shall provide a weighted reimbursement amount to the
22 school district for the cost of the assessment based on the level of
23 demand of the certificate, credential, or license earned. The Kentucky
24 Board of Education shall promulgate regulations establishing the
25 performance-based experience eligibility requirements and weighted
26 reimbursement amounts.
- 27 (e) Prior to promulgating administrative regulations to revise the accountability

1 system, the board shall seek advice from the ~~the School Curriculum, Assessment,~~
2 ~~and Accountability Council; the~~ Office of Education Accountability; the
3 Education Assessment and Accountability Review Subcommittee; and the
4 National Technical Advisory Panel on Assessment and Accountability.

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

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

9 2. The school in which the student was previously enrolled if the student
10 was enrolled in that school for at least a full academic year as defined by
11 the Kentucky Board of Education; and

12 (b) The school district if the student is enrolled in the district for at least a full
13 academic year as defined by the Kentucky Board of Education; and

14 (c) The state if the student is enrolled in a Kentucky public school prior to the
15 beginning of the statewide testing period.

16 (3) After receiving the advice of the Office of Education Accountability~~;~~ ~~the School~~
17 ~~Curriculum, Assessment, and Accountability Council;~~ and the National Technical
18 Advisory Panel on Assessment and Accountability, the Kentucky Board of
19 Education shall promulgate an administrative regulation in conformity with KRS
20 158.6471 and 158.6472 and KRS Chapter 13A to establish more rigorous action,
21 intervention, and appropriate consequences for schools that fail to exit
22 comprehensive support and improvement status described in KRS 160.346. The
23 consequences shall be designed to improve the academic performance and learning
24 environment of identified schools and may include but not be limited to:

25 (a) A review and audit process to determine the appropriateness of a school's or
26 district's classification and to recommend needed assistance;

27 (b) School and district improvement plans;

- 1 (c) Eligibility to receive Commonwealth school improvement funds under KRS
2 158.805;
- 3 (d) Education assistance from highly skilled certified staff; and
- 4 (e) Observation of school personnel.
- 5 (4) All students who drop out of school during a school year shall be included in a
6 school's annual average school graduation rate calculation.
- 7 (5) After receiving the advice of the Education Assessment and Accountability Review
8 Subcommittee;~~;~~ the Office of Education Accountability;~~;~~ ~~the School Curriculum,~~
9 ~~Assessment, and Accountability Council;~~ and the National Technical Advisory
10 Panel on Assessment and Accountability, the Kentucky Board of Education may
11 promulgate by administrative regulation, in conformity with KRS 158.6471 and
12 158.6472 and KRS Chapter 13A, a system of district accountability that includes
13 establishing a formula for accountability, goals for improvement over a three (3)
14 year period, rewards for leadership in improving teaching and learning in the
15 district, and consequences that address the problems and provide assistance when
16 one (1) or more schools in the district fail to exit comprehensive support and
17 improvement status after three (3) consecutive years of implementing the
18 turnaround intervention process described in KRS 160.346.
- 19 (6) After receiving the advice of the Office of Education Accountability;~~;~~ ~~the School~~
20 ~~Curriculum, Assessment, and Accountability Council;~~ and the National Technical
21 Advisory Panel on Assessment and Accountability, the Kentucky Board of
22 Education shall promulgate administrative regulations in conformity with KRS
23 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a
24 school shall be allowed to appeal a performance judgment which it considers
25 grossly unfair. Upon appeal, an administrative hearing shall be conducted in
26 accordance with KRS Chapter 13B. The state board may adjust a performance
27 judgment on appeal when evidence of highly unusual circumstances warrants the

1 conclusion that the performance judgment is based on fraud or a mistake in
 2 computations, is arbitrary, is lacking any reasonable basis, or when there are
 3 significant new circumstances occurring during the three (3) year assessment period
 4 which are beyond the control of the school.

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

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

- 8 (1) "Accountability index" means the statistic, as provided by KRS 158.6455(1), that
 9 combines a school's academic and nonacademic factors;
- 10 (2) "Core content for assessment" means the content identified for all students to know
 11 that is to be included on the state assessment; and
- 12 (3) "Nonacademic factors" means the statistic that describes school success on:
- 13 (a) Increasing attendance and decreasing retention rates at the elementary school
 14 level;
- 15 (b) Increasing attendance rates and decreasing retention and dropout rates at the
 16 middle school level; and
- 17 (c) Increasing attendance rates and decreasing retention and dropout rates and
 18 improving the transition to adult life at the secondary school level.

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

- 20 (1) The State Advisory Council for Gifted and Talented Education is hereby created
 21 and attached to the Kentucky Department of Education. The council's purpose is to
 22 make recommendations regarding the provisions of services for gifted and talented
 23 students in Kentucky's education system.

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

27 (a) The Governor shall appoint the following voting members, who shall

1 possess specific knowledge, experience, or background in the areas of gifted
2 and talented education[The members shall be appointed representing various

3 constituencies as follows]:

- 4 1. One (1) elementary school teacher;
- 5 2. One (1) middle or high school teacher;
- 6 3. One (1) gifted and talented program coordinator;
- 7 4. One (1) parent of a gifted or talented child;
- 8 5. One (1) science, technology, engineering, or mathematics teacher;
- 9 6. One (1) arts and humanities teacher;
- 10 7. One (1) school counselor or psychologist;
- 11 8. One (1) superintendent or district assessment coordinator;
- 12 9. One (1) faculty member of a private postsecondary institution;
- 13 10. One (1) faculty member of a public postsecondary institution; and
- 14 11. One (1) at-large member who is not currently employed as an

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

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

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

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

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

27 6. Two (2) members shall be coordinators of gifted and talented programs

- 1 and services in local school districts;
- 2 7.— One (1) member shall be a local board of education member;
- 3 8.— One (1) member shall represent the visual and performing arts; and
- 4 9.— One (1) member shall be appointed from the private business sector].

5 (b) **The nonvoting members shall be:**

- 6 **1. The commissioner of education or designee;**
- 7 **2. A member of the Education Professional Standards Board designated**
- 8 **by the board; and**
- 9 **3. The president of the Council on Postsecondary Education or**
- 10 **designee**[The three (3) nonvoting ex officio members shall be: the state
- 11 consultant for gifted and talented education in the Kentucky Department
- 12 of Education, a staff person designated by the executive secretary of the
- 13 Education Professional Standards Board, and a staff person designated
- 14 by the president of the Council on Postsecondary Education. Vacancies
- 15 shall be filled by the Governor as they occur in a manner consistent with
- 16 the provisions for initial appointment].

17 (c) **The members shall serve the following terms:**

- 18 **1. Four (4) members shall serve a two (2) year term;**
- 19 **2. Four (4) members shall serve a three (3) year term; and**
- 20 **3. Three (3) members shall serve a four (4) year term.**[Each board
- 21 member shall serve a three (3) year term or until a successor is
- 22 appointed, except that for initial appointments to the board, three (3) of
- 23 the members shall be appointed to serve a one (1) year term, eight (8) of
- 24 the members shall be appointed to serve a two (2) year term, and eight
- 25 (8) of the members shall be appointed to serve a three (3) year term. A
- 26 member may be reappointed but may not serve more than two (2)
- 27 consecutive terms.]

1 (3) The council shall be provided suitable staff and resources to conduct its work.
2 The commissioner of education shall assign a staff liaison dedicated solely to
3 assist the council in the performance of its duties and to act on the
4 commissioner's behalf in all instances of absence from the council's meetings
5 and functions. Upon request of the council, the commissioner of education shall
6 assign additional staff dedicated solely to assist the council in the performance of
7 its duties.

8 ~~(4)~~ (2) The council shall advise the commissioner of education, the Kentucky Board
9 of Education, and the Education Professional Standards Board concerning the
10 development of administrative regulations and education policy regarding gifted
11 and talented students. The commissioner of education and the executive secretary
12 for the Education Professional Standards Board shall submit proposed
13 administrative regulations and educational policies relating to gifted and talented
14 education and other administrative regulations that impact gifted and talented
15 students for review by the advisory council prior to seeking approval of the
16 appropriate board.

17 ~~(5)~~ (3) As the advisory council considers issues relating to gifted and talented
18 students, it shall seek dialogue with other agencies and organizations, including the
19 Parent Teachers Association, the Governor's Scholars Program, the Governor's
20 School for the Arts, the Governor's School for Entrepreneurs Program, the
21 Kentucky Association of School Councils, the Kentucky Association for Gifted
22 Education, the Kentucky School Boards Association, the Kentucky Association of
23 School Administrators, and the Kentucky Council for Exceptional Children.

24 ~~(6)~~ (4) The advisory council shall annually elect a chair from its membership,
25 establish meeting operational procedures, and meet at least two (2) times annually.

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

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

3 →SECTION 9. KRS 158.794 IS REPEALED AND REENACTED TO READ AS
 4 FOLLOWS:

5 *(1) The Read to Achieve Council is hereby created for the purpose of implementing*
 6 *and overseeing the reading diagnostic and intervention fund created by KRS*
 7 *158.792.*

8 *(2) The council shall be composed of fourteen (14) members, including the secretary*
 9 *of the Education and Workforce Development Cabinet, or designee, who shall*
 10 *serve as a voting ex officio member, and the commissioner of education, or*
 11 *designee, who share serve as a nonvoting ex officio member. A member of the*
 12 *Collaborative Center for Literacy Development designated by the center and a*
 13 *member of the Education Professional Standards Board designated by the board*
 14 *shall serve as nonvoting members for two (2) year terms. The Governor shall*
 15 *appoint the following ten (10) voting members who shall possess a specific*
 16 *background in reading and literacy:*

17 *(a) One (1) parent;*

18 *(b) One (1) elementary school teacher;*

19 *(c) One (1) middle or high school teacher;*

20 *(d) One (1) special education teacher;*

21 *(e) One (1) gifted and talented teacher;*

22 *(f) One (1) university or college professor;*

23 *(g) One (1) speech-language pathologist;*

24 *(h) One (1) librarian or certified media specialist;*

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

26 *(j) One (1) person who has experience assisting deaf and hearing-impaired*
 27 *children.*

- 1 (3) The members appointed by the Governor shall serve the following terms:
- 2 1. Four (4) members shall serve a two (2) year term;
- 3 2. Four (4) members shall serve a three (3) year term; and
- 4 3. Two (2) members shall serve a four (4) year term.
- 5 (4) A majority of the voting membership shall constitute a quorum.
- 6 (5) The council shall elect, by majority vote, a chair who shall be the presiding
- 7 officer of the council, preside at all meetings, and coordinate the functions and
- 8 activities of the council. The chair shall be elected or reelected each calendar
- 9 year.
- 10 (6) The council shall be attached to the Department of Education for administrative
- 11 purposes and be provided suitable staff and resources to conduct its work. The
- 12 commissioner of education shall assign a staff liaison dedicated solely to assist
- 13 the council in the performance of its duties and to act on the commissioner's
- 14 behalf in all instances of absence from the council's meetings and functions.
- 15 Upon request of the council, the commissioner of education shall assign
- 16 additional staff dedicated solely to assist the council in the performance of its
- 17 duties.
- 18 (7) The council shall:
- 19 (a) Identify needs, trends, and issues in schools throughout the state regarding
- 20 reading and literacy programs;
- 21 (b) Make recommendations regarding the content of administrative regulations
- 22 to be promulgated by the Kentucky Board of Education under KRS 158.792;
- 23 (c) Recommend approval of grant applications based upon the provisions of
- 24 KRS 158.792 and administrative regulations promulgated by the Kentucky
- 25 Board of Education as required under KRS 158.792; and
- 26 (d) Advise the Kentucky Board of Education and the Department of Education
- 27 regarding costs and effectiveness of various reading intervention programs.

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

2 (1) As used in this section:

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

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

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

14 (a) The development process shall initially include end-of-course exams for
15 Algebra I, Algebra II, and Geometry.

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

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

22 1. Aligns with the standards, content, goals, and academic expectations
23 relevant to the course;

24 2. Requires student demonstration of knowledge, comprehension,
25 application, and higher order cognitive skills;

26 3. Provides reliable and valid test items;

27 4. Is available to schools in an on-line format if resources are available;

1 and

2 5. Provides individual student scores; test item analyses; aggregate
3 comparisons of student data at the school, district, and state levels; and
4 disaggregated data by student subpopulations at the school district and
5 state levels.

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

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

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

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

14 (a) Following the initial use of the end-of-course exams in Algebra 1, Algebra II,
15 and Geometry, the department, with assistance from the developers identified
16 in subsection (2)(b) of this section, shall determine whether the exams meet
17 the requirements in subsection (2)(c) of this section. The determination shall
18 be based on an analysis of individual test items, analyses of student results on
19 the exams, pilot teachers' input, and review of other data gathered during the
20 pilot year.

21 (b) The department shall consult with the Education Assessment and
22 Accountability Review Subcommittee and~~[,]~~ the National Technical Advisory
23 Panel on Assessment and Accountability~~[, and the School Curriculum,~~
24 ~~Assessment, and Accountability Council]~~ regarding the implications for
25 statewide implementation and shall advise the Kentucky Board of Education
26 of its findings and recommendations.

27 (c) Following the consultations and discussions required in paragraphs (a) and (b)

1 of this subsection, the commissioner of education shall report the findings of
2 the pilot project and policy options to the Interim Joint Committee on
3 Education.

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

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

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

14 (8) The commissioner of education or a designee shall provide a written status report
15 regarding implementation of this section to the Interim Joint Committee on
16 Education and the Education Assessment and Accountability Review Subcommittee
17 by December 1, 2007, and July 1, 2008.

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

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

24 (1) The Education Professional Standards Board is recognized to be a public body
25 corporate and politic ~~and an agency~~ and instrumentality of the Commonwealth~~, in~~
26 ~~the performance of essential governmental functions~~. **The board shall be attached**
27 **to the Kentucky Department of Education for administrative purposes and shall**

1 be provided staff by the commissioner of education. The board may also appoint
2 an administrative coordinator, who shall act as the executive secretary and
3 ombudsman for the members, and whose expenses shall be borne by the
4 Kentucky Department of Education. The Education Professional Standards Board
5 has the authority and responsibility to:

- 6 (a) Establish standards and requirements for obtaining and maintaining a teaching
7 certificate;
- 8 (b) Set standards for, approve, and evaluate college, university, and school district
9 programs for the preparation of teachers and other professional school
10 personnel. Program standards shall reflect national standards ~~and shall~~
11 ~~address, at a minimum, the following:~~
- 12 ~~1. The alignment of programs with the state's core content for assessment~~
13 ~~as defined in KRS 158.6457;~~
 - 14 ~~2. Research-based classroom practices, including effective classroom~~
15 ~~management techniques;~~
 - 16 ~~3. Emphasis on subject matter competency of teacher education students;~~
 - 17 ~~4. Methodologies to meet diverse educational needs of all students;~~
 - 18 ~~5. The consistency and quality of classroom and field experiences,~~
19 ~~including early practicums and student teaching experiences;~~
 - 20 ~~6. The amount of college-wide or university-wide involvement and support~~
21 ~~during the preparation as well as the induction of new teachers;~~
 - 22 ~~7. The diversity of faculty;~~
 - 23 ~~8. The effectiveness of partnerships with local school districts; and~~
 - 24 ~~9. The performance of graduates on various measures as determined by the~~
25 ~~board;~~
- 26 ~~(c) Conduct an annual review of diversity in teacher preparation programs;~~
- 27 ~~(d) Provide assistance to universities and colleges in addressing diversity, which~~

1 ~~may include researching successful strategies and disseminating the~~
2 ~~information, encouraging the development of nontraditional avenues of~~
3 ~~recruitment and providing incentives, waiving administrative regulations~~
4 ~~when needed, and other assistance as deemed necessary];~~

5 ~~(c)~~~~(e)~~ Discontinue approval of programs that do not meet standards or whose
6 graduates do not perform according to criteria set by the board;

7 ~~(d)~~~~(f)~~ Issue, renew, revoke, suspend, or refuse to issue or renew; impose
8 probationary or supervisory conditions upon; issue a written reprimand or
9 admonishment; or any combination of actions regarding any certificate;

10 ~~(e)~~~~(g)~~ Develop specific guidelines to follow upon receipt of an allegation of
11 sexual misconduct by an employee certified by the Education Professional
12 Standards Board. The guidelines shall include investigation, inquiry, and
13 hearing procedures which ensure the process does not revictimize the alleged
14 victim or cause harm if an employee is falsely accused;

15 ~~(f)~~~~(h)~~ Receive, along with investigators hired by the *Kentucky Department of*
16 *Education*~~[Education Professional Standards Board],~~ training on the
17 dynamics of sexual misconduct of professionals, including the nature of this
18 abuse of authority, characteristics of the offender, the impact on the victim,
19 the possibility and the impact of false accusations, investigative procedures in
20 sex offense cases, and effective intervention with victims and offenders;

21 ~~(g)~~~~(i)~~ Recommend to the Kentucky Board of Education the essential data
22 elements relating to teacher preparation and certification, teacher supply and
23 demand, teacher attrition, teacher diversity, and employment trends to be
24 included in a state comprehensive data and information system and
25 periodically report data to the Interim Joint Committee on Education;

26 ~~(h)~~~~(j)~~ Submit reports to the Governor and the Legislative Research
27 Commission and inform the public on the status of teaching in Kentucky;

- 1 ~~(i)~~~~(k)~~ Devise a credentialing system that provides alternative routes to gaining
2 certification and greater flexibility in staffing local schools while maintaining
3 standards for teacher competence;
- 4 ~~(j)~~~~(l)~~ Develop a professional code of ethics;
- 5 ~~(m)~~ ~~Set the qualifications and salary for the positions of executive director and~~
6 ~~deputy executive director to the board, notwithstanding the provisions of KRS~~
7 ~~64.640;~~
- 8 ~~(n)~~ ~~Recruit, select, employ and evaluate the executive director to the board;~~
- 9 ~~(o)~~ ~~Approve employment procedures for the employment of policy level staff,~~
10 ~~subject to the provisions of KRS 12.050;~~
- 11 ~~(p)~~ ~~Approve the biennial budget request;]~~
- 12 ~~(k)~~~~(q)~~ Charge reasonable fees for the issuance, reissuance, and renewal of
13 certificates that are established by administrative regulation. The proceeds
14 shall be used to meet a portion of the costs of the issuance, reissuance, and
15 renewal of certificates, and the costs associated with disciplinary action
16 against a certificate holder under KRS 161.120;
- 17 ~~(l)~~~~(r)~~ Waive a requirement that may be established in an administrative
18 regulation promulgated by the board. A request for a waiver shall be
19 submitted to the board, in writing, by an applicant for certification, a
20 postsecondary institution, or a superintendent of a local school district, with
21 appropriate justification for the waiver. The board may approve the request if
22 the person or institution seeking the waiver has demonstrated extraordinary
23 circumstances justifying the waiver. Any waiver granted under this subsection
24 shall be subject to revocation if the person or institution falsifies information
25 or subsequently fails to meet the intent of the waiver;
- 26 ~~(m)~~~~(s)~~ Promote the development of one (1) or more innovative, nontraditional
27 or alternative administrator or teacher preparation programs through public or

- 1 private colleges or universities, private contractors, the Department of
 2 Education, or the Kentucky Commonwealth Virtual University and waive
 3 administrative regulations if needed in order to implement the program; and
 4 ~~(n)~~~~(t)~~ Grant approval, if appropriate, of a university's request for an alternative
 5 program that enrolls an administrator candidate in a postbaccalaureate
 6 administrator preparation program concurrently with employment as an
 7 assistant principal, principal, assistant superintendent, or superintendent in a
 8 local school district. An administrator candidate in the alternative program
 9 shall be granted a temporary provisional certificate and shall be a candidate in
 10 the Kentucky Principal Internship Program, notwithstanding provisions of
 11 KRS 161.030, or the Superintendent's Assessment process, notwithstanding
 12 provisions of KRS 156.111, as appropriate. The temporary certificate shall be
 13 valid for a maximum of two (2) years, and shall be contingent upon the
 14 candidate's continued enrollment in the preparation program and compliance
 15 with all requirements established by the board. A professional certificate shall
 16 be issued upon the candidate's successful completion of the program,
 17 internship requirements, and assessments as required by the board;
- 18 ~~(u) Employ consultants as needed;~~
 19 ~~(v) Enter into contracts. Disbursements to professional educators who receive less~~
 20 ~~than one thousand dollars (\$1,000) in compensation per fiscal year from the~~
 21 ~~board for serving on an assessment validation panel or as a test scorer or~~
 22 ~~proctor shall not be subject to KRS 45A.690 to 45A.725;~~
 23 ~~(w) Sponsor studies, conduct research, conduct conferences, and publish~~
 24 ~~information as appropriate; and~~
 25 ~~(x) Issue orders as necessary in any administrative action before the board}.~~
- 26 (2) (a) The board shall be composed of fourteen (14)~~seventeen (17)}~~ members. The
 27 commissioner of education and the president of the Council on Postsecondary

1 Education, or their designees, shall serve as ex officio voting members. The
 2 Governor shall make the following twelve (12)~~[fifteen (15)]~~ appointments,
 3 subject to Senate confirmation:

- 4 1. One (1) elementary school teacher;
- 5 2. One (1) middle school teacher;
- 6 3. One (1) high school teacher;
- 7 4. One (1) science, technology, engineering, or mathematics teacher;
- 8 5. One (1) arts and humanities teacher;
- 9 6. One (1) exceptional education teacher;
- 10 7. One (1) career and technical education professional;
- 11 8. One (1) principal or school administrator;
- 12 9. One (1) school counselor or psychologist;
- 13 10. One (1) faculty member of a private postsecondary institution;
- 14 11. One (1) faculty member of a public postsecondary institution; and
- 15 12. One (1) parent or at-large member~~[Nine (9) members who shall be~~
 16 ~~teachers representative of elementary, middle or junior high, secondary,~~
 17 ~~special education, and secondary vocational classrooms;~~
 18 2. ~~Two (2) members who shall be school administrators, one (1) of whom~~
 19 ~~shall be a school principal;~~
 20 3. ~~One (1) member representative of local boards of education; and~~
 21 4. ~~Three (3) members representative of postsecondary institutions, two (2)~~
 22 ~~of whom shall be deans of colleges of education at public universities~~
 23 ~~and one (1) of whom shall be the chief academic officer of an~~
 24 ~~independent not-for-profit college or university].~~

- 25 (b) Members of the board shall serve four (4) year terms.~~[The members~~
 26 ~~appointed by the Governor after June 21, 2001, shall be confirmed by the~~
 27 ~~Senate and the House of Representatives under KRS 11.160. If the General~~

1 ~~Assembly is not in session at the time of the appointment, persons appointed~~
2 ~~shall serve prior to confirmation, but the Governor shall seek the consent of~~
3 ~~the General Assembly at the next regular session or at an intervening~~
4 ~~extraordinary session if the matter is included in the call of the General~~
5 ~~Assembly.~~

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

12 ~~(c)~~~~(d)~~ Members of the board shall serve without compensation but shall be
13 permitted to attend board meetings and perform other board business without
14 loss of income or other benefits.

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

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

25 ~~(f)~~ *The Governor may designate from the appointed members one (1) member*
26 *to serve as a nonvoting advisor to the Kentucky Board of Education as*
27 *described in Section 3 of this Act.*

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

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

10 (1) Except as described in KRS 161.795, the Education Professional Standards Board
 11 may revoke, suspend, or refuse to issue or renew; impose probationary or
 12 supervisory conditions upon; issue a written reprimand or admonishment; or any
 13 combination of those actions regarding any certificate issued under KRS 161.010 to
 14 161.100, or any certificate or license issued under any previous law to
 15 superintendents, principals, teachers, substitute teachers, interns, supervisors,
 16 directors of pupil personnel, or other administrative, supervisory, or instructional
 17 employees for the following reasons:

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

- 22 1. A felony;
- 23 2. A misdemeanor under KRS Chapter 218A, 508, 509, 510, 522, 525,
 24 529, 530, or 531; or
- 25 3. A misdemeanor involving a student or minor.

26 A certified copy of the conviction or plea shall be conclusive evidence of the
 27 conviction or plea;

- 1 (b) Having sexual contact as defined in KRS 510.010(7) with a student or minor.
2 Conviction in a criminal proceeding shall not be a requirement for disciplinary
3 action;
- 4 (c) Committing any act that constitutes fraudulent, corrupt, dishonest, or immoral
5 conduct. If the act constitutes a crime, conviction in a criminal proceeding
6 shall not be a condition precedent to disciplinary action;
- 7 (d) Demonstrating willful or careless disregard for the health, welfare, or safety of
8 others;
- 9 (e) Physical or mental incapacity that prevents the certificate holder from
10 performing duties with reasonable skill, competence, or safety;
- 11 (f) Possessing, using, or being under the influence of alcohol, which impairs the
12 performance of duties;
- 13 (g) Unlawfully possessing or unlawfully using a drug during the performance of
14 duties;
- 15 (h) Incompetency or neglect of duty;
- 16 (i) Making, or causing to be made, any false or misleading statement or
17 concealing a material fact in obtaining issuance or renewal of any certificate;
- 18 (j) Failing to report as required by subsection (2) of this section;
- 19 (k) Failing to comply with an order of the Education Professional Standards
20 Board;
- 21 (l) Violating any state statute relating to schools or the teaching profession;
- 22 (m) Violating the professional code of ethics for Kentucky school certified
23 personnel established by the Education Professional Standards Board through
24 the promulgation of administrative regulation;
- 25 (n) Violating any administrative regulation promulgated by the Education
26 Professional Standards Board or the Kentucky Board of Education; or
- 27 (o) Receiving disciplinary action or having the issuance of a certificate denied or

1 restricted by another jurisdiction on grounds that constitute a violation of this
2 subsection.

3 (2) (a) The superintendent of each local school district shall report in writing to the
4 Education Professional Standards Board the name, address, phone number,
5 Social Security number, and position name of any certified school employee
6 in the employee's district whose contract is terminated or not renewed, for
7 cause except failure to meet local standards for quality of teaching
8 performance prior to the employee gaining tenure; who resigns from, or
9 otherwise leaves, a position under threat of contract termination, or
10 nonrenewal, for cause; who is convicted in a criminal prosecution; or who
11 otherwise may have engaged in any actions or conduct while employed in the
12 school district that might reasonably be expected to warrant consideration for
13 action against the certificate under subsection (1) of this section. The duty to
14 report shall exist without regard to any disciplinary action, or lack thereof, by
15 the superintendent, and the required report shall be submitted within thirty
16 (30) days of the event giving rise to the duty to report.

17 (b) The district superintendent shall inform the Education Professional Standards
18 Board in writing of the full facts and circumstances leading to the contract
19 termination or nonrenewal, resignation, or other absence, conviction, or
20 otherwise reported actions or conduct of the certified employee, that may
21 warrant action against the certificate under subsection (1) of this section, and
22 shall forward copies of all relevant documents and records in his possession.

23 (c) The Education Professional Standards Board may consider reports and
24 information received from other sources.

25 (d) The certified school employee shall be given a copy of any report provided to
26 the Education Professional Standards Board by the district superintendent or
27 other sources. The employee shall have the right to file a written rebuttal to

1 the report which shall be placed in the official file with the report.

2 (3) A finding or action by a school superintendent or tribunal does not create a
3 presumption of a violation or lack of a violation of subsection (1) of this section.

4 (4) The board may issue a written admonishment to the certificate holder if the board
5 determines, based on the evidence, that a violation has occurred that is not of a
6 serious nature. A copy of the written admonishment shall be placed in the official
7 file of the certificate holder. The certificate holder may respond in writing to the
8 admonishment within thirty (30) days of receipt and have that response placed in his
9 official certification file. Alternatively, the certificate holder may file a request for a
10 hearing with the board within thirty (30) days of receipt of the admonishment. Upon
11 receipt of a request for a hearing, the board shall set aside the written admonishment
12 and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.

13 (5) (a) The Education Professional Standards Board shall schedule and conduct a
14 hearing in accordance with KRS Chapter 13B:

15 1. Before revoking, suspending, refusing to renew, imposing probationary
16 or supervisory conditions upon, issuing a written reprimand, or any
17 combination of these actions regarding any certificate;

18 2. After denying an application for a certificate, upon written request filed
19 within thirty (30) days of receipt of the letter advising of the denial; or

20 3. After issuing a written admonishment, upon written request for a hearing
21 filed within thirty (30) days of receipt of the written admonishment.

22 (b) Upon request, a hearing may be public or private at the discretion of the
23 certified employee or applicant.

24 (c) The hearing shall be conducted before the full board, a panel of three (3)
25 members of the board, or a person appointed as hearing officer by the board
26 pursuant to KRS 13B.030(1).

27 (6) The Education Professional Standards Board or its chair may take emergency action

1 pursuant to KRS 13B.125. Emergency action shall not affect a certificate holder's
2 contract or tenure rights in the school district.

3 (7) If the Education Professional Standards Board substantiates that sexual contact
4 occurred between a certified employee and a student or minor, the employee's
5 certificate may be revoked or suspended with mandatory treatment of the employee
6 as prescribed by the Education Professional Standards Board. The Education
7 Professional Standards Board may require the employee to pay a specified amount
8 for mental health services for the student or minor which are needed as a result of
9 the sexual contact.

10 (8) At any time during the investigative or hearing processes, the board may enter into
11 an agreed order or accept an assurance of voluntary compliance with the certificate
12 holder.

13 (9) The board may reconsider, modify, or reverse its decision on any disciplinary
14 action.

15 (10) Suspension of a certificate shall be for a specified period of time, not to exceed two
16 (2) years.

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

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

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

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

27 (b) The board shall have discretion to impose conditions that it deems reasonably

1 appropriate to ensure the applicant's fitness and the protection of public safety.
 2 Any conditions imposed by the board shall address or apply to only that time
 3 period after the revocation of the certificate.

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

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

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

12 (1) There is hereby created and established a Council on Postsecondary Education in
 13 Kentucky as an agency, instrumentality, and political subdivision of the
 14 Commonwealth and a public body corporate and politic having all powers, duties,
 15 and responsibilities as are provided to it by law, appointed for a term set by law
 16 pursuant to Section 23 of the Constitution of Kentucky. The council shall be
 17 composed of **fifteen (15) voting members appointed by the Governor and**
 18 **confirmed by the Senate, including a postsecondary faculty member, a**
 19 **postsecondary student member, and thirteen (13) citizen members from the state-**
 20 **at-large, one (1) of whom may also serve as a nonvoting advisor to the Kentucky**
 21 **Board of Education.**~~the commissioner of education, a faculty member, a student~~
 22 ~~member, and thirteen (13) citizen members appointed by the Governor. The citizen~~
 23 ~~members shall be confirmed by the Senate under KRS 11.160, and} The~~
 24 commissioner of education shall serve as a nonvoting ex officio member. Citizen
 25 council members shall be selected from a list of nominees provided to the Governor
 26 under the nominating process set forth in KRS 164.005. If the General Assembly is
 27 not in session at the time of the appointment, persons appointed shall serve prior to

1 confirmation, but the Governor shall seek the consent of the Senate at the next
2 regular session or at an intervening extraordinary session if the matter is included in
3 the call of the General Assembly.

4 (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary
5 Education Nominating Committee shall submit nominations to the Governor as set
6 forth in KRS 164.005. On making citizen appointments to the council, the Governor
7 shall ensure broad geographical and political representation; ensure equal
8 representation of the two (2) sexes, inasmuch as possible; ensure no less than
9 proportional representation of the two (2) leading political parties of the
10 Commonwealth based on the state's voter registration and the political affiliation of
11 each appointee as of December 31 of the year preceding the date of his or her
12 appointment; and ensure that appointments reflect the minority racial composition
13 of the Commonwealth based on the total minority racial population using the most
14 recent census or estimate data from the United States Census Bureau. If the
15 determination of proportional minority representation does not result in a whole
16 number of minority members, it shall be rounded up to the next whole number. A
17 particular political affiliation shall not be a prerequisite to appointment to the
18 council generally; however, if any person is appointed to the council that does not
19 represent either of the two (2) leading political parties of the Commonwealth, the
20 proportional representation by political affiliation requirement shall be determined
21 and satisfied based on the total number of members on the council less any
22 members not affiliated with either of the two (2) leading political parties. In filling
23 vacancies to the council, the Governor shall act so as to provide, inasmuch as
24 possible, equal representation of the two (2) sexes by appointing a member of the
25 sex that is the lesser represented at the time of the appointment. If the remaining
26 membership already has an equal number of males and females, the Governor may
27 appoint a member of either sex. No more than two (2) members of the council shall

- 1 hold an undergraduate degree from any one (1) Kentucky university, and no more
2 than three (3) voting members of the council shall reside in any one (1) judicial
3 district of the Kentucky Supreme Court as of the date of the appointment. However,
4 change in residency after the date of appointment shall not affect the ability to serve.
- 5 (3) One (1) member shall be a full-time faculty member employed at a state institution
6 of postsecondary education. The faculty member shall be appointed to a four (4)
7 year term by the Governor from a list of three (3) nominees selected and submitted
8 by majority vote of the ten (10) faculty members who serve as faculty
9 representatives of the boards of trustees and boards of regents of the nine (9)
10 postsecondary education institutions.
- 11 (4) One (1) member shall be enrolled as a full-time student at a state institution of
12 postsecondary education and shall be selected annually in the following manner: not
13 later than June 1 of each year the eight (8) student body presidents of the four (4)
14 year state public institutions of higher education, the two (2) student members to the
15 Kentucky Community and Technical College System, and one (1) student body
16 president representing the members of the Association of Independent Kentucky
17 Colleges and Universities shall elect by majority vote three (3) nominees to submit
18 to the Governor. From this list of nominees, the Governor shall appoint a student
19 member.
- 20 (5) In filling any *citizen* vacancies, the Governor shall ensure the continuing
21 representation upon the council of the broad constituencies as set forth in subsection
22 (2) of this section. Vacancies on the council shall be filled for the unexpired term in
23 accordance with the procedures established for the original appointments.
- 24 (6) Each citizen member shall serve a term of six (6) years unless removed by the
25 Governor for cause, except the initial appointments shall be as follows:
- 26 (a) Two (2) appointments shall expire December 31, 1997;
- 27 (b) Three (3) appointments shall expire December 31, 1998;

- 1 (c) Two (2) appointments shall expire December 31, 1999;
- 2 (d) Two (2) appointments shall expire December 31, 2000;
- 3 (e) Two (2) appointments shall expire December 31, 2001; and
- 4 (f) Two (2) appointments shall expire December 31, 2002.
- 5 (7) Any person, other than the chief state school officer, holding either an elective or
- 6 appointive state office or who is a member of the governing board of any state
- 7 university in Kentucky, shall be ineligible for membership or appointment on the
- 8 council during his term.
- 9 (8) The members of the council shall elect the chair and the vice chair of the council
- 10 from among the council's membership, and the chair and vice chair shall serve at
- 11 the pleasure of the council. The vice chair shall serve as chair in the absence of the
- 12 chair.
- 13 (9) The council shall meet at least quarterly and at other times upon the call of the chair
- 14 or a majority of the council.
- 15 (10) A quorum shall be a majority of the appointive membership of the council.
- 16 (11) A quorum shall be required to organize and conduct the business of the council,
- 17 except that an affirmative vote of eight (8) or more appointive members of the
- 18 entire council shall be required to dismiss from employment the president of the
- 19 council, and to adopt or amend the state strategic postsecondary education agenda.
- 20 (12) New appointees to the council shall not serve more than two (2) consecutive terms.
- 21 (13) New appointees to the council shall complete an orientation and education program
- 22 set forth in KRS 164.020(25) to be eligible for appointment to a second term.
- 23 **(14) The president of the Council on Postsecondary Education shall serve as executive**
- 24 **secretary of the council and attend all meetings. Subject to approval of the**
- 25 **council, the president may designate staff to record minutes and facilitate the**
- 26 **president's duties. The council may appoint an administrative coordinator who**
- 27 **shall act as ombudsman for members and whose salary shall be borne by the**

1 *council.*

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

3 As used in KRS 161.220 to 161.716 and 161.990:

- 4 (1) "Retirement system" means the arrangement provided for in KRS 161.220 to
5 161.716 and 161.990 for payment of allowances to members;
- 6 (2) "Retirement allowance" means the amount annually payable during the course of his
7 natural life to a member who has been retired by reason of service;
- 8 (3) "Disability allowance" means the amount annually payable to a member retired by
9 reason of disability;
- 10 (4) "Member" means the commissioner of education, deputy commissioners, associate
11 commissioners, and all division directors in the State Department of Education,
12 employees participating in the system pursuant to KRS 196.167(3)(b)1., and any
13 full-time teacher or professional occupying a position requiring certification or
14 graduation from a four (4) year college or university, as a condition of employment,
15 and who is employed by public boards, institutions, or agencies as follows:
- 16 (a) Local boards of education;
- 17 (b) Eastern Kentucky University, Kentucky State University, Morehead State
18 University, Murray State University, Western Kentucky University, and any
19 community colleges established under the control of these universities;
- 20 (c) State-operated secondary area vocational education or area technology centers,
21 Kentucky School for the Blind, and Kentucky School for the Deaf;
- 22 (d) The Education Professional Standards Board, other public education agencies
23 as created by the General Assembly, and those members of the administrative
24 staff of the Teachers' Retirement System of the State of Kentucky whom the
25 board of trustees may designate by administrative regulation;
- 26 (e) Regional cooperative organizations formed by local boards of education or
27 other public educational institutions listed in this subsection, for the purpose

- 1 of providing educational services to the participating organizations;
- 2 (f) All full-time members of the staffs of the Kentucky Association of School
3 Administrators, Kentucky Education Association, Kentucky Vocational
4 Association, Kentucky High School Athletic Association, Kentucky Academic
5 Association, and the Kentucky School Boards Association who were members
6 of the Kentucky Teachers' Retirement System or were qualified for a position
7 covered by the system at the time of employment by the association in the
8 event that the board of directors of the respective association petitions to be
9 included. The board of trustees of the Kentucky Teachers' Retirement System
10 may designate by resolution whether part-time employees of the petitioning
11 association are to be included. The state shall make no contributions on
12 account of these employees, either full-time or part-time. The association shall
13 make the employer's contributions, including any contribution that is specified
14 under KRS 161.550. The provisions of this paragraph shall be applicable to
15 persons in the employ of the associations on or subsequent to July 1, 1972;
- 16 (g) Employees of the Council on Postsecondary Education who were employees
17 of the Department for Adult Education and Literacy and who were members
18 of the Kentucky Teachers' Retirement System at the time the department was
19 transferred to the council pursuant to Executive Order 2003-600;
- 20 (h) The Office of Career and Technical Education, except that the executive
21 director shall not be a member;
- 22 (i) The Office of Vocational Rehabilitation;
- 23 (j) The Kentucky Educational Collaborative for State Agency Children;
- 24 (k) The Governor's Scholars Program;
- 25 (l) Any person who is retired for service from the retirement system and is
26 reemployed by an employer identified in this subsection in a position that the
27 board of trustees deems to be a member;

- 1 (m) Employees of the former Cabinet for Workforce Development who are
2 transferred to the Kentucky Community and Technical College System and
3 who occupy positions covered by the Kentucky Teachers' Retirement System
4 shall remain in the Teachers' Retirement System. New employees occupying
5 these positions, as well as newly created positions qualifying for Teachers'
6 Retirement System coverage that would have previously been included in the
7 former Cabinet for Workforce Development, shall be members of the
8 Teachers' Retirement System;
- 9 (n) Effective January 1, 1998, employees of state community colleges who are
10 transferred to the Kentucky Community and Technical College System shall
11 continue to participate in federal old age, survivors, disability, and hospital
12 insurance, and a retirement plan other than the Kentucky Teachers' Retirement
13 System offered by Kentucky Community and Technical College System. New
14 employees occupying positions in the Kentucky Community and Technical
15 College System as referenced in KRS 164.5807(5) that would not have
16 previously been included in the former Cabinet for Workforce Development,
17 shall participate in federal old age, survivors, disability, and hospital insurance
18 and have a choice at the time of employment of participating in a retirement
19 plan provided by the Kentucky Community and Technical College System,
20 including participation in the Kentucky Teachers' Retirement System, on the
21 same basis as faculty of the state universities as provided in KRS 161.540 and
22 161.620;
- 23 (o) Employees of the Office of General Counsel, the Office of Budget and
24 Administrative Services, and the Office of Quality and Human Resources
25 within the Office of the Secretary of the former Cabinet for Workforce
26 Development and the commissioners of the former Department for Adult
27 Education and Literacy and the former Department for Technical Education

1 who were contributing to the Kentucky Teachers' Retirement System as of
2 July 15, 2000;

3 (p) Employees of the Kentucky Department of Education only who are graduates
4 of a four (4) year college or university, notwithstanding a substitution clause
5 within a job classification, and who are serving in a professional job
6 classification as defined by the department;~~and~~

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

8 (r) Employees of the Education Professional Standards Board who were
9 members of the Teachers' Retirement System at the time the board was
10 transferred to the Kentucky Department of Education on the effective date
11 of this Act;~~and~~

12 (5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940,
13 and became a member of the retirement system created by 1938 (1st Extra. Sess.)
14 Ky. Acts ch. 1, on the date of the inauguration of the system or within one (1) year
15 after that date, and any teacher who was a member of a local teacher retirement
16 system in the public elementary or secondary schools of the state on or before July
17 1, 1940, and continued to be a member of the system until he, with the membership
18 of the local retirement system, became a member of the state Teachers' Retirement
19 System or who becomes a member under the provisions of KRS 161.470(4);

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

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

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

26 (9) "Final average salary" means the average of the five (5) highest annual salaries
27 which the member has received for service in a covered position and on which the

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

- 13 (a) The member's actual salary; or
- 14 (b) The member's annual salary that was used for retirement purposes during each
15 of the prior three (3) years, plus a percentage increase equal to the percentage
16 increase received by all other members employed by the public board,
17 institution, or agency, or for members of school districts, the highest
18 percentage increase received by members on any one (1) rank and step of the
19 salary schedule of the school district. The increase shall be computed on the
20 salary that was used for retirement purposes.

21 This limitation shall not apply if the member receives an increase in salary in a
22 percentage exceeding that received by the other members, and this increase was
23 accompanied by a corresponding change in position or in length of employment.
24 This limitation shall also not apply to the payment to a member for accrued annual
25 leave if the individual becomes a member before July 1, 2008, or accrued sick leave
26 which is authorized by statute and which shall be included as part of a retiring
27 member's annual compensation for the member's last year of active service;

- 1 (10) "Annual compensation" means the total salary received by a member as
2 compensation for all services performed in employment covered by the retirement
3 system during a fiscal year. Annual compensation shall not include payment for any
4 benefit or salary adjustments made by the public board, institution, or agency to the
5 member or on behalf of the member which is not available as a benefit or salary
6 adjustment to other members employed by that public board, institution, or agency.
7 Annual compensation shall not include the salary supplement received by a member
8 under KRS 157.197(2)(c), 158.6455, or 158.782 on or after July 1, 1996. Under no
9 circumstances shall annual compensation include compensation that is earned by a
10 member while on assignment to an organization or agency that is not a public board,
11 institution, or agency listed in subsection (4) of this section. In the event that federal
12 law requires that a member continue membership in the retirement system even
13 though the member is on assignment to an organization or agency that is not a
14 public board, institution, or agency listed in subsection (4) of this section, the
15 member's annual compensation for retirement purposes shall be deemed to be the
16 annual compensation, as limited by subsection (9) of this section, last earned by the
17 member while still employed solely by and providing services directly to a public
18 board, institution, or agency listed in subsection (4) of this section. The board of
19 trustees shall determine if any benefit or salary adjustment qualifies as annual
20 compensation. For an individual who becomes a member on or after July 1, 2008,
21 annual compensation shall not include lump-sum payments upon termination of
22 employment for accumulated annual or compensatory leave;
- 23 (11) "Age of member" means the age attained on the first day of the month immediately
24 following the birthdate of the member. This definition is limited to retirement
25 eligibility and does not apply to tenure of members;
- 26 (12) "Employ," and derivatives thereof, means relationships under which an individual
27 provides services to an employer as an employee, as an independent contractor, as

1 an employee of a third party, or under any other arrangement as long as the services
2 provided to the employer are provided in a position that would otherwise be covered
3 by the Kentucky Teachers' Retirement System and as long as the services are being
4 provided to a public board, institution, or agency listed in subsection (4) of this
5 section;

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

11 (14) "Accumulated contributions" means the contributions of a member to the teachers'
12 savings fund, including picked-up member contributions as described in KRS
13 161.540(2), plus accrued regular interest;

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

16 (16) "Local retirement system" means any teacher retirement or annuity system created
17 in any public school district in Kentucky in accordance with the laws of Kentucky;

18 (17) "Fiscal year" means the twelve (12) month period from July 1 to June 30. The
19 retirement plan year is concurrent with this fiscal year. A contract for a member
20 employed by a local board of education may not exceed two hundred sixty-one
21 (261) days in the fiscal year;

22 (18) "Public schools" means the schools and other institutions mentioned in subsection
23 (4) of this section;

24 (19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was
25 receiving, at the time of death of the member, at least one-half (1/2) of the support
26 from the member for maintenance, including board, lodging, medical care, and
27 related costs;

- 1 (20) "Active contributing member" means a member currently making contributions to
2 the Teachers' Retirement System, who made contributions in the next preceding
3 fiscal year, for whom picked-up member contributions are currently being made, or
4 for whom these contributions were made in the next preceding fiscal year;
- 5 (21) "Full-time" means employment in a position that requires services on a continuing
6 basis equal to at least seven-tenths (7/10) of normal full-time service on a fiscal year
7 basis;
- 8 (22) "Full actuarial cost," when used to determine the payment that a member must pay
9 for service credit means the actuarial value of all costs associated with the
10 enhancement of a member's benefits or eligibility for benefit enhancements,
11 including health insurance supplement payments made by the retirement system.
12 The actuary for the retirement system shall determine the full actuarial value costs
13 and actuarial cost factor tables as provided in KRS 161.400;
- 14 (23) "Last annual compensation" means the annual compensation, as defined by
15 subsection (10) of this section and as limited by subsection (9) of this section,
16 earned by the member during the most recent period of contributing service, either
17 consecutive or nonconsecutive, that is sufficient to provide the member with one (1)
18 full year of service credit in the Kentucky Teachers' Retirement System, and which
19 compensation is used in calculating the member's initial retirement allowance,
20 excluding bonuses, retirement incentives, payments for accumulated sick, annual,
21 personal and compensatory leave, and any other lump-sum payment. For an
22 individual who becomes a member on or after July 1, 2008, payments for annual or
23 compensatory leave shall not be included in determining the member's last annual
24 compensation;
- 25 (24) "Participant" means a member, as defined by subsection (4) of this section, or an
26 annuitant, as defined by subsection (15) of this section;
- 27 (25) "Qualified domestic relations order" means any judgment, decree, or order,

1 including approval of a property settlement agreement, that:

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

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

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

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

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

10 (a) "Comprehensive reading program" means a program that emphasizes the
11 essential components of reading: phonemic awareness, phonics, fluency,
12 vocabulary, comprehension, and connections between writing and reading
13 acquisition and motivation to read.

14 (b) "Reading diagnostic assessment" means an assessment that identifies a
15 struggling reader and measures the reader's skills against established
16 performance levels in the essential components of reading. The purpose is to
17 screen for areas that require intervention in order for the student to learn to
18 read proficiently.

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

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

25 1. Include rigorously defined samples of subjects that are sufficiently large
26 and representative to support the general conclusions drawn;

27 2. Rely on measurements that meet established standards of reliability and

- 1 validity;
- 2 3. Test competing theories, where multiple theories exist;
- 3 4. Are subjected to peer review before their results are published; and
- 4 5. Discover effective strategies for improving reading skills.
- 5 (2) The reading diagnostic and intervention fund is created to help teachers and library
6 media specialists improve the reading skills of struggling readers in the primary
7 program. The Department of Education, upon the recommendation of the **Read to**
8 **Achieve Advisory Council**~~[Reading Diagnostic and Intervention Grant Steering~~
9 ~~Committee]~~, shall provide renewable, two (2) year grants to schools to support
10 teachers in the implementation of reliable, replicable research-based reading
11 intervention programs that use a balance of diagnostic tools and instructional
12 strategies that emphasize phonemic awareness, phonics, fluency, vocabulary,
13 comprehension, and connections between writing and reading acquisition and
14 motivation to read to address the diverse learning needs of those students reading at
15 low levels. Any moneys in the fund at the close of the fiscal year shall not lapse but
16 shall be carried forward to be used for the purposes specified in this section.
- 17 (3) (a) The Kentucky Board of Education shall promulgate administrative
18 regulations, based on recommendations from the secretary of the Education
19 and Workforce Development Cabinet, the **Read to Achieve Advisory**
20 **Council**~~[Reading Diagnostic and Intervention Grant Steering Committee]~~
21 established in KRS 158.794, and the Collaborative Center for Literacy
22 Development established in KRS 164.0207 to:
- 23 1. Identify eligible grant applicants, taking into consideration how the grant
24 program described in this section will relate to other grant programs;
- 25 2. Specify the criteria for acceptable diagnostic assessments and
26 intervention programs;
- 27 3. Specify the criteria for acceptable ongoing assessment of each child to

- 1 determine his or her reading progress;
- 2 4. Establish the minimum evaluation process for an annual review of each
- 3 grant recipient's program and progress;
- 4 5. Identify the annual data that must be provided from grant recipients;
- 5 6. Define the application review and approval process;
- 6 7. Establish matching requirements deemed necessary;
- 7 8. Define the professional development and continuing education
- 8 requirements for teachers, library media specialists, administrators, and
- 9 staff of grant recipients;
- 10 9. Establish the conditions for renewal of a two (2) year grant; and
- 11 10. Specify other conditions necessary to implement the purposes of this
- 12 section.
- 13 (b) The board shall require that a grant applicant provide assurances that the
- 14 following principles will be met if the applicant's request for funding is
- 15 approved:
- 16 1. A research-based comprehensive schoolwide reading program will be
- 17 available;
- 18 2. Intervention services will supplement, not replace, regular classroom
- 19 instruction;
- 20 3. Intervention services will be provided to struggling primary program
- 21 readers within the school based upon ongoing assessment of their needs;
- 22 and
- 23 4. A system for informing parents of struggling readers of the available
- 24 family literacy services within the district will be established.
- 25 (4) In order to qualify for funding, the school council, or if none exists, the principal or
- 26 the superintendent of schools, shall allocate matching funds required by grant
- 27 recipients under subsection (3) of this section. Funding for professional

1 development allocated to the school council under KRS 160.345 and for continuing
2 education under KRS 158.070 may be used as part of the school's match.

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

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

8 (b) Strategies for successfully implementing early reading programs, including
9 professional development support and the identification of funding sources;
10 and

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

15 (6) The Department of Education shall submit a report to the Interim Joint Committee
16 on Education no later than September 1 of each year outlining the use of grant
17 funds. The report shall also include comparisons of the overall costs and
18 effectiveness of intervention programs. The annual report for an odd-numbered year
19 shall include an estimate of the cost to expand the reading diagnostic and
20 intervention grant program.

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

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

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

27 (b) Officers elected by popular vote and persons appointed to fill vacancies in

- 1 elective offices;
- 2 (c) Members of boards and commissions;
- 3 (d) Officers and employees on the staff of the Governor, the Lieutenant Governor,
4 the Office of the Secretary of the Governor's Cabinet, and the Office of
5 Program Administration;
- 6 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads
7 of all boards and commissions, including the executive director of Kentucky
8 Educational Television~~[and the executive director and deputy executive
9 director of the Education Professional Standards Board]~~;
- 10 (f) Employees of Kentucky Educational Television who have been determined to
11 be exempt from classified service by the Kentucky Authority for Educational
12 Television, which shall have sole authority over such exempt employees for
13 employment, dismissal, and setting of compensation, up to the maximum
14 established for the executive director and his principal assistants;
- 15 (g) One (1) principal assistant or deputy for each person exempted under
16 subsection (1)(e) of this section;
- 17 (h) One (1) additional principal assistant or deputy as may be necessary for
18 making and carrying out policy for each person exempted under subsection
19 (1)(e) of this section in those instances in which the nature of the functions,
20 size, or complexity of the unit involved are such that the secretary approves
21 such an addition on petition of the relevant cabinet secretary or department
22 head and such other principal assistants, deputies, or other major assistants as
23 may be necessary for making and carrying out policy for each person
24 exempted under subsection (1)(e) of this section in those instances in which
25 the nature of the functions, size, or complexity of the unit involved are such
26 that the board may approve such an addition or additions on petition of the
27 department head approved by the secretary. Effective August 1, 2010:

- 1 1. All positions approved under this paragraph prior to August 1, 2010,
2 shall be abolished effective December 31, 2010, unless reapproved
3 under subparagraph 2. of this paragraph; and
- 4 2. A position approved under this paragraph on or after August 1, 2010,
5 shall be approved for a period of five (5) years, after which time the
6 position shall be abolished unless reapproved under this subparagraph
7 for an additional five (5) year period;
- 8 (i) Division directors subject to the provisions of KRS 18A.170. Division
9 directors in the classified service as of January 1, 1980, shall remain in the
10 classified service;
- 11 (j) Physicians employed as such;
- 12 (k) One (1) private secretary for each person exempted under subsection (1)(e),
13 (g), and (h) of this section;
- 14 (l) The judicial department, referees, receivers, jurors, and notaries public;
- 15 (m) Officers and members of the staffs of state universities and colleges and
16 student employees of such institutions; officers and employees of the
17 Teachers' Retirement System; and officers, teachers, and employees of local
18 boards of education;
- 19 (n) Patients or inmates employed in state institutions;
- 20 (o) Persons employed in a professional or scientific capacity to make or conduct a
21 temporary or special inquiry, investigation, or examination on behalf of the
22 General Assembly, or a committee thereof, or by authority of the Governor,
23 and persons employed by state agencies for a specified, limited period to
24 provide professional, technical, scientific, or artistic services under the
25 provisions of KRS 45A.690 to 45A.725;
- 26 (p) Interim employees;
- 27 (q) Officers and members of the state militia;

- 1 (r) Department of Kentucky State Police troopers;
- 2 (s) University or college engineering students or other students employed part-
- 3 time or part-year by the state through special personnel recruitment programs;
- 4 provided that while so employed such aides shall be under contract to work
- 5 full-time for the state after graduation for a period of time approved by the
- 6 commissioner or shall be participants in a cooperative education program
- 7 approved by the commissioner;
- 8 (t) Superintendents of state mental institutions, including heads of centers for
- 9 individuals with an intellectual disability, and penal and correctional
- 10 institutions as referred to in KRS 196.180(2);
- 11 (u) Staff members of the Kentucky Historical Society, if they are hired in
- 12 accordance with KRS 171.311;
- 13 (v) County and Commonwealth's attorneys and their respective appointees;
- 14 (w) Chief district engineers and the state highway engineer;
- 15 (x) Veterinarians employed as such by the Kentucky Horse Racing Commission;
- 16 (y) Employees of the Kentucky Peace Corps;
- 17 (z) Employees of the Council on Postsecondary Education;
- 18 (aa) Executive director of the Commonwealth Office of Technology;
- 19 (ab) Employees of the Kentucky Commission on Community Volunteerism and
- 20 Service;
- 21 (ac) Persons employed in certified teaching positions at the Kentucky School for
- 22 the Blind and the Kentucky School for the Deaf; and
- 23 (ad) Federally funded time-limited employees as defined in KRS 18A.005.
- 24 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or
- 25 amend the provisions of KRS 150.022 and 150.061.
- 26 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any
- 27 nonmanagement, nonpolicy-making position which must be included in the

- 1 classified service as a prerequisite to the grant of federal funds to a state agency.
- 2 (4) Career employees within the classified service promoted to positions exempted
3 from classified service shall, upon termination of their employment in the exempted
4 service, revert to a position in that class in the agency from which they were
5 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be
6 considered for employment in any vacant position for which they were qualified
7 pursuant to KRS 18A.130 and 18A.135.
- 8 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing
9 officers from filling unclassified positions in the manner in which positions in the
10 classified service are filled except as otherwise provided in KRS 18A.005 to
11 18A.200.
- 12 (6) The positions of employees who are transferred, effective July 1, 1998, from the
13 Cabinet for Workforce Development to the Kentucky Community and Technical
14 College System shall be abolished and the employees' names removed from the
15 roster of state employees. Employees that are transferred, effective July 1, 1998, to
16 the Kentucky Community and Technical College System under KRS Chapter 164
17 shall have the same benefits and rights as they had under KRS Chapter 18A and
18 have under KRS 164.5805; however, they shall have no guaranteed reemployment
19 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An
20 employee who seeks reemployment in a state position under KRS Chapter 151B or
21 KRS Chapter 18A shall have years of service in the Kentucky Community and
22 Technical College System counted towards years of experience for calculating
23 benefits and compensation.
- 24 (7) On August 15, 2000, all certified and equivalent personnel, all unclassified
25 personnel, and all certified and equivalent and unclassified vacant positions in the
26 Department for Adult Education and Literacy shall be transferred from the
27 personnel system under KRS Chapter 151B to the personnel system under KRS

1 Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel
2 system. All records shall be transferred including accumulated annual leave, sick
3 leave, compensatory time, and service credit for each affected employee. The
4 personnel officers who administer the personnel systems under KRS Chapter 151B
5 and KRS Chapter 18A shall exercise the necessary administrative procedures to
6 effect the change in personnel authority. No certified or equivalent employee in the
7 Department for Adult Education and Literacy shall suffer any penalty in the
8 transfer.

9 (8) On August 15, 2000, secretaries and assistants attached to policymaking positions
10 in the Department for Technical Education and the Department for Adult Education
11 and Literacy shall be transferred from the personnel system under KRS Chapter
12 151B to the personnel system under KRS Chapter 18A. The positions shall be
13 deleted from the KRS Chapter 151B system. All records shall be transferred
14 including accumulated annual leave, sick leave, compensatory time, and service
15 credit for each affected employee. No employee shall suffer any penalty in the
16 transfer.

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

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

27 (1) The Board of the Kentucky Center for Education and Workforce Statistics is hereby

1 established and attached to the Education and Workforce Development Cabinet,
2 Office of the Secretary.

3 (2) The board shall be composed of:

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

5 (b) *The secretary of the Economic Development Cabinet or designee*~~[The~~
6 ~~executive director of the Education Professional Standards Board or~~
7 ~~designee];~~

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

9 (d) The secretary of the Education and Workforce Development Cabinet or
10 designee;

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

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

13 and

14 *(g)*~~(e)~~ The executive director of the Kentucky Higher Education Assistance
15 Authority.

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

17 (a) Develop a detailed data access and use policy for requests that shall include
18 but not be limited to the following:

19 1. Direct access to data in the Kentucky Longitudinal Data System shall be
20 restricted to authorized staff of the office;

21 2. Data or information that may result in any individual or employer being
22 identifiable based on the size or uniqueness of the population under
23 consideration may not be reported in any form by the office; and

24 3. The office may not release data or information if disclosure is prohibited
25 under relevant federal or state privacy laws;

26 (b) Establish the research agenda of the office;

27 (c) Make nominations to the Governor for the appointment of an executive

1 director;

2 (d) Oversee compliance by the office with the federal Family Educational Rights
3 and Privacy Act, 20 U.S.C. sec. 1232g, and other relevant federal and state
4 privacy laws;

5 (e) Ensure that reports generated by the Office for Education and Workforce
6 Statistics are distributed to appropriate personnel within the agencies
7 represented by the board members; and

8 (f) Provide general oversight of the office.

9 (4) The secretary of the Education and Workforce Development Cabinet shall serve as
10 chair of the board.

11 (5) The board shall meet at least semiannually and at other times upon the call of the
12 chair. The meetings shall be subject to the open meetings requirements of KRS
13 61.800 to 61.850 and 61.991.

14 (6) The board may form committees, work groups, or advisory councils to accomplish
15 its purposes.

16 ➔Section 18. KRS 158.842 is amended to read as follows:

17 (1) As used in KRS 158.840 to 158.844, unless the context requires otherwise:

18 (a) "Concepts" means mathematical ideas that serve as the basis for
19 understanding mathematics;

20 (b) "Mathematics" means the curriculum of numbers and computations, geometry
21 and measurements, probability and statistics, and algebraic ideas;

22 (c) "Mathematics coach" means a mathematics leader whose primary
23 responsibility is to provide ongoing support for one (1) or more mathematics
24 teachers. The role of the coach is to improve mathematics teaching practices
25 by working with teachers in their classrooms, observing and providing
26 feedback to them, modeling appropriate teaching practices, conducting
27 workshops or institutes, establishing learning communities, and gathering

- 1 appropriate and useful resources;
- 2 (d) "Mathematics diagnostic assessment" means an assessment that identifies a
3 student at risk of failure in mathematics or a student with major deficits in
4 numeracy and other mathematical concepts and skills;
- 5 (e) "Mathematics intervention program" means an intensive instructional program
6 that is based on valid research and is provided by a highly trained teacher to
7 specifically meet individual students' needs;
- 8 (f) "Mathematics leader" means any educator with a specialization in
9 mathematics who:
- 10 1. Serves in a supervisory capacity, such as mathematics department chair,
11 school-based mathematics specialist, or district mathematics supervisor
12 or coordinator; or
- 13 2. Regularly conducts or facilitates teacher professional development, such
14 as higher education faculty or other mathematics teachers;
- 15 (g) "Mathematics mentor" means an experienced mathematics coach who
16 typically works with beginning or novice teachers only. The responsibilities
17 and roles of the mentor are the same as those of the coach;
- 18 (h) "Numeracy" means the development of the basic concepts which include
19 counting, place value, addition and subtraction strategies, multiplication and
20 division strategies, and the concepts of time, money, and length. To be
21 numerate is to have and be able to use appropriate mathematical knowledge,
22 concepts, skills, intuition, and experience in relationship to every day life;
- 23 (i) "Relationships" means connections of mathematical concepts and skills within
24 mathematics; and
- 25 (j) "Skills" means actions of mathematics.
- 26 (2) The Committee for Mathematics Achievement is hereby created for the purposes of
27 developing a multifaceted strategic plan to improve student achievement in

- 1 mathematics at all levels of schooling, prekindergarten through postsecondary and
2 adult. At a minimum the plan shall address:
- 3 (a) Challenging curriculum that is aligned prekindergarten through postsecondary,
4 including consensus among high school teachers and postsecondary education
5 faculty about expectations, curriculum, and assessment;
 - 6 (b) Attitudes and beliefs of teachers about mathematics;
 - 7 (c) Teachers' knowledge of mathematics;
 - 8 (d) Diagnostic assessment, intervention services, and instructional strategies;
 - 9 (e) Shortages of teachers of mathematics, including incentives to attract strong
10 candidates to mathematics teaching;
 - 11 (f) Statewide institutes that prepare cadres of mathematics leaders in local school
12 districts, which may include highly skilled retired mathematics teachers, to
13 serve as coaches and mentors in districts and schools;
 - 14 (g) Cohesive continuing education options for experienced mathematics
15 classroom teachers;
 - 16 (h) Closing the student achievement gap among various student subpopulations;
 - 17 (i) Curriculum expectations and assessments of students among the various
18 school levels, prekindergarten, primary, elementary, middle, and high school;
 - 19 (j) Content standards for adult education centers providing mathematics
20 curricula;
 - 21 (k) Introductory postsecondary education mathematics courses that are
22 appropriate to the wide array of academic programs and majors;
 - 23 (l) Research to analyze further the issues of transition from high school or High
24 School Equivalency Diploma programs to postsecondary education
25 mathematics; and
 - 26 (m) The early mathematics testing program under KRS 158.803.
- 27 Other factors may be included in the strategic plan as deemed appropriate by the

1 committee to improve mathematics achievement of Kentucky students.

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

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

- 12 1. Define the curricula focus;
- 13 2. Build on the expertise of specific colleges and universities;
- 14 3. Place emphasis on mathematics concepts, skills and relationships,
15 diagnostic assessment, intervention services, and instructional strategies;
- 16 4. Identify quality control measures for the delivery of each institute;
- 17 5. Establish evaluation procedures for the summer institutes and the other
18 professional development components;
- 19 6. Provide updates and networking opportunities for coaches and mentors
20 throughout the school year; and
- 21 7. Define other components within the initiative that are necessary to meet
22 the goal of increasing student achievement in mathematics;

23 (b) Require schools and districts approved to have participants in the mathematics
24 leader institutes to provide assurances that:

- 25 1. The district and schools have, or will develop, local mathematics
26 curricula and assessments that align with state standards for
27 mathematics;

- 1 2. There is a local commitment to build a cadre of mathematics leaders
2 within the district;
- 3 3. The district and participating schools will provide in-school support for
4 coaching and mentoring activities;
- 5 4. The mathematics teachers are willing to develop classroom assessments
6 that align with state assessments; and
- 7 5. Students who need modified instructional and intervention services will
8 have opportunity for continuing education services beyond the regular
9 school day, week, or year; and
- 10 (c) In addition to the conditions specified in paragraph (b) of this subsection, the
11 committee shall make recommendations to the Kentucky Department of
12 Education and the Kentucky Board of Education for criteria to be included in
13 administrative regulations promulgated by the board which define:
- 14 1. Eligible grant recipients, taking into consideration how this program
15 relates to other funded mathematics initiatives;
- 16 2. The application process and review;
- 17 3. The responsibilities of schools and districts, including but not limited to
18 matching funds requirements, released or extended time for coaches and
19 mentors during the school year, continuing education requirements for
20 teachers and administrators in participating schools, data to be collected,
21 and local evaluation requirements; and
- 22 4. Other recommendations requested by the Kentucky Department of
23 Education.
- 24 (4) The committee shall ~~initially~~ be composed of twenty-five (25) members as
25 follows:
- 26 (a) The commissioner of education or his or her designee;
- 27 (b) The president of the Council on Postsecondary Education or his or her

1 designee;

2 (c) The president of the Association of Independent Kentucky Colleges and
3 Universities or his or her designee;

4 (d) The executive director of the *Center for Mathematics created under KRS*
5 *164.525*~~[Education Professional Standards Board or his or her designee];~~

6 (e) The secretary of the Education and Workforce Development Cabinet or his or
7 her designee;

8 (f) A representative with a specialty in mathematics or mathematics education
9 who has expertise and experience in professional development, especially
10 with coaching and mentoring of teachers, from each of the nine (9) public
11 postsecondary education institutions defined in KRS 164.001. The
12 representatives shall be selected by mutual agreement of the president of the
13 Council on Postsecondary Education and the commissioner of education;

14 (g) Two (2) adult education instructors selected by the vice president for
15 Kentucky Adult Education;

16 (h) Two (2) elementary, two (2) middle, and two (2) high school mathematics
17 teachers, appointed by the board of the statewide professional education
18 association having the largest paid membership with approval from their
19 respective local principals and superintendents of schools; and

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

24 ~~[When the Center for Mathematics created under KRS 164.525 becomes operational,~~
25 ~~the executive director of the center shall be added to the committee, which shall~~
26 ~~then be composed of twenty-six (26) members. Appointments to the committee~~
27 ~~shall be made no later than thirty (30) days following March 18, 2005, and the first~~

1 ~~meeting of the committee shall occur no later than thirty (30) days following~~
2 ~~appointment of the members.]~~

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

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

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

18 (8) The committee shall be attached to the Kentucky Department of Education for
19 administrative purposes. The commissioner of education may contract with a
20 mathematics-trained professional to provide part-time staff support to the
21 committee. The commissioner of education and the president of the council shall
22 reach consensus in the selection of a person to fill the position. The person selected
23 shall have a graduate degree, a mathematics major, and teaching or administrative
24 experience in elementary and secondary education. The person shall not be a current
25 employee of any entity represented on the committee. The department shall provide
26 office space and other resources necessary to support the staff position and the work
27 of the committee.

- 1 (9) The committee, under the leadership of the chair, may organize itself into
2 appropriate subcommittees and work structures to accomplish the purposes of the
3 committee.
- 4 (10) Members of the committee shall serve without compensation but shall be
5 reimbursed for necessary travel and expenses while attending meetings at the same
6 per diem rate promulgated in administrative regulation for state employees under
7 provisions of KRS Chapter 45. Funds shall be provided school districts to cover the
8 cost of substitute teachers for those teachers on the committee at each district's
9 established rate for substitute teachers.
- 10 (11) If a vacancy occurs within the committee during its duration, the board of the
11 statewide professional education association having the largest paid membership or
12 the board of the statewide administrators association having the largest paid
13 membership or the president of the Council on Postsecondary Education, as
14 appropriate, shall appoint a person to fill the vacancy.
- 15 (12) The committee shall:
- 16 (a) Present a draft strategic plan addressing the requirements in subsection (1) of
17 this section and other issues that arose during the work of the committee to the
18 Education Assessment and Accountability Review Subcommittee no later than
19 August 2005;
- 20 (b) Present the strategic plan for improving mathematics achievement to the
21 Interim Joint Committee on Education by July 15, 2006, which shall include
22 any recommendations that require legislative action; and
- 23 (c) Provide a final written report of committee activities to the Interim Joint
24 Committee on Education and the Legislative Research Commission by
25 December 1, 2006.
- 26 (13) The committee shall have ongoing responsibility for providing advice and guidance
27 to policymakers in the development of statewide policies and in the identification

1 and allocation of resources to improve mathematics achievement. In carrying out
2 this responsibility, the committee shall periodically review the strategic plan and
3 make modifications as deemed appropriate and report those to the Interim Joint
4 Committee on Education.

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

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

13 When a district board of education satisfies the Education Professional Standards Board
14 that it is impossible to secure qualified teachers for a position in a school under the
15 control of the district board, the Education Professional Standards Board may issue
16 emergency certificates to persons who meet the qualifications determined by the
17 Education Professional Standards Board for emergency certificates. An emergency
18 certificate shall be valid only for the specific job for which issued and for the current
19 school term. The Education Professional Standards Board may require the passing of a
20 written examination before an emergency certificate is issued. The examination shall be
21 prepared and administered and the papers graded in the state offices of the Education
22 Professional Standards Board under the direction of the commissioner of
23 education~~[executive director]~~, in accordance with administrative regulations approved by
24 the Education Professional Standards Board.

25 ➔Section 20. KRS 161.126 is amended to read as follows:

26 (1) The "designated state official" for this state shall be the commissioner of
27 education~~[executive director of the Education Professional Standards Board]~~. The

1 commissioner~~[executive director]~~ shall enter into contracts pursuant to Article III of
 2 the agreement only with the approval of the specific text by the Education
 3 Professional Standards Board.

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

8 ➔Section 21. KRS 12.020 is amended to read as follows:

9 Departments, program cabinets and their departments, and the respective major
 10 administrative bodies that they include are enumerated in this section. It is not intended
 11 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
 12 bureau, interstate compact, commission, committee, conference, council, office, or any
 13 other form of organization shall be included in or attached to the department or program
 14 cabinet in which they are included or to which they are attached by statute or statutorily
 15 authorized executive order; except in the case of the Personnel Board and where the
 16 attached department or administrative body is headed by a constitutionally elected officer,
 17 the attachment shall be solely for the purpose of dissemination of information and
 18 coordination of activities and shall not include any authority over the functions,
 19 personnel, funds, equipment, facilities, or records of the department or administrative
 20 body.

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

- 22 (1) The Governor.
 23 (2) Lieutenant Governor.
 24 (3) Department of State.
 25 (a) Secretary of State.
 26 (b) Board of Elections.
 27 (c) Registry of Election Finance.

- 1 (4) Department of Law.
- 2 (a) Attorney General.
- 3 (5) Department of the Treasury.
- 4 (a) Treasurer.
- 5 (6) Department of Agriculture.
- 6 (a) Commissioner of Agriculture.
- 7 (b) Kentucky Council on Agriculture.
- 8 (7) Auditor of Public Accounts.
- 9 II. Program cabinets headed by appointed officers:
- 10 (1) Justice and Public Safety Cabinet:
- 11 (a) Department of Kentucky State Police.
- 12 (b) Department of Criminal Justice Training.
- 13 (c) Department of Corrections.
- 14 (d) Department of Juvenile Justice.
- 15 (e) Office of the Secretary.
- 16 (f) Office of Drug Control Policy.
- 17 (g) Office of Legal Services.
- 18 (h) Office of the Kentucky State Medical Examiner.
- 19 (i) Parole Board.
- 20 (j) Kentucky State Corrections Commission.
- 21 (k) Office of Legislative and Intergovernmental Services.
- 22 (l) Office of Management and Administrative Services.
- 23 (m) Department of Public Advocacy.
- 24 (2) Education and Workforce Development Cabinet:
- 25 (a) Office of the Secretary.
- 26 1. Governor's Scholars Program.
- 27 2. Governor's School for Entrepreneurs Program.

- 1 (b) Office of Legal and Legislative Services.
- 2 1. Client Assistance Program.
- 3 (c) Office of Communication.
- 4 (d) Office of Budget and Administration.
- 5 1. Division of Human Resources.
- 6 2. Division of Administrative Services.
- 7 (e) Office of Technology Services.
- 8 (f) Office of Educational Programs.
- 9 (g) Office for Education and Workforce Statistics.
- 10 (h) Board of the Kentucky Center for Education and Workforce Statistics.
- 11 (i) Board of Directors for the Center for School Safety.
- 12 (j) Department of Education.
- 13 1. Kentucky Board of Education.
- 14 2. Kentucky Technical Education Personnel Board.
- 15 (k) Department for Libraries and Archives.
- 16 (l) Department of Workforce Investment.
- 17 1. Office for the Blind.
- 18 2. Office of Vocational Rehabilitation.
- 19 3. Office of Employment and Training.
- 20 a. Division of Grant Management and Support.
- 21 b. Division of Workforce and Employment Services.
- 22 c. Division of Unemployment Insurance.
- 23 (m) Foundation for Workforce Development.
- 24 (n) Kentucky Office for the Blind State Rehabilitation Council.
- 25 (o) Kentucky Workforce Investment Board.
- 26 (p) Statewide Council for Vocational Rehabilitation.
- 27 (q) Unemployment Insurance Commission.

- 1 (r) ~~{Education Professional Standards Board.~~
- 2 1. ~~—Division of Educator Preparation.~~
- 3 2. ~~—Division of Certification.~~
- 4 3. ~~—Division of Professional Learning and Assessment.~~
- 5 4. ~~—Division of Legal Services.~~
- 6 (s) ~~—}Kentucky Commission on the Deaf and Hard of Hearing.~~
- 7 (s)~~{(t)}~~ Kentucky Educational Television.
- 8 (t)~~{(u)}~~ Kentucky Environmental Education Council.
- 9 (3) Energy and Environment Cabinet:
- 10 (a) Office of the Secretary.
- 11 1. Office of Legislative and Intergovernmental Affairs.
- 12 2. Office of General Counsel.
- 13 3. Office of Administrative Hearings.
- 14 4. Mine Safety Review Commission.
- 15 5. Kentucky State Nature Preserves Commission.
- 16 6. Kentucky Public Service Commission.
- 17 (b) Department for Environmental Protection.
- 18 1. Office of the Commissioner.
- 19 2. Division for Air Quality.
- 20 3. Division of Water.
- 21 4. Division of Environmental Program Support.
- 22 5. Division of Waste Management.
- 23 6. Division of Enforcement.
- 24 7. Division of Compliance Assistance.
- 25 (c) Department for Natural Resources.
- 26 1. Office of the Commissioner.
- 27 2. Division of Technical and Administrative Support.

- 1 3. Division of Mine Permits.
- 2 4. Division of Mine Reclamation and Enforcement.
- 3 5. Division of Abandoned Mine Lands.
- 4 6. Division of Oil and Gas.
- 5 7. Division of Mine Safety.
- 6 8. Division of Forestry.
- 7 9. Division of Conservation.
- 8 10. Office of the Reclamation Guaranty Fund.
- 9 (d) Department for Energy Development and Independence.
- 10 1. Division of Efficiency and Conservation.
- 11 2. Division of Renewable Energy.
- 12 3. Division of Biofuels.
- 13 4. Division of Energy Generation Transmission and Distribution.
- 14 5. Division of Carbon Management.
- 15 6. Division of Fossil Energy Development.
- 16 (4) Public Protection Cabinet.
- 17 (a) Office of the Secretary.
- 18 1. Office of Communications and Public Outreach.
- 19 2. Office of Legal Services.
- 20 a. Insurance Legal Division.
- 21 b. Charitable Gaming Legal Division.
- 22 c. Alcoholic Beverage Control Legal Division.
- 23 d. Housing, Buildings and Construction Legal Division.
- 24 e. Financial Institutions Legal Division.
- 25 (b) Kentucky Claims Commission.
- 26 (c) Kentucky Boxing and Wrestling Commission.
- 27 (d) Kentucky Horse Racing Commission.

- 1 1. Office of Executive Director.
- 2 a. Division of Pari-mutuel Wagering and Compliance.
- 3 b. Division of Stewards.
- 4 c. Division of Licensing.
- 5 d. Division of Enforcement.
- 6 e. Division of Incentives and Development.
- 7 f. Division of Veterinary Services.
- 8 (e) Department of Alcoholic Beverage Control.
- 9 1. Division of Distilled Spirits.
- 10 2. Division of Malt Beverages.
- 11 3. Division of Enforcement.
- 12 (f) Department of Charitable Gaming.
- 13 1. Division of Licensing and Compliance.
- 14 2. Division of Enforcement.
- 15 (g) Department of Financial Institutions.
- 16 1. Division of Depository Institutions.
- 17 2. Division of Non-Depository Institutions.
- 18 3. Division of Securities.
- 19 (h) Department of Housing, Buildings and Construction.
- 20 1. Division of Fire Prevention.
- 21 2. Division of Plumbing.
- 22 3. Division of Heating, Ventilation, and Air Conditioning.
- 23 4. Division of Building Code Enforcement.
- 24 (i) Department of Insurance.
- 25 1. Division of Insurance Product Regulation.
- 26 2. Division of Administrative Services.
- 27 3. Division of Financial Standards and Examination.

- 1 4. Division of Agent Licensing.
- 2 5. Division of Insurance Fraud Investigation.
- 3 6. Division of Consumer Protection.
- 4 7. Division of Kentucky Access.
- 5 (j) Department of Professional Licensing.
- 6 1. Real Estate Authority.
- 7 (5) Labor Cabinet.
- 8 (a) Office of the Secretary.
- 9 1. Division of Management Services.
- 10 2. Office of General Counsel.
- 11 a. Workplace Standards Legal Division.
- 12 b. Workers' Claims Legal Division.
- 13 (b) Office of General Administration and Program Support for Shared
- 14 Services.
- 15 1. Division of Human Resource Management.
- 16 2. Division of Fiscal Management.
- 17 3. Division of Budgets.
- 18 4. Division of Information Services.
- 19 (c) Office of Inspector General for Shared Services.
- 20 (d) Department of Workplace Standards.
- 21 1. Division of Apprenticeship.
- 22 2. Division of Occupational Safety and Health Compliance.
- 23 3. Division of Occupational Safety and Health Education and
- 24 Training.
- 25 4. Division of Wages and Hours.
- 26 (e) Department of Workers' Claims.
- 27 1. Division of Workers' Compensation Funds.

- 1 2. Office of Administrative Law Judges.
- 2 3. Division of Claims Processing.
- 3 4. Division of Security and Compliance.
- 4 5. Division of Information Services.
- 5 6. Division of Ombudsman and Workers' Compensation Specialist
- 6 Services.
- 7 7. Workers' Compensation Board.
- 8 (f) Workers' Compensation Funding Commission.
- 9 (g) Occupational Safety and Health Standards Board.
- 10 (h) Apprenticeship and Training Council.
- 11 (i) State Labor Relations Board.
- 12 (j) Employers' Mutual Insurance Authority.
- 13 (k) Kentucky Occupational Safety and Health Review Commission.
- 14 (l) Workers' Compensation Nominating Committee.
- 15 (6) Transportation Cabinet:
- 16 (a) Department of Highways.
 - 17 1. Office of Project Development.
 - 18 2. Office of Project Delivery and Preservation.
 - 19 3. Office of Highway Safety.
 - 20 4. Highway District Offices One through Twelve.
- 21 (b) Department of Vehicle Regulation.
- 22 (c) Department of Aviation.
- 23 (d) Department of Rural and Municipal Aid.
 - 24 1. Office of Local Programs.
 - 25 2. Office of Rural and Secondary Roads.
- 26 (e) Office of the Secretary.
 - 27 1. Office of Public Affairs.

- 1 2. Office for Civil Rights and Small Business Development.
- 2 3. Office of Budget and Fiscal Management.
- 3 4. Office of Inspector General.
- 4 (f) Office of Support Services.
- 5 (g) Office of Transportation Delivery.
- 6 (h) Office of Audits.
- 7 (i) Office of Human Resource Management.
- 8 (j) Office of Information Technology.
- 9 (k) Office of Legal Services.
- 10 (7) Cabinet for Economic Development:
- 11 (a) Office of the Secretary.
- 12 1. Office of Legal Services.
- 13 2. Department for Business Development.
- 14 a. Office of Entrepreneurship.
- 15 i. Commission on Small Business Advocacy.
- 16 b. Office of Research and Public Affairs.
- 17 c. Bluegrass State Skills Corporation.
- 18 3. Office of Financial Services.
- 19 a. Kentucky Economic Development Finance Authority.
- 20 b. Division of Finance and Personnel.
- 21 c. Division of Network Administration.
- 22 d. Compliance Division.
- 23 e. Incentive Assistance Division.
- 24 (8) Cabinet for Health and Family Services:
- 25 (a) Office of the Secretary.
- 26 (b) Office of Health Policy.
- 27 (c) Office of Legal Services.

- 1 (d) Office of Inspector General.
- 2 (e) Office of Communications and Administrative Review.
- 3 (f) Office of the Ombudsman.
- 4 (g) Office of Finance and Budget.
- 5 (h) Office of Human Resource Management.
- 6 (i) Office of Administrative and Technology Services.
- 7 (j) Department for Public Health.
- 8 (k) Department for Medicaid Services.
- 9 (l) Department for Behavioral Health, Developmental and Intellectual
- 10 Disabilities.
- 11 (m) Department for Aging and Independent Living.
- 12 (n) Department for Community Based Services.
- 13 (o) Department for Income Support.
- 14 (p) Department for Family Resource Centers and Volunteer Services.
- 15 (q) Kentucky Commission on Community Volunteerism and Service.
- 16 (r) Kentucky Commission for Children with Special Health Care Needs.
- 17 (s) Governor's Office of Electronic Health Information.
- 18 (t) Office of Legislative and Regulatory Affairs.
- 19 (9) Finance and Administration Cabinet:
- 20 (a) Office of the Secretary.
- 21 (b) Office of the Inspector General.
- 22 (c) Office of Legislative and Intergovernmental Affairs.
- 23 (d) Office of General Counsel.
- 24 (e) Office of the Controller.
- 25 (f) Office of Administrative Services.
- 26 (g) Office of Policy and Audit.
- 27 (h) Department for Facilities and Support Services.

- 1 (i) Department of Revenue.
- 2 (j) Commonwealth Office of Technology.
- 3 (k) State Property and Buildings Commission.
- 4 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 5 (m) Kentucky Employees Retirement Systems.
- 6 (n) Commonwealth Credit Union.
- 7 (o) State Investment Commission.
- 8 (p) Kentucky Housing Corporation.
- 9 (q) Kentucky Local Correctional Facilities Construction Authority.
- 10 (r) Kentucky Turnpike Authority.
- 11 (s) Historic Properties Advisory Commission.
- 12 (t) Kentucky Tobacco Settlement Trust Corporation.
- 13 (u) Kentucky Higher Education Assistance Authority.
- 14 (v) Kentucky River Authority.
- 15 (w) Kentucky Teachers' Retirement System Board of Trustees.
- 16 (x) Executive Branch Ethics Commission.
- 17 (10) Tourism, Arts and Heritage Cabinet:
- 18 (a) Kentucky Department of Tourism.
- 19 1. Division of Tourism Services.
- 20 2. Division of Marketing and Administration.
- 21 3. Division of Communications and Promotions.
- 22 (b) Kentucky Department of Parks.
- 23 1. Division of Information Technology.
- 24 2. Division of Human Resources.
- 25 3. Division of Financial Operations.
- 26 4. Division of Facilities Management.
- 27 5. Division of Facilities Maintenance.

- 1 6. Division of Customer Services.
- 2 7. Division of Recreation.
- 3 8. Division of Golf Courses.
- 4 9. Division of Food Services.
- 5 10. Division of Rangers.
- 6 11. Division of Resort Parks.
- 7 12. Division of Recreational Parks and Historic Sites.
- 8 (c) Department of Fish and Wildlife Resources.
- 9 1. Division of Law Enforcement.
- 10 2. Division of Administrative Services.
- 11 3. Division of Engineering, Infrastructure, and Technology.
- 12 4. Division of Fisheries.
- 13 5. Division of Information and Education.
- 14 6. Division of Wildlife.
- 15 7. Division of Marketing.
- 16 (d) Kentucky Horse Park.
- 17 1. Division of Support Services.
- 18 2. Division of Buildings and Grounds.
- 19 3. Division of Operational Services.
- 20 (e) Kentucky State Fair Board.
- 21 1. Office of Administrative and Information Technology Services.
- 22 2. Office of Human Resources and Access Control.
- 23 3. Division of Expositions.
- 24 4. Division of Kentucky Exposition Center Operations.
- 25 5. Division of Kentucky International Convention Center.
- 26 6. Division of Public Relations and Media.
- 27 7. Division of Venue Services.

- 1 8. Division of Personnel Management and Staff Development.
- 2 9. Division of Sales.
- 3 10. Division of Security and Traffic Control.
- 4 11. Division of Information Technology.
- 5 12. Division of the Louisville Arena.
- 6 13. Division of Fiscal and Contract Management.
- 7 14. Division of Access Control.
- 8 (f) Office of the Secretary.
 - 9 1. Office of Finance.
 - 10 2. Office of Government Relations and Administration.
 - 11 3. Office of Film and Tourism Development.
 - 12 4. Kentucky Sports Authority.
- 13 (g) Office of Legal Affairs.
- 14 (h) Office of Human Resources.
- 15 (i) Office of Public Affairs and Constituent Services.
- 16 (j) Office of Creative Services.
- 17 (k) Office of Capital Plaza Operations.
- 18 (l) Office of Arts and Cultural Heritage.
- 19 (m) Kentucky African-American Heritage Commission.
- 20 (n) Kentucky Foundation for the Arts.
- 21 (o) Kentucky Humanities Council.
- 22 (p) Kentucky Heritage Council.
- 23 (q) Kentucky Arts Council.
- 24 (r) Kentucky Historical Society.
 - 25 1. Division of Museums.
 - 26 2. Division of Oral History and Educational Outreach.
 - 27 3. Division of Research and Publications.

- 1 4. Division of Administration.
- 2 (s) Kentucky Center for the Arts.
- 3 1. Division of Governor's School for the Arts.
- 4 (t) Kentucky Artisans Center at Berea.
- 5 (u) Northern Kentucky Convention Center.
- 6 (v) Eastern Kentucky Exposition Center.
- 7 (11) Personnel Cabinet:
- 8 (a) Office of the Secretary.
- 9 (b) Department of Human Resources Administration.
- 10 (c) Office of Employee Relations.
- 11 (d) Kentucky Public Employees Deferred Compensation Authority.
- 12 (e) Office of Administrative Services.
- 13 (f) Office of Legal Services.
- 14 (g) Governmental Services Center.
- 15 (h) Department of Employee Insurance.
- 16 (i) Office of Diversity, Equality, and Training.
- 17 (j) Office of Public Affairs.
- 18 III. Other departments headed by appointed officers:
- 19 (1) Council on Postsecondary Education.
- 20 (2) Department of Military Affairs.
- 21 (3) Department for Local Government.
- 22 (4) Kentucky Commission on Human Rights.
- 23 (5) Kentucky Commission on Women.
- 24 (6) Department of Veterans' Affairs.
- 25 (7) Kentucky Commission on Military Affairs.
- 26 (8) Office of Minority Empowerment.
- 27 (9) Governor's Council on Wellness and Physical Activity.

1 (10) Kentucky Communications Network Authority.

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

3 158.6452 School Curriculum, Assessment, and Accountability Council.

4 161.017 Executive director of Education Professional Standards Board.

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

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

11 ➔Section 25. Upon the effective date of this Act, members appointed to serve on
12 the Charter Schools Advisory Council, the State Advisory Council for Exceptional
13 Children, and the Education Professional Standards Board pursuant to Executive Order
14 2017-364, dated June 16, 2017, shall continue to serve on the respective board or council
15 as constituted under this Act. The terms of service shall continue until the expiration date
16 of their terms of service under said orders of appointment.

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