

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 157.195 TO 157.290 IS CREATED
4 TO READ AS FOLLOWS:

5 *The General Assembly hereby authorizes the establishment of the State Advisory*
6 *Council for Exceptional Children. The advisory council shall be attached to the*
7 *Department of Education and shall be established and maintained for the purpose of*
8 *providing policy guidance with respect to special education and related services for*
9 *children with disabilities in accordance with the requirements of 20 U.S.C. sec.*
10 *1412(a)(21).*

11 ➔Section 2. KRS 156.029 is amended to read as follows:

12 (1) There is hereby established a Kentucky Board of Education, which shall consist of
13 eleven (11) members appointed by the Governor and confirmed by the Senate~~and~~
14 ~~the House of Representatives~~ of the General Assembly, with the president of the
15 Council on Postsecondary Education serving as an ex officio nonvoting member.
16 Seven (7) members shall represent each of the Supreme Court districts as
17 established by KRS 21A.010, and four (4) members shall represent the state at
18 large. Each of the appointed members shall serve for a four (4) year term, except the
19 initial appointments shall be as follows: the seven (7) members representing
20 Supreme Court districts shall serve a term which shall expire on April 14, 1994; and
21 the four (4) at-large members shall serve a term which shall expire on April 14,
22 1992. Subsequent appointments shall be submitted to the Senate~~and to the House~~
23 ~~of Representatives~~ for confirmation in accordance with KRS 11.160.~~Each~~
24 ~~appointment by the Governor shall be agreed upon by both chambers in order for~~
25 ~~the person to be confirmed.~~ Each confirmed appointee shall take office on April
26 15.

27 (2) Appointments shall be made without reference to occupation, political affiliation, or

- 1 similar consideration, except that at least three (3) members shall possess a
2 minimum of five (5) years of leadership experience in business, including at least
3 one (1) member with background as an entrepreneur, and at least three (3)
4 members shall possess a minimum of five (5) years of work experience in the field
5 of education. At least one (1) member shall be a parent of a student enrolled in a
6 Kentucky public school at the time of appointment. No member at the time of his
7 appointment or during the term of his service shall be engaged as a professional
8 educator. Pursuant to KRS 63.080, a 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) At the first regular meeting of the board in each fiscal year, a chairperson shall be
15 elected from its voting membership.
- 16 (5) The members shall be reimbursed for actual and necessary expenses incurred in the
17 performance of their duties.
- 18 (6) The commissioner of education shall serve as the executive secretary to the board
19 and may designate staff to facilitate his or her duties as executive secretary to the
20 board.
- 21 (7) The primary function of the board shall be to develop and adopt policies and
22 administrative regulations, with the advice of the Local Superintendents Advisory
23 Council, by which the Department of Education shall be governed in planning,
24 coordinating, administering, supervising, operating, and evaluating the educational
25 programs, services, and activities within the Department of Education which are
26 within the jurisdiction of the board.
- 27 (8) No later than the last regular meeting of each fiscal year, the board shall

1 annually review its governance policies, if any, and make changes deemed
2 necessary by the board for the efficient operation of the board's business.

3 (9) The board shall meet at least quarterly and at other times upon the call of the
4 chair or a majority of the board.

5 ➔Section 3. KRS 158.6453 is amended to read as follows:

6 (1) As used in this section:

- 7 (a) "Accelerated learning" means an organized way of helping students meet
8 individual academic goals by providing direct instruction to eliminate student
9 performance deficiencies or enable students to move more quickly through
10 course requirements and pursue higher level skill development;
- 11 (b) "Constructed-response items" or "performance-based items" means individual
12 test items that require the student to create an answer rather than select a
13 response and may include fill-in-the-blank, short-answer, extended-answer,
14 open-response, and writing-on-demand formats;
- 15 (c) "Criterion-referenced test" means a test that is aligned with defined academic
16 content standards and measures an individual student's level of performance
17 against the standards;
- 18 (d) "End-of-course examination" means the same as defined in KRS 158.860;
- 19 (e) "Formative assessment" means a process used by teachers and students during
20 instruction to adjust ongoing teaching and learning to improve students'
21 achievement of intended instructional outcomes. Formative assessments may
22 include the use of commercial assessments, classroom observations, teacher-
23 designed classroom tests and assessments, and other processes and
24 assignments to gain information about individual student learning;
- 25 (f) "Interim assessments" means assessments that are given periodically
26 throughout the year to provide diagnostic information and to show individual
27 student performance against content standards;

- 1 (g) "Summative assessment" means an assessment given at the end of the school
2 year, semester, or other period of time to evaluate students' performance
3 against content standards within a unit of instruction or a course; and
- 4 (h) "Writing" means a purposeful act of thinking and expression that uses
5 language to explore ideas and communicate meaning to others. Writing is a
6 complex, multifaceted act of communication.
- 7 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
8 Kentucky Department of Education shall implement a process for reviewing
9 Kentucky's academic standards and the alignment of corresponding
10 assessments for possible revision or replacement to ensure alignment with
11 postsecondary readiness standards necessary for global competitiveness and
12 with state career and technical education standards.
- 13 (b) The revisions to the content standards shall:
- 14 1. Focus on critical knowledge, skills, and capacities needed for success in
15 the global economy;
 - 16 2. Result in fewer but more in-depth standards to facilitate mastery
17 learning;
 - 18 3. Communicate expectations more clearly and concisely to teachers,
19 parents, students, and citizens;
 - 20 4. Be based on evidence-based research;
 - 21 5. Consider international benchmarks; and
 - 22 6. Ensure that the standards are aligned from elementary to high school to
23 postsecondary education so that students can be successful at each
24 education level.
- 25 (c) 1. The department shall establish four (4) standards and assessments
26 review and development committees, with each committee composed of
27 a minimum of six (6) Kentucky public school teachers and a minimum

1 of two (2) representatives from Kentucky institutions of higher
2 education, including at least one (1) representative from a public
3 institution of higher education. Each committee member shall teach in
4 the subject area that his or her committee is assigned to review and have
5 no prior or current affiliation with a curriculum or assessment resources
6 vendor.

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

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

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

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

- 1 (e) The commissioner of education and the president of the Council on
 2 Postsecondary Education shall also provide consultants for the standards and
 3 assessments review and development committees and the advisory panels who
 4 are business and industry professionals actively engaged in career fields that
 5 depend on the various content areas.
- 6 (f) 1. The standards and assessments process review committee is hereby
 7 established and shall be composed of **three (3) voting**~~[ten (10)]~~ members
 8 **appointed by the Kentucky Board of Education from among its voting**
 9 **membership and the commissioner of education or designee as a**
 10 **nonvoting member**~~[, including:~~
- 11 a. ~~Three (3) members appointed by the Governor;~~
 12 b. ~~Three (3) members of the Senate appointed by the President of the~~
 13 ~~Senate;~~
 14 c. ~~Three (3) members of the House of Representatives appointed by~~
 15 ~~the Speaker of the House of Representatives; and~~
 16 d. ~~The commissioner of education].~~
- 17 2. The review of the committee shall be limited to the procedural aspects
 18 of the review process undertaken prior to its consideration.
- 19 (g) 1. The review process implemented under this subsection shall be an open,
 20 transparent process that allows all Kentuckians an opportunity to
 21 participate. The department shall ensure the public's assistance in
 22 reviewing and suggesting changes to the standards and alignment
 23 adjustments to corresponding state assessments by establishing a Web
 24 site dedicated to collecting comments by the public and educators. An
 25 independent third party, which has no prior or current affiliation with a
 26 curriculum or assessment resources vendor, shall be selected by the
 27 department to collect and transmit the comments to the department for

- 1 dissemination to the appropriate advisory panel for review and
2 consideration.
- 3 2. Each advisory panel shall review the standards and assessments for its
4 assigned subject matter and grade level and the suggestions made by the
5 public and educators. After completing its review, each advisory panel
6 shall make recommendations for changes to the standards and alignment
7 adjustments for assessments to the appropriate standards and
8 assessments review and development committee.
- 9 3. Each standards and assessments review and development committee
10 shall review the findings and make recommendations to revise or replace
11 existing standards and to adjust alignment of assessments to the
12 standards and assessments process review committee.
- 13 4. The recommendations shall be published on the Web site established in
14 this subsection for the purpose of gathering additional feedback from the
15 public. The commissioner, on behalf of the standards and assessments
16 process review committee, shall subsequently present the
17 recommendations and the public feedback to the Interim Joint
18 Committee on Education.
- 19 5. The commissioner shall subsequently provide a report to the standards
20 and assessments process review committee summarizing the process
21 conducted under this subsection and the resulting recommendations. The
22 report shall include but not be limited to the timeline of the review
23 process, public feedback, and responses from the Interim Joint
24 Committee on Education.
- 25 6. After receiving the commissioner's report, the standards and assessments
26 process review committee shall either concur that stakeholders have had
27 adequate opportunity to provide input on standards and the

1 corresponding alignment of state assessments or find the input process
2 deficient. If the process is found deficient, the recommendations may be
3 returned to the appropriate standards and assessments review and
4 development committee for review as described in subparagraph 3. of
5 this paragraph. If the process is found sufficient, the recommendations
6 shall be forwarded without amendment to the Kentucky Board of
7 Education.

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

14 (i) 1. The Kentucky Board of Education shall consider for approval the
15 revisions to academic standards for a content area and the alignment of
16 the corresponding state assessment once recommendations are received
17 from the standards and assessments process review committee. Existing
18 state academic standards shall remain in place until the board approves
19 new standards.

20 2. Any revision to, or replacement of, the academic standards and
21 assessments as a result of the review process conducted under this
22 subsection shall be implemented in Kentucky public schools no later
23 than the second academic year following the review process. Existing
24 academic standards shall be used until new standards are implemented.

25 3. The Department of Education shall disseminate the academic content
26 standards to the schools and teacher preparation programs.

27 (j) The Department of Education shall provide or facilitate statewide training

1 sessions for existing teachers and administrators on how to:

- 2 1. Integrate the revised content standards into classroom instruction;
- 3 2. Better integrate performance assessment of students within their
- 4 instructional practices; and
- 5 3. Help all students use higher-order thinking and communication skills.

6 (k) The Education Professional Standards Board in cooperation with the
7 Kentucky Board of Education and the Council on Postsecondary Education
8 shall coordinate information and training sessions for faculty and staff in all of
9 the teacher preparation programs in the use of the revised academic content
10 standards. The Education Professional Standards Board shall ensure that each
11 teacher preparation program includes use of the academic standards in the pre-
12 service education programs and that all teacher interns will have experience
13 planning classroom instruction based on the revised standards.

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

18 (3) (a) The Kentucky Board of Education shall be responsible for creating and
19 implementing a balanced statewide assessment program that measures the
20 students', schools', and districts' achievement of the goals set forth in KRS
21 158.645 and 158.6451, to ensure compliance with the federal Every Student
22 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure
23 school accountability.

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

- 1 (c) The statewide assessments shall not include any academic standards not
2 approved by the board under subsection (2) of this section.
- 3 (d) The board shall seek the advice of the Office of Education Accountability; the
4 School Curriculum, Assessment, and Accountability Council; the Education
5 Assessment and Accountability Review Subcommittee, and the National
6 Technical Advisory Panel on Assessment and Accountability in the
7 development of the assessment program. The statewide assessment program
8 shall not include measurement of a student's ability to become a self-sufficient
9 individual or to become a responsible member of a family, work group, or
10 community.
- 11 (4) (a) The academic components of the statewide assessment program shall be
12 composed of annual student summative tests, which may include a
13 combination of multiple competency-based assessment and performance
14 measures approved by the Kentucky Board of Education.
- 15 (b) The annual student summative tests shall:
- 16 1. Measure individual student achievement in language, reading, English,
17 mathematics, science, and social studies at designated grades;
 - 18 2. Provide teachers and parents a valid and reliable comprehensive analysis
19 of skills mastered by individual students;
 - 20 3. Provide diagnostic information that identifies strengths and academic
21 deficiencies of individual students in the content areas;
 - 22 4. Provide information to teachers that can enable them to improve
23 instruction for current and future students;
 - 24 5. Provide longitudinal profiles for students; and
 - 25 6. Ensure school and district accountability for student achievement of the
26 goals set forth in KRS 158.645 and 158.6451, except the statewide
27 assessment program shall not include measurement of a student's ability

1 to become a self-sufficient individual or to become a responsible
2 member of a family, work group, or community.

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

4 (a) Elementary and middle grades requirements are:

- 5 1. A criterion-referenced test each in mathematics and reading in grades
6 three (3) through eight (8) that is valid and reliable for an individual
7 student and that measures the depth and breadth of Kentucky's academic
8 content standards;
- 9 2. A criterion-referenced test each in science and social studies that is valid
10 and reliable for an individual student as necessary to measure the depth
11 and breadth of Kentucky's academic content standards to be
12 administered one (1) time within the elementary and middle grades,
13 respectively;
- 14 3. An on-demand assessment of student writing to be administered one (1)
15 time within the elementary grades and one (1) time within the middle
16 grades; and
- 17 4. An editing and mechanics test relating to writing, using multiple choice
18 and constructed response items, to be administered one (1) time within
19 the elementary and the middle grades, respectively;

20 (b) High school requirements are:

- 21 1. A criterion-referenced test in mathematics, reading, and science that is
22 valid and reliable for an individual student and that measures the depth
23 and breadth of Kentucky's academic content standards to be
24 administered one (1) time within the high school grades;
- 25 2. A criterion-referenced test in social studies that is valid and reliable for
26 an individual student as necessary to measure the depth and breadth of
27 Kentucky's academic content standards to be administered one (1) time

- 1 within the high school grades;
- 2 3. An on-demand assessment of student writing to be administered one (1)
- 3 time within the high school grades;
- 4 4. An editing and mechanics test relating to writing, using multiple choice
- 5 and constructed response items, to be administered one (1) time within
- 6 the high school grades; and
- 7 5. A college admissions examination to assess English, reading,
- 8 mathematics, and science in the spring of grade ten (10) and the spring
- 9 of grade eleven (11);
- 10 (c) The Kentucky Board of Education shall add any other component necessary to
- 11 comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or
- 12 its successor, as determined by the United States Department of Education;
- 13 (d) The criterion-referenced components required in this subsection shall be
- 14 composed of constructed response items and multiple choice items;
- 15 (e) The Kentucky Board of Education may incorporate end-of-course
- 16 examinations into the assessment program to be used in lieu of requirements
- 17 for criterion-referenced tests required under paragraph (b) of this subsection;
- 18 and
- 19 (f) The results of the assessment program developed under this subsection shall
- 20 be used by schools and districts to determine appropriate instructional
- 21 modifications for all students in order for students to make continuous
- 22 progress, including that needed by advanced learners.
- 23 (6) Each school district shall administer the statewide student assessment during the
- 24 last fourteen (14) days of school in the district's instructional calendar. The
- 25 Kentucky Board of Education may change the testing window to allow for
- 26 innovative assessment systems or other online test administration and shall
- 27 promulgate administrative regulations that minimize the number of days of testing

1 and outline the procedures to be used during the testing process to ensure test
2 security, including procedures for testing makeup days, and to comply with federal
3 assessment requirements.

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

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

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

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

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

23 (a) The cost of both college admissions examinations administered to students in
24 high school shall be paid for by the Kentucky Department of Education. The
25 costs of additional college admissions examinations shall be the responsibility
26 of the student;

27 (b) If funds are available, the Kentucky Department of Education shall provide a

1 college admissions examination preparation program to all public high school
2 juniors. The department may contract for necessary services; and

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

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

9 2. Accommodations provided in a manner allowed by a student's
10 individualized education program as defined in KRS 158.281 for a
11 student whose disability precludes valid assessment of his or her
12 academic abilities using the accommodations provided under
13 subparagraph 1. of this paragraph when the student's scores are not
14 reportable to a postsecondary institution for admissions and placement
15 purposes.

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

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

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

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

24 (d) Assess Kentucky academic standards only.

25 (13) The results from assessment under subsections (3) and (5) of this section shall be
26 reported to the school districts and schools no later than seventy-five (75) days
27 following the last day the assessment can be administered. Assessment reports

1 provided to the school districts and schools shall include an electronic copy of an
2 operational subset of test items from each assessment administered to their students
3 and the results for each of those test items by student and by school.

4 (14) The Department of Education shall gather information to establish the validity of
5 the assessment and accountability program. It shall develop a biennial plan for
6 validation studies that shall include but not be limited to the consistency of student
7 results across multiple measures, the congruence of school scores with documented
8 improvements in instructional practice and the school learning environment, and the
9 potential for all scores to yield fair, consistent, and accurate student performance
10 level and school accountability decisions. Validation activities shall take place in a
11 timely manner and shall include a review of the accuracy of scores assigned to
12 students and schools, as well as of the testing materials. The plan shall be submitted
13 to the Commission by July 1 of the first year of each biennium. A summary of the
14 findings shall be submitted to the Legislative Research Commission by September 1
15 of the second year of the biennium.

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

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

27 (17) The Kentucky Board of Education, after the Department of Education has received

1 advice from the Office of Education Accountability; the School Curriculum,
2 Assessment, and Accountability Council; and the National Technical Advisory
3 Panel on Assessment and Accountability, shall promulgate an administrative
4 regulation under KRS Chapter 13A to establish the components of a reporting
5 structure for assessments administered under this section. The reporting structure
6 shall include the following components:

7 (a) A school report card that clearly communicates with parents and the public
8 about school performance. The school report card shall be sent to the parents
9 of the students of the districts, and information on electronic access to a
10 summary of the results for the district shall be published in the newspaper
11 with the largest circulation in the county. It shall include but not be limited to
12 the following components reported by race, gender, and disability when
13 appropriate:

- 14 1. Student academic achievement, including the results from each of the
15 assessments administered under this section;
- 16 2. For Advanced Placement, Cambridge Advanced International, and
17 International Baccalaureate, the courses offered, the number of students
18 enrolled, completing, and taking the examination for each course, and
19 the percentage of examinees receiving a score of three (3) or better on
20 AP examinations, a score of "e" or better on Cambridge Advanced
21 International examinations, or a score of five (5) or better on IB
22 examinations. The data shall be disaggregated by gender, race, students
23 with disabilities, and economic status;
- 24 3. Nonacademic achievement, including the school's attendance, retention,
25 graduation rates, and student transition to postsecondary;
- 26 4. School learning environment, including measures of parental
27 involvement; and

- 1 5. Any other school performance data required by the Every Student
2 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- 3 (b) An individual student report to parents for each student in grades three (3)
4 through eight (8) summarizing the student's skills in reading, science, social
5 studies, and mathematics. The school's staff shall develop a plan for
6 accelerated learning for any student with identified deficiencies or strengths;
7 and
- 8 (c) A student's highest scores on the college admissions assessments administered
9 under subsection (5)(b)5. of this section.
- 10 (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the
11 Kentucky Department of Education shall implement a comprehensive process
12 for reviewing and revising the academic standards in visual and performing
13 arts and practical living skills and career studies for all levels and in foreign
14 language for middle and high schools. The department shall develop review
15 committees for the standards for each of the content areas that include
16 representation from certified specialist public school teachers and
17 postsecondary teachers in those subject areas.
- 18 (b) The academic standards in practical living skills for elementary, middle, and
19 high school levels shall include a focus on drug abuse prevention, with an
20 emphasis on the prescription drug epidemic and the connection between
21 prescription opioid abuse and addiction to other drugs, such as heroin and
22 synthetic drugs.
- 23 (c) The department shall provide to all schools guidelines for programs that
24 incorporate the adopted academic standards in visual and performing arts and
25 practical living and career studies. The department shall provide to middle and
26 high schools guidelines for including a foreign language program. The
27 guidelines shall address program length and time, courses offered, staffing,

1 resources, and facilities.

2 (d) The Kentucky Department of Education, in consultation with certified public
3 school teachers of visual and performing arts, may develop program standards
4 for the visual and performing arts.

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

13 (20) (a) The Kentucky Department of Education, in consultation with the review
14 committees described in subsection (18) of this section, shall develop a school
15 profile report to be used by all schools to document how they will address the
16 adopted academic standards in their implementation of the programs as
17 described in subsection (18) of this section, which may include student
18 opportunities and experiences in extracurricular activities. The department
19 shall include the essential workplace ethics program on the school profile
20 report.

21 (b) By October 1 of each year, each school principal shall complete the school
22 profile report, which shall be signed by the members of the school council, or
23 the principal if no school council exists, and the superintendent. The report
24 shall be electronically transmitted to the Kentucky Department of Education,
25 and the original shall be maintained on file at the local board office and made
26 available to the public upon request. The department shall include a link to
27 each school's profile report on its Web site.

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

5 ➔Section 4. KRS 158.6452 is repealed, reenacted, and amended to read as
6 follows:

7 (1) A School Curriculum, Assessment, and Accountability Council is hereby created to
8 audit, study, review, and make recommendations concerning Kentucky's system of
9 setting academic standards, assessing learning, identifying academic competencies
10 and deficiencies of individual students, holding schools accountable for learning,
11 and assisting schools to improve their performance. The council shall advise the
12 Kentucky Board of Education and the Legislative Research Commission on issues
13 related to the development and communication of the academic expectations and
14 core content for assessment, the development and implementation of the statewide
15 assessment and accountability program, recognition of high performing schools,
16 imposition of sanctions, and assistance for schools to improve their performance
17 under KRS 158.6453, 158.6455, 158.782, and 158.805.

18 (2) The School Curriculum, Assessment, and Accountability Council shall be
19 composed of eleven (11)~~seventeen (17)~~ voting members appointed by the
20 Governor. On making appointments to the council, the Governor shall assure broad
21 geographical representation and representation of elementary, middle, and
22 secondary school levels; assure equal representation of the two (2) sexes, inasmuch
23 as possible; and assure that appointments reflect the minority racial composition of
24 the Commonwealth. The members shall serve terms of two (2) years with no
25 member serving more than two (2) consecutive terms, except that seven (7) of the
26 initial appointments shall be for four (4) year terms. The members shall be
27 appointed as follows:

- 1 (a) One (1) school principal or administrator~~[Two (2) parents from~~
 2 ~~recommendations submitted by organizations representing school councils~~
 3 ~~and parents];~~
- 4 (b) One (1) superintendent or district administrator~~[Two (2) teachers from~~
 5 ~~recommendations submitted by organizations representing teachers];~~
- 6 (c) One (1) school district assessment coordinator~~[Two (2) superintendents from~~
 7 ~~recommendations submitted by organizations representing superintendents];~~
- 8 (d) One (1) arts, literature, social studies, or humanities teacher~~[Two (2)~~
 9 ~~principals from organizations representing school administrators];~~
- 10 (e) One (1) gifted and talented teacher or administrator~~[Two (2) local school~~
 11 ~~board members from recommendations submitted by organizations~~
 12 ~~representing school boards];~~
- 13 (f) One (1) special education teacher or administrator~~[Two (2) school district~~
 14 ~~assessment coordinators from recommendations submitted by organizations~~
 15 ~~representing district assessment coordinators];~~
- 16 (g) One (1) science, technology, engineering, or mathematics teacher~~[Two (2)~~
 17 ~~employers in the state from recommendations submitted by organizations~~
 18 ~~representing business and industry];~~
- 19 (h) One (1) educator representing career and technical programs;~~[Two (2)~~
 20 ~~university professors with expertise in assessment and measurement; and]~~
- 21 (i) One (1) postsecondary education professional with expertise in assessment;
 22 (j) One (1) individual experienced in early childhood education; and
 23 (k) One (1) individual with private sector workforce experience or who is the
 24 parent of a student enrolled in a Kentucky public school at the time of
 25 appointment~~[One (1) at-large member].~~
- 26 (3) The Governor shall appoint one (1) member of the Education Professional
 27 Standards Board to serve as a nonvoting member of the School Curriculum,

1 **Assessment, and Accountability Council.**

2 **(4)** The School Curriculum, Assessment, and Accountability Council shall elect a chair
3 annually from its membership.

4 ~~**(5)**~~ The members shall be remunerated for actual and necessary expenses incurred
5 while attending meetings of the council or while serving as representative of the
6 council.

7 ~~**(6)**~~ The School Curriculum, Assessment, and Accountability Council shall meet
8 at least four (4) times each year at times and places as it determines by resolution.

9 ~~**(7)**~~ The School Curriculum, Assessment, and Accountability Council shall be
10 attached to the Department of Education for administrative purposes. It shall be
11 provided appropriate staff and resources to conduct its work.

12 **(8) The School Curriculum, Assessment, and Accountability Council may, as**
13 **permitted by applicable federal and state law, request data from all state or local**
14 **government agencies with the Commonwealth as deemed necessary to fulfill the**
15 **requirements of subsection (1) of this section.**

16 **(9) No later than the last regular meeting of each fiscal year, the School Curriculum,**
17 **Assessment, and Accountability Council shall annually review its governance**
18 **policies, if any, and make changes deemed necessary by the council for the**
19 **efficient operation of the council's business.**

20 ➔Section 5. KRS 158.648 is repealed, reenacted, and amended to read as follows:

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

26 ~~**(b)**~~ The council shall be composed of **nine (9)**~~nineteen (19)~~ voting
27 members who shall be appointed by the Governor and three (3) nonvoting

1 advisors~~[, ex-officio members]~~. The Governor shall appoint voting members
 2 with extensive experience in gifted and talented education~~[members shall be~~
 3 appointed representing various constituencies] as follows:

- 4 1. One (1) postsecondary faculty member~~[Four (4) members shall be~~
 5 teachers within local school districts representing elementary, middle,
 6 and high school levels with at least one (1) full-time teacher of gifted
 7 and talented students and one (1) full-time teacher who teaches in a
 8 regular classroom];
- 9 2. One (1) elementary school teacher~~[Four (4) members shall be parents~~
 10 of students in local school districts, including two (2) parents of students
 11 identified as gifted and talented and at least one (1) who serves or has
 12 served on a school council];
- 13 3. One (1) middle or high school teacher~~[Three (3) members shall be~~
 14 from postsecondary education institutions, including one (1) from an
 15 independent college or university];
- 16 4. One (1) arts or humanities teacher~~[member shall be a superintendent of~~
 17 a local school district];
- 18 5. One (1) school counselor or psychologist~~[Two (2) members shall be~~
 19 principals, including one (1) from an elementary or middle school and
 20 one (1) from a high school];
- 21 6. One (1) gifted and talented program coordinator~~[Two (2) members~~
 22 shall be coordinators of gifted and talented programs and services in
 23 local school districts];
- 24 7. One (1) science, technology, engineering, or mathematics
 25 teacher~~[member shall be a local board of education member];~~
- 26 8. One (1) superintendent or school district assessment
 27 coordinator~~[member shall represent the visual and performing arts]; and~~

1 9. One (1) parent of a student enrolled in a Kentucky public school at the
 2 time of appointment or at-large member ~~shall be appointed from the~~
 3 ~~private business sector~~.

4 ~~(c)~~~~(b)~~ The commissioner of education, the Educational Professional
 5 Standards Board, and the School Curriculum, Assessment, and
 6 Accountability Council shall each designate one (1) individual to serve as a
 7 nonvoting advisor to the council~~[The three (3) nonvoting ex officio members~~
 8 ~~shall be: the state consultant for gifted and talented education in the Kentucky~~
 9 ~~Department of Education, a staff person designated by the executive secretary~~
 10 ~~of the Education Professional Standards Board, and a staff person designated~~
 11 ~~by the president of the Council on Postsecondary Education].~~

12 ~~(d)~~ Vacancies shall be filled by the Governor as they occur in a manner consistent
 13 with the provisions for initial appointment.

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

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

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

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

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

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

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

16 **(7) No later than the last regular meeting of each fiscal year, the advisory council**
17 **shall annually review its governance policies, if any, and make changes deemed**
18 **necessary by the council for the efficient operation of the council's business.**

19 ➔Section 6. KRS 158.794 is repealed, reenacted, and amended to read as follows:

20 (1) The **Read to Achieve Council**~~[Reading Diagnostic and Intervention Grant Steering~~
21 ~~Committee]~~ is hereby created for the purpose of advising the Kentucky Board of
22 Education and the Department of Education concerning the implementation and
23 administration of the reading diagnostic and intervention fund created in KRS
24 158.792. The **council**~~[committee]~~ shall be composed of **nine (9) voting**~~[sixteen~~
25 ~~(16)]~~ members~~[including the commissioner of education or the commissioner's~~
26 ~~designee, the executive director of the Collaborative Center for Literacy~~
27 ~~Development, the president of the Council on Postsecondary Education or the~~

1 president's designee, and the following members,] to be appointed by the Governor
 2 as follows:

- 3 (a) One (1) parent of a student enrolled in a Kentucky public school at the time
 4 of appointment or at-large member[Four (4) primary program teachers with a
 5 specialty or background in reading and literacy];
- 6 (b) One (1) elementary school teacher[Four (4) university or college professors
 7 with a specialty or background in reading and literacy representing
 8 universities];
- 9 (c) One (1) middle or high school teacher[elementary school principal];
- 10 (d) One (1) special education teacher;[certified library media specialist; and]
- 11 (e) One (1) gifted and talented teacher;
- 12 (f) One (1) speech-language pathologist;
- 13 (g) One (1) librarian or certified media specialist;
- 14 (h) One (1) reading intervention teacher or administrator; and
- 15 (i) One (1) member with experience assisting deaf or hearing-impaired
 16 students[Three (3) individuals from the state at large with an interest in
 17 reading and literacy].
- 18 (2) The commissioner of education, the Collaborative Center for Literacy
 19 Development, the Education Professional Standards Board, and the School
 20 Curriculum, Assessment, and Accountability Council shall each designate one
 21 (1) individual to serve as a nonvoting advisor to the Read to Achieve Council.
- 22 (3) Each member of the council and advisor[committee, other than members who
 23 serve by virtue of their position,] shall serve for a term of three (3) years or until a
 24 successor is appointed[, except that upon initial appointment, five (5) members
 25 shall serve a one (1) year term, four (4) members shall serve a two (2) year term,
 26 and four (4) members shall serve a three (3) year term].
- 27 (4)[(3)] A majority of the full authorized voting membership shall constitute a

1 quorum.

2 ~~(5)~~~~(4)~~ The council~~committee~~ shall elect, by majority vote, a chair, who shall be the
3 presiding officer of the council~~committee~~, preside at all meetings, and coordinate
4 the functions and activities of the council~~committee~~. The chair shall be elected or
5 reelected each calendar year.

6 ~~(6)~~~~(5)~~ The council~~committee~~ shall be attached to the Department of Education for
7 administrative purposes.

8 ~~(7)~~~~(6)~~ The council~~committee~~ shall:

- 9 (a) Identify needs, trends, and issues in schools throughout the state regarding
10 reading and literacy programs;
- 11 (b) Make recommendations regarding the content of administrative regulations to
12 be promulgated by the Kentucky Board of Education under KRS 158.792;
- 13 (c) Recommend approval of grant applications based upon the provisions of KRS
14 158.792 and administrative regulations promulgated by the Kentucky Board of
15 Education as required under KRS 158.792; and
- 16 (d) Advise the Kentucky Board of Education and the Department of Education
17 regarding costs and effectiveness of various reading intervention programs.

18 **(8) No later than the last regular meeting of each fiscal year, the council shall**
19 **annually review its governance policies, if any, and make changes deemed**
20 **necessary by the council for the efficient operation of the council's business.**

21 **(9) The council shall meet at least quarterly and at other times upon the call of the**
22 **chair or a majority of the voting council members.**

23 ➔Section 7. KRS 161.017 is repealed, reenacted, and amended to read as follows:

24 (1) The Education Professional Standards Board, established in KRS 161.028, shall be
25 headed by the commissioner of education~~an executive director~~ who shall be
26 responsible for the day to day operations of the board, including the following:

27 (a) Setting up appropriate organizational structures and personnel policies for

1 approval by the board;

2 (b) Appointing all staff~~[, including the deputy executive director];~~

3 (c) Preparing annual reports on the board's program of work;

4 (d) Carrying out policy and program directives of the board; **and**

5 (e) ~~[Preparing and submitting to the board for its approval a proposed biennial~~
6 ~~budget; and~~

7 (f) ~~]~~Performing all other duties and responsibilities assigned by state law.

8 (2)~~[When it is necessary to fill the position of executive director, the board shall~~
9 ~~conduct a comprehensive search for candidates and may employ a search firm if the~~
10 ~~board deems it necessary. The executive director shall possess broad-based~~
11 ~~experience in education and teacher development, and have demonstrated~~
12 ~~leadership skills in addition to other qualifications to be established by the board as~~
13 ~~authorized in KRS 161.028.~~

14 (3)~~] With approval of the board, the **commissioner of education**~~[executive director]~~~~

15 may enter into agreements with any state agency or political subdivision of the state,

16 any postsecondary education institution, or any other person or entity to enlist

17 assistance to implement the duties and responsibilities of the board.

18 (3)~~(4)] The **commissioner of education**~~[executive director]~~ shall have access to the~~

19 papers, books, and records of education personnel as part of an inquiry or

20 investigation relating to disciplinary actions against a certified employee.

21 (4)~~(5)] Pursuant to KRS 161.120, the **commissioner of education**~~[executive~~~~

22 ~~director]~~, on behalf of the board, may issue administrative subpoenas for the

23 attendance of witnesses and the production of documents relevant to disciplinary

24 cases under consideration. Compliance with the subpoenas shall be enforceable by

25 the Circuit Court in Franklin County.

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

27 (1) The Education Professional Standards Board is recognized to be a public body

1 corporate and politic and an agency and instrumentality of the Commonwealth, in
2 the performance of essential governmental functions. The Education Professional
3 Standards Board has the authority and responsibility to:

4 (a) Establish standards and requirements for obtaining and maintaining a teaching
5 certificate;

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

- 10 1. The alignment of programs with the state's core content for assessment
11 as defined in KRS 158.6457;
- 12 2. Research-based classroom practices, including effective classroom
13 management techniques;
- 14 3. Emphasis on subject matter competency of teacher education students;
- 15 4. Methodologies to meet diverse educational needs of all students;
- 16 5. The consistency and quality of classroom and field experiences,
17 including early practicums and student teaching experiences;
- 18 6. The amount of college-wide or university-wide involvement and support
19 during the preparation as well as the induction of new teachers;
- 20 7. The diversity of faculty;
- 21 8. The effectiveness of partnerships with local school districts; and
- 22 9. The performance of graduates on various measures as determined by the
23 board;

24 (c) Conduct an annual review of diversity in teacher preparation programs;

25 (d) Provide assistance to universities and colleges in addressing diversity, which
26 may include researching successful strategies and disseminating the
27 information, encouraging the development of nontraditional avenues of

- 1 recruitment and providing incentives, waiving administrative regulations
2 when needed, and other assistance as deemed necessary;
- 3 (e) Discontinue approval of programs that do not meet standards or whose
4 graduates do not perform according to criteria set by the board;
- 5 (f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose
6 probationary or supervisory conditions upon; issue a written reprimand or
7 admonishment; or any combination of actions regarding any certificate;
- 8 (g) Develop specific guidelines to follow upon receipt of an allegation of sexual
9 misconduct by an employee certified by the Education Professional Standards
10 Board. The guidelines shall include investigation, inquiry, and hearing
11 procedures which ensure the process does not revictimize the alleged victim
12 or cause harm if an employee is falsely accused;
- 13 (h) Receive, along with investigators hired by the Education Professional
14 Standards Board, training on the dynamics of sexual misconduct of
15 professionals, including the nature of this abuse of authority, characteristics of
16 the offender, the impact on the victim, the possibility and the impact of false
17 accusations, investigative procedures in sex offense cases, and effective
18 intervention with victims and offenders;
- 19 (i) Recommend to the Kentucky Board of Education the essential data elements
20 relating to teacher preparation and certification, teacher supply and demand,
21 teacher attrition, teacher diversity, and employment trends to be included in a
22 state comprehensive data and information system and periodically report data
23 to the Interim Joint Committee on Education;
- 24 (j) Submit reports to the Governor and the Legislative Research Commission and
25 inform the public on the status of teaching in Kentucky;
- 26 (k) Devise a credentialing system that provides alternative routes to gaining
27 certification and greater flexibility in staffing local schools while maintaining

1 standards for teacher competence;

2 (l) Develop a professional code of ethics;

3 (m) ~~[Set the qualifications and salary for the positions of executive director and~~
4 ~~deputy executive director to the board, notwithstanding the provisions of KRS~~
5 ~~64.640;~~

6 ~~(n) Recruit, select, employ and evaluate the executive director to the board;~~

7 ~~(o) Approve employment procedures for the employment of policy level staff,~~
8 ~~subject to the provisions of KRS 12.050;~~

9 ~~(p)]Approve the biennial budget request;~~

10 (n)~~[(q)] Charge reasonable fees for the issuance, reissuance, and renewal of~~
11 certificates that are established by administrative regulation. The proceeds
12 shall be used to meet a portion of the costs of the issuance, reissuance, and
13 renewal of certificates, and the costs associated with disciplinary action
14 against a certificate holder under KRS 161.120;

15 (o)~~[(r)] Waive a requirement that may be established in an administrative~~
16 regulation promulgated by the board. A request for a waiver shall be
17 submitted to the board, in writing, by an applicant for certification, a
18 postsecondary institution, or a superintendent of a local school district, with
19 appropriate justification for the waiver. The board may approve the request if
20 the person or institution seeking the waiver has demonstrated extraordinary
21 circumstances justifying the waiver. Any waiver granted under this subsection
22 shall be subject to revocation if the person or institution falsifies information
23 or subsequently fails to meet the intent of the waiver;

24 (p)~~[(s)] Promote the development of one (1) or more innovative, nontraditional~~
25 or alternative administrator or teacher preparation programs through public or
26 private colleges or universities, private contractors, the Department of
27 Education, or the Kentucky Commonwealth Virtual University and waive

1 administrative regulations if needed in order to implement the program;

2 ~~(q)~~~~(t)~~ Grant approval, if appropriate, of a university's request for an alternative
 3 program that enrolls an administrator candidate in a postbaccalaureate
 4 administrator preparation program concurrently with employment as an
 5 assistant principal, principal, assistant superintendent, or superintendent in a
 6 local school district. An administrator candidate in the alternative program
 7 shall be granted a temporary provisional certificate and shall be a candidate in
 8 the Kentucky Principal Internship Program, notwithstanding provisions of
 9 KRS 161.030, or the Superintendent's Assessment process, notwithstanding
 10 provisions of KRS 156.111, as appropriate. The temporary certificate shall be
 11 valid for a maximum of two (2) years, and shall be contingent upon the
 12 candidate's continued enrollment in the preparation program and compliance
 13 with all requirements established by the board. A professional certificate shall
 14 be issued upon the candidate's successful completion of the program,
 15 internship requirements, and assessments as required by the board;

16 ~~(r)~~~~(u)~~ Employ consultants as needed;

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

21 ~~(t)~~~~(w)~~ Sponsor studies, conduct research, conduct conferences, and publish
 22 information as appropriate; and

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

24 (2) (a) The board shall be composed of fifteen (15)~~seventeen (17)~~ members. The
 25 secretary of the Education and Workforce Development
 26 Cabinet~~commissioner of education~~ and the president of the Council on
 27 Postsecondary Education, or their designees, shall serve as ex officio voting

1 members. The Governor shall make the following **thirteen (13)**~~[fifteen (15)]~~
 2 appointments:

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

27 (b) The members appointed by the Governor~~[after June 21, 2001,]~~ shall be

1 confirmed by the Senate~~[and the House of Representatives]~~ under KRS
2 11.160.~~[If the General Assembly is not in session at the time of the~~
3 ~~appointment, persons appointed shall serve prior to confirmation, but the~~
4 ~~Governor shall seek the consent of the General Assembly at the next regular~~
5 ~~session or at an intervening extraordinary session if the matter is included in~~
6 ~~the call of the General Assembly.]~~

- 7 (c) **Each appointed member shall serve a three (3) year term. No appointed**
8 **member shall be eligible to serve more than two (2) consecutive terms.** A

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

- 15 (d) Members of the board shall serve without compensation but shall be permitted
16 to attend board meetings and perform other board business without loss of
17 income or other benefits.

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

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

- 26 (g) To carry out the functions relating to its duties and responsibilities, the board
27 is empowered to receive donations and grants of funds; to appoint consultants

1 as needed; and to sponsor studies, conduct conferences, and publish
2 information.

3 **(h) The commissioner of education shall serve as executive secretary to the**
4 **board and may designate staff to facilitate his or her duties as executive**
5 **secretary to the board.**

6 **(i) No later than the last regular meeting of each fiscal year, the board shall**
7 **annually review its governance policies, if any, and make changes deemed**
8 **necessary by the board for the efficient operation of the board's business.**

9 ➔Section 9. KRS 161.220 is amended to read as follows:

10 As used in KRS 161.220 to 161.716 and 161.990:

11 (1) "Retirement system" means the arrangement provided for in KRS 161.220 to
12 161.716 and 161.990 for payment of allowances to members;

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

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

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

23 (a) Local boards of education;

24 (b) Eastern Kentucky University, Kentucky State University, Morehead State
25 University, Murray State University, Western Kentucky University, and any
26 community colleges established under the control of these universities;

27 (c) State-operated secondary area vocational education or area technology centers,

- 1 Kentucky School for the Blind, and Kentucky School for the Deaf;
- 2 (d) The Education Professional Standards Board, other public education agencies
3 as created by the General Assembly, and those members of the administrative
4 staff of the Teachers' Retirement System of the State of Kentucky whom the
5 board of trustees may designate by administrative regulation;
- 6 (e) Regional cooperative organizations formed by local boards of education or
7 other public educational institutions listed in this subsection, for the purpose
8 of providing educational services to the participating organizations;
- 9 (f) All full-time members of the staffs of the Kentucky Association of School
10 Administrators, Kentucky Education Association, Kentucky Vocational
11 Association, Kentucky High School Athletic Association, Kentucky Academic
12 Association, and the Kentucky School Boards Association who were members
13 of the Kentucky Teachers' Retirement System or were qualified for a position
14 covered by the system at the time of employment by the association in the
15 event that the board of directors of the respective association petitions to be
16 included. The board of trustees of the Kentucky Teachers' Retirement System
17 may designate by resolution whether part-time employees of the petitioning
18 association are to be included, except as limited by KRS 161.612. The state
19 shall make no contributions on account of these employees, either full-time or
20 part-time. The association shall make the employer's contributions, including
21 any contribution that is specified under KRS 161.550. The provisions of this
22 paragraph shall be applicable to persons in the employ of the associations on
23 or subsequent to July 1, 1972;
- 24 (g) Employees of the Council on Postsecondary Education who were employees
25 of the Department for Adult Education and Literacy and who were members
26 of the Kentucky Teachers' Retirement System at the time the department was
27 transferred to the council pursuant to Executive Order 2003-600;

- 1 (h) The Office of Career and Technical Education, except that the executive
2 director shall not be a member;
- 3 (i) The Office of Vocational Rehabilitation;
- 4 (j) The Kentucky Educational Collaborative for State Agency Children;
- 5 (k) The Governor's Scholars Program;
- 6 (l) Any person who is retired for service from the retirement system and is
7 reemployed by an employer identified in this subsection in a position that the
8 board of trustees deems to be a member, except that any person who retires on
9 or after January 1, 2019, shall upon reemployment after retirement not earn a
10 second retirement account;
- 11 (m) Employees of the former Cabinet for Workforce Development who are
12 transferred to the Kentucky Community and Technical College System and
13 who occupy positions covered by the Kentucky Teachers' Retirement System
14 shall remain in the Teachers' Retirement System. New employees occupying
15 these positions, as well as newly created positions qualifying for Teachers'
16 Retirement System coverage that would have previously been included in the
17 former Cabinet for Workforce Development, shall be members of the
18 Teachers' Retirement System;
- 19 (n) Effective January 1, 1998, employees of state community colleges who are
20 transferred to the Kentucky Community and Technical College System shall
21 continue to participate in federal old age, survivors, disability, and hospital
22 insurance, and a retirement plan other than the Kentucky Teachers' Retirement
23 System offered by Kentucky Community and Technical College System. New
24 employees occupying positions in the Kentucky Community and Technical
25 College System as referenced in KRS 164.5807(5) that would not have
26 previously been included in the former Cabinet for Workforce Development,
27 shall participate in federal old age, survivors, disability, and hospital insurance

1 and have a choice at the time of employment of participating in a retirement
2 plan provided by the Kentucky Community and Technical College System,
3 including participation in the Kentucky Teachers' Retirement System, on the
4 same basis as faculty of the state universities as provided in KRS 161.235,
5 161.540, and 161.620;

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

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

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

18 (r) Employees of the Education Professional Standards Board who were
19 members of the Kentucky Teachers' Retirement System at the time the
20 employees were transferred to the Kentucky Department of Education
21 pursuant to Executive Order 2018-653.

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

1 of the local retirement system, became a member of the state Teachers' Retirement
2 System or who becomes a member under the provisions of KRS 161.470(4);

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

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

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

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

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

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

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

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

7 This limitation shall also not apply to the payment to a member for accrued annual
8 leave if the individual becomes a member before July 1, 2008, or accrued sick leave
9 which is authorized by statute and which shall be included as part of a retiring
10 member's annual compensation for the member's last year of active service as
11 provided by KRS 161.155;

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

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

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

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

17 (13) "Regular interest" means interest at three percent (3%) per annum, except:

18 (a) For an individual who becomes a member on or after July 1, 2008, but prior to
19 January 1, 2019, "regular interest" means interest at two and one-half percent
20 (2.5%) per annum for purposes of crediting interest to the teacher savings
21 account or any other contributions made by the employee that are refundable
22 to the employee upon termination of employment; and

23 (b) For an individual who becomes a member on or after January 1, 2019, who is
24 participating in the hybrid cash balance plan, "regular interest" means the
25 regular interest credited to the member's accumulated account balance as
26 provided by KRS 161.235;

27 (14) "Accumulated contributions" means the contributions of a member to the teachers'

- 1 savings fund, including picked-up member contributions as described in KRS
2 161.540(2), plus accrued regular interest;
- 3 (15) "Annuitant" means a person who receives a retirement allowance or a disability
4 allowance;
- 5 (16) "Local retirement system" means any teacher retirement or annuity system created
6 in any public school district in Kentucky in accordance with the laws of Kentucky;
- 7 (17) "Fiscal year" means the twelve (12) month period from July 1 to June 30. The
8 retirement plan year is concurrent with this fiscal year. A contract for a member
9 employed by a local board of education may not exceed two hundred sixty-one
10 (261) days in the fiscal year;
- 11 (18) "Public schools" means the schools and other institutions mentioned in subsection
12 (4) of this section;
- 13 (19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was
14 receiving, at the time of death of the member, at least one-half (1/2) of the support
15 from the member for maintenance, including board, lodging, medical care, and
16 related costs;
- 17 (20) "Active contributing member" means a member currently making contributions to
18 the Teachers' Retirement System, who made contributions in the next preceding
19 fiscal year, for whom picked-up member contributions are currently being made, or
20 for whom these contributions were made in the next preceding fiscal year;
- 21 (21) "Full-time" means employment in a position that requires services on a continuing
22 basis equal to at least seven-tenths (7/10) of normal full-time service on a fiscal year
23 basis;
- 24 (22) "Full actuarial cost," when used to determine the payment that a member must pay
25 for service credit means the actuarial value of all costs associated with the
26 enhancement of a member's benefits or eligibility for benefit enhancements,
27 including health insurance supplement payments made by the retirement system.

- 1 The actuary for the retirement system shall determine the full actuarial value costs
2 and actuarial cost factor tables as provided in KRS 161.400;
- 3 (23) "Last annual compensation" means the annual compensation, as defined by
4 subsection (10) of this section and as limited by subsection (9) of this section,
5 earned by the member during the most recent period of contributing service, either
6 consecutive or nonconsecutive, that is sufficient to provide the member with one (1)
7 full year of service credit in the Kentucky Teachers' Retirement System, and which
8 compensation is used in calculating the member's initial retirement allowance,
9 excluding bonuses, retirement incentives, payments for accumulated sick leave
10 authorized by KRS 161.155, annual, personal, and compensatory leave, and any
11 other lump-sum payment. For an individual who becomes a member on or after July
12 1, 2008, payments for annual or compensatory leave shall not be included in
13 determining the member's last annual compensation;
- 14 (24) "Participant" means a member, as defined by subsection (4) of this section, or an
15 annuitant, as defined by subsection (15) of this section;
- 16 (25) "Qualified domestic relations order" means any judgment, decree, or order,
17 including approval of a property settlement agreement, that:
- 18 (a) Is issued by a court or administrative agency; and
- 19 (b) Relates to the provision of child support, alimony payments, or marital
20 property rights to an alternate payee;
- 21 (26) "Alternate payee" means a spouse, former spouse, child, or other dependent of a
22 participant, who is designated to be paid retirement benefits in a qualified domestic
23 relations order;
- 24 (27) "University member" means an individual who becomes a member through
25 employment with an employer specified in subsection (4)(b) and (n) of this section;
- 26 (28) "Nonuniversity member" means an individual who becomes a member through
27 employment with an employer specified under subsection (4) of this section, except

1 for those members employed by an employer specified in subsection (4)(b) and (n)
2 of this section;

3 (29) "Accumulated employer credit" means the employer pay credit deposited to the
4 member's account and regular interest credited on such amounts as provided by
5 KRS 161.235; and

6 (30) "Accumulated account balance" means:

7 (a) For members who began participating in the system prior to January 1, 2019,
8 the member's accumulated contributions; or

9 (b) For members who began participating in the system on or after January 1,
10 2019, in the hybrid cash balance plan as provided by KRS 161.235, the
11 combined sum of the member's accumulated contributions and the member's
12 accumulated employer credit.

13 ➔Section 10. KRS 164.011 is amended to read as follows:

14 (1) There is hereby created and established a Council on Postsecondary Education in
15 Kentucky as an agency, instrumentality, and political subdivision of the
16 Commonwealth and a public body corporate and politic having all powers, duties,
17 and responsibilities as are provided to it by law, appointed for a term set by law
18 pursuant to Section 23 of the Constitution of Kentucky. The council shall be
19 composed of the commissioner of education, a faculty member, a student member,
20 and thirteen (13) citizen members appointed by the Governor. The citizen members
21 shall be confirmed by the Senate under KRS 11.160, and the commissioner of
22 education shall serve as a nonvoting ex officio member. Citizen council members
23 shall be selected from a list of nominees provided to the Governor under the
24 nominating process set forth in KRS 164.005. If the General Assembly is not in
25 session at the time of the appointment, persons appointed shall serve prior to
26 confirmation, but the Governor shall seek the consent of the Senate at the next
27 regular session or at an intervening extraordinary session if the matter is included in

1 the call of the General Assembly.

2 (2) ~~[By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary~~
3 ~~Education Nominating Committee shall submit nominations to the Governor as set~~
4 ~~forth in KRS 164.005.]~~ On making appointments *of citizen members* to the council,
5 the Governor shall ensure broad geographical and political representation; ensure
6 equal representation of the two (2) sexes, inasmuch as possible; ensure no less than
7 proportional representation of the two (2) leading political parties of the
8 Commonwealth based on the state's voter registration and the political affiliation of
9 each appointee as of December 31 of the year preceding the date of his or her
10 appointment; and ensure that appointments reflect the minority racial composition
11 of the Commonwealth based on the total minority racial population using the most
12 recent census or estimate data from the United States Census Bureau. If the
13 determination of proportional minority representation does not result in a whole
14 number of minority members, it shall be rounded up to the next whole number. A
15 particular political affiliation shall not be a prerequisite to appointment to the
16 council generally; however, if any person is appointed to the council that does not
17 represent either of the two (2) leading political parties of the Commonwealth, the
18 proportional representation by political affiliation requirement shall be determined
19 and satisfied based on the total number of members on the council less any
20 members not affiliated with either of the two (2) leading political parties. In filling
21 vacancies to the council, the Governor shall act so as to provide, inasmuch as
22 possible, equal representation of the two (2) sexes by appointing a member of the
23 sex that is the lesser represented at the time of the appointment. If the remaining
24 membership already has an equal number of males and females, the Governor may
25 appoint a member of either sex. No more than two (2) members of the council shall
26 hold an undergraduate degree from any one (1) Kentucky university, and no more
27 than three (3) voting members of the council shall reside in any one (1) judicial

1 district of the Kentucky Supreme Court as of the date of the appointment. However,
2 change in residency after the date of appointment shall not affect the ability to serve.

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

9 (4) One (1) member shall be enrolled as a full-time student at a state institution of
10 postsecondary education and shall be selected annually in the following manner: not
11 later than June 1 of each year the eight (8) student body presidents of the four (4)
12 year state public institutions of higher education, the two (2) student members to the
13 Kentucky Community and Technical College System, and one (1) student body
14 president representing the members of the Association of Independent Kentucky
15 Colleges and Universities shall elect by majority vote three (3) nominees to submit
16 to the Governor. From this list of nominees, the Governor shall appoint a student
17 member.

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

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

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

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

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

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

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

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

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

7 (8) The members of the council shall elect the chair and the vice chair of the council
8 from among the council's membership, and the chair and vice chair shall serve at
9 the pleasure of the council. The vice chair shall serve as chair in the absence of the
10 chair.

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

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

14 (11) A quorum shall be required to organize and conduct the business of the council,
15 except that an affirmative vote of eight (8) or more appointive members of the
16 entire council shall be required to dismiss from employment the president of the
17 council, and to adopt or amend the state strategic postsecondary education agenda.

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

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

21 **(14) The president of the council shall serve as executive secretary to the council and**
22 **shall attend all meetings. The president may designate staff to facilitate his or her**
23 **duties as executive secretary to the council.**

24 **(15) No later than the last regular meeting of each fiscal year, the council shall**
25 **annually review its governance policies, if any, and make changes deemed**
26 **necessary by the board for the efficient operation of the council's business.**

27 ➔Section 11. KRS 200.700 is repealed, reenacted, and amended to read as

1 follows:

2 (1) The Early Childhood Advisory Council is established as a public agency and
3 political subdivision of the Commonwealth with all powers, duties, and
4 responsibilities conferred upon it by statute and essential to perform its functions
5 including but not limited to employing other persons, consultants, attorneys, and
6 agents. The council shall be attached to the Office of the Governor for
7 administrative purposes and shall establish necessary advisory councils. The
8 secretary of the Education and Workforce Development Cabinet or the secretary's
9 designee shall be the appointing authority for the council pursuant to KRS Chapter
10 18A. The council shall have the ability to make expenditures from the early
11 childhood development fund and shall ensure that expenditures made from the early
12 childhood development fund are in conformance with its duties as established by
13 the General Assembly.

14 (2) The council shall be headed by an executive director appointed by the Governor
15 pursuant to KRS 12.040. The executive director shall report to the secretary of the
16 Education and Workforce Development Cabinet or the secretary's designee.

17 (3) The council shall consist of the following twelve (12)~~twenty-six (26)~~ members
18 appointed by the Governor:

19 (a) One (1) representative of the Kentucky~~[The state director of]~~ Head Start
20 Collaboration;

21 (b) One (1) representative of the state agency responsible for child care~~[The~~
22 ~~secretary of the Education and Workforce Development Cabinet or designee];~~

23 (c) One (1) representative of the Kentucky Department of Education~~[The~~
24 ~~secretary of the Cabinet for Health and Family Services or designee];~~

25 (d) One (1) representative of local educational agencies~~[One (1) nonvoting ex~~
26 ~~officio member from the House of Representatives who shall be appointed by~~
27 ~~and serve at the pleasure of the Speaker of the House];~~

- 1 (e) One (1) representative of institutions of higher education~~[One (1) nonvoting~~
2 ~~ex-officio member from the Senate who shall be appointed by and serve at the~~
3 ~~pleasure of the President of the Senate];~~
- 4 (f) One (1) representative of local early childhood education services~~[Six (6)~~
5 ~~private sector members knowledgeable about the health, mental health,~~
6 ~~education, and development of prenatal to school entry children who shall be~~
7 ~~appointed by the Governor. One (1) private sector member shall be appointed~~
8 ~~from each congressional district];~~
- 9 (g) One (1) representative from local migrant, seasonal, or Indian Head Start
10 programs~~[Seven (7) citizens at large of the Commonwealth who shall be~~
11 ~~appointed by the Governor];~~
- 12 (h) One (1) representative of the state agency responsible for programs under
13 Section 619 or Part C of the federal Individuals with Disabilities Education
14 Act or its successor~~[early childhood development advocate who shall be~~
15 ~~appointed by the Governor];~~
- 16 (i) One (1) representative of the state agency responsible for health or mental
17 health care~~];[member representing higher education with expertise in early~~
18 ~~childhood who shall be appointed by the Governor; and]~~
- 19 (j) One (1) representative of a critical early childhood education or policy
20 initiative;
- 21 (k) One (1) representative of private sector early childhood education services
22 or programs; and
- 23 (l) One (1) parent of a student enrolled in a Kentucky public school at the time
24 of appointment or at-large member with knowledge of early childhood
25 education~~[Six (6) members appointed by the Governor, including one (1)~~
26 ~~member from a Head Start program located in the state, one (1) member from~~
27 ~~a local education agency, one (1) member from the state agency responsible~~

1 for education, one (1) member from the state agency responsible for child
 2 care, one (1) member from the state agency responsible for Part C of the
 3 Individuals with Disabilities Education Act (IDEA), and one (1) member from
 4 the state agency for health and mental health].

5 (4) **The council membership shall also include the executive director of the Early**
 6 **Childhood Advisory Council, one (1) member of the Senate as designated by the**
 7 **President of the Senate, and one (1) member of the House of Representatives as**
 8 **designated by the Speaker of the House.**

9 **(5)** (a) [The initial terms of the private sector and citizen-at-large members of the
 10 council shall be for:

11 1.— One (1) year for five (5) of the initial terms;

12 2.— Two (2) years for five (5) of the initial terms;

13 3.— Three (3) years for six (6) of the initial terms; and

14 4.— Four (4) years for five (5) of the initial appointments.

15 (b)—]All[~~succeeding~~] appointments shall be for four (4) years from the expiration
 16 date of the preceding appointment. The private and citizen-at-large members
 17 shall serve no more than two (2) full successive terms. A term shall expire on
 18 June 30 in the appropriate year.

19 ~~(b)~~~~(e)~~ Members shall serve until a successor has been appointed. If a vacancy
 20 on the council occurs, the Governor shall appoint a replacement for the
 21 remainder of the unexpired term except for the members appointed by the
 22 Speaker of the House and President of the Senate.

23 ~~(c)~~~~(d)~~ The members and nonmember appointees of the council shall comply
 24 with the gift and conflict of interest statutes in KRS Chapter 11A. Any
 25 conflict of interest issue shall be submitted to the Executive Branch Ethics
 26 Commission for resolution.

27 ~~(d)~~~~(e)~~ The Governor shall appoint the chair of the council[~~from the private~~

1 ~~sector or citizen-at-large membership~~].

2 ~~(e)~~~~(f)~~ The chair may appoint nonmembers of the council to committees or
3 workgroups.

4 ~~(6)~~~~(5)~~ Private sector and citizen-at-large members and nonmembers appointed to a
5 committee or workgroup shall serve without compensation but shall be reimbursed
6 for reasonable and necessary expenses in accordance with state travel expenses and
7 reimbursement administrative regulations.

8 ~~(7)~~~~(6)~~ In making appointments to the council, the Governor shall assure broad
9 geographical, ethnic, and gender diversity representation from the major sectors of
10 Kentucky's early childhood development community. In filling vacancies, the
11 Governor shall attempt to assure the continuing representation on the council of
12 broad constituencies of Kentucky's early childhood development community.

13 ~~(8)~~~~(7)~~ The council shall meet at least quarterly and at other times upon call of the
14 chair or a majority of the council.

15 ~~(9)~~~~(8)~~ Members of the council shall serve on a voluntary basis and be reimbursed for
16 their expenses in accordance with state travel expense and reimbursement
17 administrative regulations.

18 ~~***(10) No later than the last regular meeting of each fiscal year, the council shall***~~
19 ~~***annually review its governance policies, if any, and make changes deemed***~~
20 ~~***necessary by the board for the efficient operation of the council's business.***~~

21 ➔Section 12. KRS 12.020 is amended to read as follows:

22 Departments, program cabinets and their departments, and the respective major
23 administrative bodies that they include are enumerated in this section. It is not intended
24 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
25 bureau, interstate compact, commission, committee, conference, council, office, or any
26 other form of organization shall be included in or attached to the department or program
27 cabinet in which they are included or to which they are attached by statute or statutorily

1 authorized executive order; except in the case of the Personnel Board and where the
2 attached department or administrative body is headed by a constitutionally elected officer,
3 the attachment shall be solely for the purpose of dissemination of information and
4 coordination of activities and shall not include any authority over the functions,
5 personnel, funds, equipment, facilities, or records of the department or administrative
6 body.

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

8 (1) The Governor.

9 (2) Lieutenant Governor.

10 (3) Department of State.

11 (a) Secretary of State.

12 (b) Board of Elections.

13 (c) Registry of Election Finance.

14 (4) Department of Law.

15 (a) Attorney General.

16 (5) Department of the Treasury.

17 (a) Treasurer.

18 (6) Department of Agriculture.

19 (a) Commissioner of Agriculture.

20 (b) Kentucky Council on Agriculture.

21 (7) Auditor of Public Accounts.

22 II. Program cabinets headed by appointed officers:

23 (1) Justice and Public Safety Cabinet:

24 (a) Department of Kentucky State Police.

25 (b) Department of Criminal Justice Training.

26 (c) Department of Corrections.

27 (d) Department of Juvenile Justice.

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

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

- 1 b. Legal Division II.
- 2 3. Office of Administrative Hearings.
- 3 4. Office of Communication.
- 4 5. Mine Safety Review Commission.
- 5 6. Office of Kentucky Nature Preserves.
- 6 7. Kentucky Public Service Commission.
- 7 (b) Department for Environmental Protection.
- 8 1. Office of the Commissioner.
- 9 2. Division for Air Quality.
- 10 3. Division of Water.
- 11 4. Division of Environmental Program Support.
- 12 5. Division of Waste Management.
- 13 6. Division of Enforcement.
- 14 7. Division of Compliance Assistance.
- 15 (c) Department for Natural Resources.
- 16 1. Office of the Commissioner.
- 17 2. Division of Mine Permits.
- 18 3. Division of Mine Reclamation and Enforcement.
- 19 4. Division of Abandoned Mine Lands.
- 20 5. Division of Oil and Gas.
- 21 6. Division of Mine Safety.
- 22 7. Division of Forestry.
- 23 8. Division of Conservation.
- 24 9. Office of the Reclamation Guaranty Fund.
- 25 (d) Office of Energy Policy.
- 26 1. Division of Energy Assistance.
- 27 (e) Office of Administrative Services.

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

- 1 (e) Department of Alcoholic Beverage Control.
 - 2 1. Division of Distilled Spirits.
 - 3 2. Division of Malt Beverages.
 - 4 3. Division of Enforcement.
- 5 (f) Department of Charitable Gaming.
 - 6 1. Division of Licensing and Compliance.
 - 7 2. Division of Enforcement.
- 8 (g) Department of Financial Institutions.
 - 9 1. Division of Depository Institutions.
 - 10 2. Division of Non-Depository Institutions.
 - 11 3. Division of Securities.
- 12 (h) Department of Housing, Buildings and Construction.
 - 13 1. Division of Fire Prevention.
 - 14 2. Division of Plumbing.
 - 15 3. Division of Heating, Ventilation, and Air Conditioning.
 - 16 4. Division of Building Code Enforcement.
- 17 (i) Department of Insurance.
 - 18 1. Division of Insurance Product Regulation.
 - 19 2. Division of Administrative Services.
 - 20 3. Division of Financial Standards and Examination.
 - 21 4. Division of Agent Licensing.
 - 22 5. Division of Insurance Fraud Investigation.
 - 23 6. Division of Consumer Protection.
 - 24 7. Division of Kentucky Access.
- 25 (j) Department of Professional Licensing.
 - 26 1. Real Estate Authority.
- 27 (5) Labor Cabinet.

- 1 (a) Office of the Secretary.
- 2 1. Office of General Counsel.
- 3 a. Workplace Standards Legal Division.
- 4 b. Workers' Claims Legal Division.
- 5 2. Office of Administrative Services.
- 6 a. Division of Human Resources Management.
- 7 b. Division of Fiscal Management.
- 8 c. Division of Professional Development and Organizational
- 9 Management.
- 10 d. Division of Information Technology and Support Services.
- 11 3. Office of Inspector General.
- 12 (b) Department of Workplace Standards.
- 13 1. Division of Apprenticeship.
- 14 2. Division of Occupational Safety and Health Compliance.
- 15 3. Division of Occupational Safety and Health Education and
- 16 Training.
- 17 4. Division of Wages and Hours.
- 18 (c) Department of Workers' Claims.
- 19 1. Division of Workers' Compensation Funds.
- 20 2. Office of Administrative Law Judges.
- 21 3. Division of Claims Processing.
- 22 4. Division of Security and Compliance.
- 23 5. Division of Information Services.
- 24 6. Division of Specialist and Medical Services.
- 25 7. Workers' Compensation Board.
- 26 (d) Workers' Compensation Funding Commission.
- 27 (e) Occupational Safety and Health Standards Board.

- 1 (f) Apprenticeship and Training Council.
- 2 (g) State Labor Relations Board.
- 3 (h) Employers' Mutual Insurance Authority.
- 4 (i) Kentucky Occupational Safety and Health Review Commission.
- 5 (j) Workers' Compensation Nominating Committee.
- 6 (6) Transportation Cabinet:
- 7 (a) Department of Highways.
- 8 1. Office of Project Development.
- 9 2. Office of Project Delivery and Preservation.
- 10 3. Office of Highway Safety.
- 11 4. Highway District Offices One through Twelve.
- 12 (b) Department of Vehicle Regulation.
- 13 (c) Department of Aviation.
- 14 (d) Department of Rural and Municipal Aid.
- 15 1. Office of Local Programs.
- 16 2. Office of Rural and Secondary Roads.
- 17 (e) Office of the Secretary.
- 18 1. Office of Public Affairs.
- 19 2. Office for Civil Rights and Small Business Development.
- 20 3. Office of Budget and Fiscal Management.
- 21 4. Office of Inspector General.
- 22 (f) Office of Support Services.
- 23 (g) Office of Transportation Delivery.
- 24 (h) Office of Audits.
- 25 (i) Office of Human Resource Management.
- 26 (j) Office of Information Technology.
- 27 (k) Office of Legal Services.

- 1 (7) Cabinet for Economic Development:
- 2 (a) Office of the Secretary.
- 3 1. Office of Legal Services.
- 4 2. Department for Business Development.
- 5 3. Department for Financial Services.
- 6 a. Kentucky Economic Development Finance Authority.
- 7 b. Finance and Personnel Division.
- 8 c. IT and Resource Management Division.
- 9 d. Compliance Division.
- 10 e. Incentive Administration Division.
- 11 f. Bluegrass State Skills Corporation.
- 12 4. Office of Marketing and Public Affairs.
- 13 a. Communications Division.
- 14 b. Graphics Design Division.
- 15 5. Office of Workforce, Community Development, and Research.
- 16 6. Office of Entrepreneurship.
- 17 a. Commission on Small Business Advocacy.
- 18 (8) Cabinet for Health and Family Services:
- 19 (a) Office of the Secretary.
- 20 (b) Office of Health Policy.
- 21 (c) Office of Legal Services.
- 22 (d) Office of Inspector General.
- 23 (e) Office of Communications and Administrative Review.
- 24 (f) Office of the Ombudsman.
- 25 (g) Office of Finance and Budget.
- 26 (h) Office of Human Resource Management.
- 27 (i) Office of Administrative and Technology Services.

- 1 (j) Department for Public Health.
- 2 (k) Department for Medicaid Services.
- 3 (l) Department for Behavioral Health, Developmental and Intellectual
- 4 Disabilities.
- 5 (m) Department for Aging and Independent Living.
- 6 (n) Department for Community Based Services.
- 7 (o) Department for Income Support.
- 8 (p) Department for Family Resource Centers and Volunteer Services.
- 9 (q) Office for Children with Special Health Care Needs.
- 10 (r) Governor's Office of Electronic Health Information.
- 11 (s) Office of Legislative and Regulatory Affairs.
- 12 (9) Finance and Administration Cabinet:
- 13 (a) Office of the Secretary.
- 14 (b) Office of the Inspector General.
- 15 (c) Office of Legislative and Intergovernmental Affairs.
- 16 (d) Office of General Counsel.
- 17 (e) Office of the Controller.
- 18 (f) Office of Administrative Services.
- 19 (g) Office of Policy and Audit.
- 20 (h) Department for Facilities and Support Services.
- 21 (i) Department of Revenue.
- 22 (j) Commonwealth Office of Technology.
- 23 (k) State Property and Buildings Commission.
- 24 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 25 (m) Kentucky Employees Retirement Systems.
- 26 (n) Commonwealth Credit Union.
- 27 (o) State Investment Commission.

- 1 (p) Kentucky Housing Corporation.
- 2 (q) Kentucky Local Correctional Facilities Construction Authority.
- 3 (r) Kentucky Turnpike Authority.
- 4 (s) Historic Properties Advisory Commission.
- 5 (t) Kentucky Tobacco Settlement Trust Corporation.
- 6 (u) Kentucky Higher Education Assistance Authority.
- 7 (v) Kentucky River Authority.
- 8 (w) Kentucky Teachers' Retirement System Board of Trustees.
- 9 (x) Executive Branch Ethics Commission.
- 10 (10) Tourism, Arts and Heritage Cabinet:
- 11 (a) Kentucky Department of Tourism.
- 12 1. Division of Tourism Services.
- 13 2. Division of Marketing and Administration.
- 14 3. Division of Communications and Promotions.
- 15 (b) Kentucky Department of Parks.
- 16 1. Division of Information Technology.
- 17 2. Division of Human Resources.
- 18 3. Division of Financial Operations.
- 19 4. Division of Facilities Management.
- 20 5. Division of Facilities Maintenance.
- 21 6. Division of Customer Services.
- 22 7. Division of Recreation.
- 23 8. Division of Golf Courses.
- 24 9. Division of Food Services.
- 25 10. Division of Rangers.
- 26 11. Division of Resort Parks.
- 27 12. Division of Recreational Parks and Historic Sites.

- 1 (c) Department of Fish and Wildlife Resources.
- 2 1. Division of Law Enforcement.
- 3 2. Division of Administrative Services.
- 4 3. Division of Engineering, Infrastructure, and Technology.
- 5 4. Division of Fisheries.
- 6 5. Division of Information and Education.
- 7 6. Division of Wildlife.
- 8 7. Division of Marketing.
- 9 (d) Kentucky Horse Park.
- 10 1. Division of Support Services.
- 11 2. Division of Buildings and Grounds.
- 12 3. Division of Operational Services.
- 13 (e) Kentucky State Fair Board.
- 14 1. Office of Administrative and Information Technology Services.
- 15 2. Office of Human Resources and Access Control.
- 16 3. Division of Expositions.
- 17 4. Division of Kentucky Exposition Center Operations.
- 18 5. Division of Kentucky International Convention Center.
- 19 6. Division of Public Relations and Media.
- 20 7. Division of Venue Services.
- 21 8. Division of Personnel Management and Staff Development.
- 22 9. Division of Sales.
- 23 10. Division of Security and Traffic Control.
- 24 11. Division of Information Technology.
- 25 12. Division of the Louisville Arena.
- 26 13. Division of Fiscal and Contract Management.
- 27 14. Division of Access Control.

- 1 (f) Office of the Secretary.
- 2 1. Office of Finance.
- 3 2. Office of Government Relations and Administration.
- 4 3. Office of Film and Tourism Development.
- 5 (g) Office of Legal Affairs.
- 6 (h) Office of Human Resources.
- 7 (i) Office of Public Affairs and Constituent Services.
- 8 (j) Office of Arts and Cultural Heritage.
- 9 (k) Kentucky African-American Heritage Commission.
- 10 (l) Kentucky Foundation for the Arts.
- 11 (m) Kentucky Humanities Council.
- 12 (n) Kentucky Heritage Council.
- 13 (o) Kentucky Arts Council.
- 14 (p) Kentucky Historical Society.
- 15 1. Division of Museums.
- 16 2. Division of Oral History and Educational Outreach.
- 17 3. Division of Research and Publications.
- 18 4. Division of Administration.
- 19 (q) Kentucky Center for the Arts.
- 20 1. Division of Governor's School for the Arts.
- 21 (r) Kentucky Artisans Center at Berea.
- 22 (s) Northern Kentucky Convention Center.
- 23 (t) Eastern Kentucky Exposition Center.
- 24 (11) Personnel Cabinet:
- 25 (a) Office of the Secretary.
- 26 (b) Department of Human Resources Administration.
- 27 (c) Office of Employee Relations.

- 1 (d) Kentucky Public Employees Deferred Compensation Authority.
- 2 (e) Office of Administrative Services.
- 3 (f) Office of Legal Services.
- 4 (g) Governmental Services Center.
- 5 (h) Department of Employee Insurance.
- 6 (i) Office of Diversity, Equality, and Training.
- 7 (j) Office of Public Affairs.

8 III. Other departments headed by appointed officers:

- 9 (1) Council on Postsecondary Education.
- 10 (2) Department of Military Affairs.
- 11 (3) Department for Local Government.
- 12 (4) Kentucky Commission on Human Rights.
- 13 (5) Kentucky Commission on Women.
- 14 (6) Department of Veterans' Affairs.
- 15 (7) Kentucky Commission on Military Affairs.
- 16 (8) Office of Minority Empowerment.
- 17 (9) Governor's Council on Wellness and Physical Activity.
- 18 (10) Kentucky Communications Network Authority.

19 ➔Section 13. KRS 18A.115 is amended to read as follows:

- 20 (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise
21 all positions in the state service now existing or hereafter established, except the
22 following:
 - 23 (a) The General Assembly and employees of the General Assembly, including the
24 employees of the Legislative Research Commission;
 - 25 (b) Officers elected by popular vote and persons appointed to fill vacancies in
26 elective offices;
 - 27 (c) Members of boards and commissions;

- 1 (d) Officers and employees on the staff of the Governor, the Lieutenant Governor,
2 the Office of the Secretary of the Governor's Cabinet, and the Office of
3 Program Administration;
- 4 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads
5 of all boards and commissions, including the executive director of Kentucky
6 Educational Television~~[and the executive director and deputy executive
7 director of the Education Professional Standards Board]~~;
- 8 (f) Employees of Kentucky Educational Television who have been determined to
9 be exempt from classified service by the Kentucky Authority for Educational
10 Television, which shall have sole authority over such exempt employees for
11 employment, dismissal, and setting of compensation, up to the maximum
12 established for the executive director and his principal assistants;
- 13 (g) One (1) principal assistant or deputy for each person exempted under
14 subsection (1)(e) of this section;
- 15 (h) One (1) additional principal assistant or deputy as may be necessary for
16 making and carrying out policy for each person exempted under subsection
17 (1)(e) of this section in those instances in which the nature of the functions,
18 size, or complexity of the unit involved are such that the secretary approves
19 such an addition on petition of the relevant cabinet secretary or department
20 head and such other principal assistants, deputies, or other major assistants as
21 may be necessary for making and carrying out policy for each person
22 exempted under subsection (1)(e) of this section in those instances in which
23 the nature of the functions, size, or complexity of the unit involved are such
24 that the board may approve such an addition or additions on petition of the
25 department head approved by the secretary. Effective August 1, 2010:
- 26 1. All positions approved under this paragraph prior to August 1, 2010,
27 shall be abolished effective December 31, 2010, unless reapproved

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

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

1 service, revert to a position in that class in the agency from which they were
2 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be
3 considered for employment in any vacant position for which they were qualified
4 pursuant to KRS 18A.130 and 18A.135.

5 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing
6 officers from filling unclassified positions in the manner in which positions in the
7 classified service are filled except as otherwise provided in KRS 18A.005 to
8 18A.200.

9 (6) The positions of employees who are transferred, effective July 1, 1998, from the
10 Cabinet for Workforce Development to the Kentucky Community and Technical
11 College System shall be abolished and the employees' names removed from the
12 roster of state employees. Employees that are transferred, effective July 1, 1998, to
13 the Kentucky Community and Technical College System under KRS Chapter 164
14 shall have the same benefits and rights as they had under KRS Chapter 18A and
15 have under KRS 164.5805; however, they shall have no guaranteed reemployment
16 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An
17 employee who seeks reemployment in a state position under KRS Chapter 151B or
18 KRS Chapter 18A shall have years of service in the Kentucky Community and
19 Technical College System counted towards years of experience for calculating
20 benefits and compensation.

21 (7) On August 15, 2000, all certified and equivalent personnel, all unclassified
22 personnel, and all certified and equivalent and unclassified vacant positions in the
23 Department for Adult Education and Literacy shall be transferred from the
24 personnel system under KRS Chapter 151B to the personnel system under KRS
25 Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel
26 system. All records shall be transferred including accumulated annual leave, sick
27 leave, compensatory time, and service credit for each affected employee. The

1 personnel officers who administer the personnel systems under KRS Chapter 151B
2 and KRS Chapter 18A shall exercise the necessary administrative procedures to
3 effect the change in personnel authority. No certified or equivalent employee in the
4 Department for Adult Education and Literacy shall suffer any penalty in the
5 transfer.

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

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

23 ➔Section 14. KRS 151B.134 is amended to read as follows:

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

27 (2) The board shall be composed of:

- 1 (a) The commissioner of the Department of Education or designee;
- 2 (b) ~~[The executive director of the Education Professional Standards Board or~~
3 ~~designee;~~
- 4 ~~(c)]~~The president of the Council on Postsecondary Education or designee;
- 5 (c)~~(d)~~ The secretary of the Education and Workforce Development Cabinet or
6 designee; and
- 7 (d)~~(e)~~ The executive director of the Kentucky Higher Education Assistance
8 Authority.
- 9 (3) The duties and functions of the board shall be to:
- 10 (a) Develop a detailed data access and use policy for requests that shall include
11 but not be limited to the following:
- 12 1. Direct access to data in the Kentucky Longitudinal Data System shall be
13 restricted to authorized staff of the office;
- 14 2. Data or information that may result in any individual or employer being
15 identifiable based on the size or uniqueness of the population under
16 consideration may not be reported in any form by the office; and
- 17 3. The office may not release data or information if disclosure is prohibited
18 under relevant federal or state privacy laws;
- 19 (b) Establish the research agenda of the office;
- 20 (c) Make nominations to the Governor for the appointment of an executive
21 director;
- 22 (d) Oversee compliance by the office with the federal Family Educational Rights
23 and Privacy Act, 20 U.S.C. sec. 1232g, and other relevant federal and state
24 privacy laws;
- 25 (e) Ensure that reports generated by the Office for Education and Workforce
26 Statistics are distributed to appropriate personnel within the agencies
27 represented by the board members; and

1 (f) Provide general oversight of the office.

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

4 (5) The board shall meet at least semiannually and at other times upon the call of the
5 chair. The meetings shall be subject to the open meetings requirements of KRS
6 61.800 to 61.850 and 61.991.

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

9 ➔Section 15. KRS 156.553 is amended to read as follows:

10 (1) The teachers' professional growth fund is hereby created to provide teachers with
11 high quality professional development in content knowledge in mathematics,
12 reading, science, language arts, social studies, arts and humanities, practical living,
13 vocational studies, and foreign languages; classroom-based screening, diagnostic,
14 assessment, and intervention strategies; and teaching methodologies, including
15 professional development that may lead to additional certification endorsements or
16 renewal of certification. Based on available funds, student achievement data, and
17 teacher data, the Kentucky Board of Education shall annually determine the priority
18 for content emphasis based on the greatest needs.

19 (2) (a) The fund may provide moneys to teachers for:

20 1. Tuition reimbursement for successful completion of college or
21 university level courses, including on-line courses and seminars,
22 approved for this purpose by the Education Professional Standards
23 Board;

24 2. Stipends for participation in and successful completion of:

25 a. College or university courses, including on-line courses and
26 seminars, approved for this purpose by the Education Professional
27 Standards Board;

- 1 b. Teacher institutes developed for core content instructors by the
2 Department of Education in compliance with KRS 156.095; and
- 3 c. Other professional development programs approved by the
4 Kentucky Department of Education, including professional
5 development for teachers participating in grants awarded by the
6 Middle School Mathematics and Science Scholars Program
7 established under KRS 158.848;
- 8 3. Reimbursement for the purchase of materials required for professional
9 development programs; and
- 10 4. Reimbursement for other approved professional development activities
11 throughout the school year, including reimbursement for:
- 12 a. Travel to and from professional development workshops; and
13 b. Travel to and from other schools for the observation of, and
14 consultation with, peer mentors; or
- 15 (b) The fund may be used to provide grants to local school districts to support
16 staff participation in specific, statewide initiatives for the professional
17 development of teachers and administrators in specific content areas as
18 established by the Kentucky Department of Education and the Kentucky
19 Board of Education under the provisions of subsections (4), (5), and (6) of this
20 section and referenced in KRS 158.842.
- 21 (c) The fund may be used to provide grants to colleges and universities to plan
22 and develop statewide professional development institutes and other
23 professional development services.
- 24 (d) The fund may be used to provide grants to local school districts, to colleges
25 and universities, or other entities to assist the Kentucky Department of
26 Education in evaluating costs and the effectiveness of activities and initiatives
27 established under this section.

- 1 (3) The Education Professional Standards Board shall determine the college and
2 university courses, including on-line courses and seminars, for which teachers may
3 receive reimbursement from the fund.
- 4 (4) The Department of Education shall:
- 5 (a) Administer the fund. In order to process reimbursements to teachers promptly,
6 the reimbursements shall not be subject to KRS 45A.690 to 45A.725;
- 7 (b) Determine the professional development programs for which teachers may
8 receive reimbursement, or districts or colleges and universities may receive
9 grants, from the fund;
- 10 (c) Determine the level of stipend or reimbursement, subject to the availability of
11 appropriated funds, for particular courses and programs, under subsection (2)
12 of this section; and
- 13 (d) Provide an accounting of fund expenditures and results of the use of the funds
14 for each biennium to the Interim Joint Committee on Education by November
15 1 of each odd-numbered year.
- 16 (5) The professional development programs approved by the Department of Education
17 for which teachers may receive support from the fund shall:
- 18 (a) Focus on improving the content knowledge of teachers;
- 19 (b) Provide training in the use of research-based and developmentally appropriate
20 classroom-based screening, diagnostic, assessment, and intervention
21 strategies;
- 22 (c) Provide instruction on teaching methods to effectively impart content
23 knowledge to all students;
- 24 (d) Include intensive training institutes and workshops during the summer;
- 25 (e) Provide programs for the ongoing support of teacher participants throughout
26 the year, which may include:
- 27 1. A peer coaching or mentoring, and assessment program; and

- 1 2. Planned activities, including:
- 2 a. Follow-up workshops; and
- 3 b. Support networks of teachers of the core disciplines using
- 4 technologies, including but not limited to telephone, video, and on-
- 5 line computer networks;
- 6 (f) Provide teacher participants with professional development credit toward
- 7 renewal of certification under the provisions of KRS 161.095, relating to
- 8 continuing education for teachers; and
- 9 (g) Provide teacher participants with the opportunity to obtain certificate
- 10 endorsements or extensions in critical shortage areas, with priority given to
- 11 mathematics and science through 2016, and in core content areas to their
- 12 existing certifications through the TC-HQ process, established by the
- 13 Education Professional Standards Board to meet the requirements of the No
- 14 Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq.
- 15 (6) The Kentucky Board of Education shall specify through promulgation of
- 16 administrative regulations:
- 17 (a) The application and approval process for receipt of funds;
- 18 (b) The requirements and process for the disbursal of funds; and
- 19 (c) The number of each kind of approved course for which applicants may receive
- 20 funds.
- 21 (7) Notwithstanding any other provisions to the contrary, a local school board may
- 22 advance the funds necessary for its teachers to participate in a college course or
- 23 professional development seminar or activity approved by the Kentucky Department
- 24 of Education and the Education Professional Standards Board under provisions of
- 25 this section and receive reimbursement from the department at the conclusion of the
- 26 activity or course by the teacher. If funds are advanced for the benefit of a teacher
- 27 under this subsection, but the teacher does not fulfill his or her obligation, the

1 teacher shall reimburse the school district for the funds expended by the district on
2 the teacher's behalf.

3 (8) Notwithstanding the provisions of KRS 45.229, unexpended funds in the teachers'
4 professional growth fund in the 2000-2001 fiscal year or in any subsequent fiscal
5 year shall not lapse but shall carry forward to the next fiscal year and shall be used
6 for the purposes established in subsections (1) and (2) of this section.

7 (9) Notwithstanding any provisions of this section to the contrary, beginning June 1,
8 2006, through the 2009-2010 school year, priority for the use of funds from the
9 teachers' professional growth fund shall be used to train and support teams of
10 teachers from all school levels to be trained as reading coaches and mentors or as
11 mathematics coaches and mentors in statewide institutes referenced in KRS 158.840
12 and 158.842, and for selected teachers to be highly trained in providing diagnostic
13 assessment and intervention services for students in the primary program struggling
14 with mathematics.

15 (a) The design of the statewide mathematics institutes to train mathematics
16 coaches and mentors shall be developed by the Committee for Mathematics
17 Achievement established in KRS 158.842. The committee shall provide
18 recommendations to the Kentucky Department of Education and the Kentucky
19 Board of Education in the preparation of administrative regulations that may
20 be promulgated by the board to implement the provisions of this subsection
21 relating to mathematics.

22 (b) The design of the professional development program to provide highly trained
23 mathematics intervention teachers in the primary program shall be developed
24 by the Center for Mathematics in collaboration with public and private
25 institutions of postsecondary education.

26 (c) The development of the statewide program to train reading coaches and
27 mentors shall be coordinated by the Kentucky Department of Education with

1 recommendations from the Collaborative Center for Literacy Development,
2 established in KRS 164.0207, and the Read to Achieve Council~~reading~~
3 ~~steering committee~~ established in KRS 158.794. The design of the program
4 shall reflect a consensus of the agencies involved in the development of the
5 program. The training program for reading coaches and mentors shall
6 complement other statewide reading initiatives, funded with state and federal
7 funds, and shall give priority to teachers in grades four (4) through twelve
8 (12). The program shall be implemented no later than June 1, 2006. The board
9 shall promulgate administrative regulations required to implement the
10 provisions of this subsection relating to reading.

11 (10) Notwithstanding any provision of this section to the contrary, beginning June 1,
12 2010, through the 2015-2016 school year, priority for the use of funds from the
13 teachers' professional growth fund shall be for the purpose of increasing the number
14 of certified teachers with extensions or endorsements in mathematics and science as
15 described in subsection (5)(g) of this section.

16 ➔Section 16. KRS 158.792 is amended to read as follows:

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

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

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

27 (c) "Reading intervention program" means short-term intensive instruction in the

1 essential skills necessary to read proficiently that is provided to a student by a
2 highly trained teacher. This instruction may be conducted one-on-one or in
3 small groups; shall be research-based, reliable, and replicable; and shall be
4 based on the ongoing assessment of individual student needs.

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

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

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

25 (3) (a) The Kentucky Board of Education shall promulgate administrative
26 regulations, based on recommendations from the secretary of the Education
27 and Workforce Development Cabinet, the *Read to Achieve Council*~~[Reading~~

1 ~~Diagnostic and Intervention Grant Steering Committee~~ established in KRS
2 158.794, and the Collaborative Center for Literacy Development established
3 in KRS 164.0207 to:

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

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

- 24 1. A research-based comprehensive schoolwide reading program will be
25 available;
- 26 2. Intervention services will supplement, not replace, regular classroom
27 instruction;

- 1 3. Intervention services will be provided to struggling primary program
2 readers within the school based upon ongoing assessment of their needs;
3 and
4 4. A system for informing parents of struggling readers of the available
5 family literacy services within the district will be established.
- 6 (4) In order to qualify for funding, the school council, or if none exists, the principal or
7 the superintendent of schools, shall allocate matching funds required by grant
8 recipients under subsection (3) of this section. Funding for professional
9 development allocated to the school council under KRS 160.345 and for continuing
10 education under KRS 158.070 may be used as part of the school's match.
- 11 (5) The Department of Education shall make available to schools:
- 12 (a) Information concerning successful, research-based comprehensive reading
13 programs, diagnostic tools for pre- and post-assessment, and intervention
14 programs, from the Collaborative Center for Literacy Development created
15 under KRS 164.0207;
- 16 (b) Strategies for successfully implementing early reading programs, including
17 professional development support and the identification of funding sources;
18 and
- 19 (c) A list of professional development providers offering teacher training related
20 to reading that emphasizes the essential components for successful reading:
21 phonemic awareness, phonics, fluency, vocabulary, comprehension, and
22 connections between writing and reading acquisition and motivation to read.
- 23 (6) The Department of Education shall submit a report to the Interim Joint Committee
24 on Education no later than September 1 of each year outlining the use of grant
25 funds. The report shall also include comparisons of the overall costs and
26 effectiveness of intervention programs. The annual report for an odd-numbered year
27 shall include an estimate of the cost to expand the reading diagnostic and

1 intervention grant program.

2 ➔Section 17. KRS 158.842 is amended to read as follows:

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

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

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

8 (c) "Mathematics coach" means a mathematics leader whose primary
9 responsibility is to provide ongoing support for one (1) or more mathematics
10 teachers. The role of the coach is to improve mathematics teaching practices
11 by working with teachers in their classrooms, observing and providing
12 feedback to them, modeling appropriate teaching practices, conducting
13 workshops or institutes, establishing learning communities, and gathering
14 appropriate and useful resources;

15 (d) "Mathematics diagnostic assessment" means an assessment that identifies a
16 student at risk of failure in mathematics or a student with major deficits in
17 numeracy and other mathematical concepts and skills;

18 (e) "Mathematics intervention program" means an intensive instructional program
19 that is based on valid research and is provided by a highly trained teacher to
20 specifically meet individual students' needs;

21 (f) "Mathematics leader" means any educator with a specialization in
22 mathematics who:

23 1. Serves in a supervisory capacity, such as mathematics department chair,
24 school-based mathematics specialist, or district mathematics supervisor
25 or coordinator; or

26 2. Regularly conducts or facilitates teacher professional development, such
27 as higher education faculty or other mathematics teachers;

- 1 (g) "Mathematics mentor" means an experienced mathematics coach who
2 typically works with beginning or novice teachers only. The responsibilities
3 and roles of the mentor are the same as those of the coach;
- 4 (h) "Numeracy" means the development of the basic concepts which include
5 counting, place value, addition and subtraction strategies, multiplication and
6 division strategies, and the concepts of time, money, and length. To be
7 numerate is to have and be able to use appropriate mathematical knowledge,
8 concepts, skills, intuition, and experience in relationship to every day life;
- 9 (i) "Relationships" means connections of mathematical concepts and skills within
10 mathematics; and
- 11 (j) "Skills" means actions of mathematics.
- 12 (2) The Committee for Mathematics Achievement is hereby created for the purposes of
13 developing a multifaceted strategic plan to improve student achievement in
14 mathematics at all levels of schooling, prekindergarten through postsecondary and
15 adult. At a minimum the plan shall address:
- 16 (a) Challenging curriculum that is aligned prekindergarten through postsecondary,
17 including consensus among high school teachers and postsecondary education
18 faculty about expectations, curriculum, and assessment;
- 19 (b) Attitudes and beliefs of teachers about mathematics;
- 20 (c) Teachers' knowledge of mathematics;
- 21 (d) Diagnostic assessment, intervention services, and instructional strategies;
- 22 (e) Shortages of teachers of mathematics, including incentives to attract strong
23 candidates to mathematics teaching;
- 24 (f) Statewide institutes that prepare cadres of mathematics leaders in local school
25 districts, which may include highly skilled retired mathematics teachers, to
26 serve as coaches and mentors in districts and schools;
- 27 (g) Cohesive continuing education options for experienced mathematics

1 classroom teachers;

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

3 (i) Curriculum expectations and assessments of students among the various
4 school levels, prekindergarten, primary, elementary, middle, and high school;

5 (j) Content standards for adult education centers providing mathematics
6 curricula;

7 (k) Introductory postsecondary education mathematics courses that are
8 appropriate to the wide array of academic programs and majors;

9 (l) Research to analyze further the issues of transition from high school or High
10 School Equivalency Diploma programs to postsecondary education
11 mathematics; and

12 (m) The early mathematics testing program under KRS 158.803.

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

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

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

25 1. Define the curricula focus;

26 2. Build on the expertise of specific colleges and universities;

27 3. Place emphasis on mathematics concepts, skills and relationships,

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

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

1 Kentucky Adult Education;

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

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

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

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

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

22 (7) A temporary chair of the committee shall be appointed prior to the first meeting of
23 the committee through consensus of the president of the Council on Postsecondary
24 Education and the commissioner of education, to serve ninety (90) days after his or
25 her appointment. Prior to the end of the ninety (90) days, the committee shall elect a
26 chair by majority vote. The temporary chair may be a nominee for the chair by
27 majority vote. Thereafter, a chair shall be elected each calendar year. An individual

1 may not serve as chair for more than three (3) consecutive years. The chair shall be
2 the presiding officer of the committee, and coordinate the functions and activities of
3 the committee.

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

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

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

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

- 1 (12) The committee shall:
- 2 (a) Present a draft strategic plan addressing the requirements in subsection (1) of
- 3 this section and other issues that arose during the work of the committee to the
- 4 Education Assessment and Accountability Review Subcommittee no later than
- 5 August 2005;
- 6 (b) Present the strategic plan for improving mathematics achievement to the
- 7 Interim Joint Committee on Education by July 15, 2006, which shall include
- 8 any recommendations that require legislative action; and
- 9 (c) Provide a final written report of committee activities to the Interim Joint
- 10 Committee on Education and the Legislative Research Commission by
- 11 December 1, 2006.
- 12 (13) The committee shall have ongoing responsibility for providing advice and guidance
- 13 to policymakers in the development of statewide policies and in the identification
- 14 and allocation of resources to improve mathematics achievement. In carrying out
- 15 this responsibility, the committee shall periodically review the strategic plan and
- 16 make modifications as deemed appropriate and report those to the Interim Joint
- 17 Committee on Education.
- 18 (14) The committee shall collaborate with the Center for Mathematics to ensure that
- 19 there is ongoing identification of research-based intervention programs for K-12
- 20 students who have fallen behind in mathematics, rigorous mathematics curricula
- 21 that prepare students for the next level of schooling, research-based professional
- 22 development models that prepare teachers in mathematics and pedagogy, and
- 23 strategies for closing the gap between high school or a High School Equivalency
- 24 Diploma program and postsecondary mathematics preparation.
- 25 ➔Section 18. KRS 161.100 is amended to read as follows:
- 26 When a district board of education satisfies the Education Professional Standards Board
- 27 that it is impossible to secure qualified teachers for a position in a school under the

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

11 ➔Section 19. KRS 161.126 is amended to read as follows:

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

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

21 ➔Section 20. The following KRS section is repealed:

22 160.158 Council for Community Education -- Membership -- Bylaws -- Officers --
23 Meetings -- Reimbursement of expenses.

24 ➔Section 21. All personnel, records, files, equipment, and funds of the
25 Educational Professional Standards Board shall be transferred to the Kentucky
26 Department of Education in accordance with Section 7 of this Act.

27 ➔Section 22. All members serving on the boards and councils reorganized under

1 Executive Order 2018-581, dated July 13, 2018, shall continue to serve on the respective
2 board or council for the remainder of their terms as they existed immediately prior to the
3 issuance of the Executive Order, except for members serving on the Standards and
4 Assessment Process Review Committee prior to the issuance of the Executive Order.

5 ➔Section 23. Notwithstanding KRS 12.028(5), the General Assembly confirms:

- 6 (1) Executive Order 2018-581, dated July 13, 2018, relating to the reorganization
7 of various education boards, to the extent not otherwise confirmed or superseded by this
8 Act, except the reorganization of the Center for School Safety is not confirmed;
- 9 (2) Section II of Executive Order 2018-597, dated July 23, 2018, relating to the
10 reorganization of the Education Professional Standards Board, to the extent not otherwise
11 confirmed or superseded by this Act; and
- 12 (3) Executive Order 2018-653, dated August 1, 2018, to the extent not otherwise
13 confirmed or superseded by this Act.