

1 AN ACT relating to the Kentucky Board of Education and declaring an emergency.

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

3 ➔Section 1. KRS 156.029 is amended to read as follows:

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

19 (2) Appointments ***to the board*** shall be made without reference to occupation;~~;~~ ***reflect***
20 ***equal representation of the two (2) sexes, inasmuch as possible; reflect no less***
21 ***than proportional representation of the two (2) leading political parties of the***
22 ***Commonwealth based on the state's voter registration and the political affiliation***
23 ***of each appointee as of December 31 of the year preceding the date of his or her***
24 ***appointment; and reflect the minority racial composition of the Commonwealth***
25 ***based on the total minority racial population using the most recent census or***
26 ***estimate data from the United States Census Bureau. If the determination of***
27 ***proportional minority representation does not result in a whole number of***

1 minority members, it shall be rounded up to the next whole number. A particular
 2 political affiliation shall not be a prerequisite to appointment to the board
 3 generally; however, if any person is appointed to the board that does not
 4 represent either of the two (2) leading political parties of the Commonwealth, the
 5 proportional representation by political affiliation requirement shall be
 6 determined and satisfied based on the total number of members on the board less
 7 any members not affiliated with either of the two (2) leading political
 8 parties[political affiliation, or similar consideration]. No member at the time of his
 9 appointment or during the term of his service shall be engaged as a professional
 10 educator. Pursuant to KRS 63.080, a member shall not be removed except for cause.
 11 Notwithstanding KRS 12.028, the board shall not be subject to reorganization by
 12 the Governor.

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

18 (4) At the first regular meeting of the board in each fiscal year, a chairperson shall be
 19 elected from its voting membership.

20 (5) The members shall be reimbursed for actual and necessary expenses incurred in the
 21 performance of their duties.

22 (6) The commissioner of education shall serve as the executive secretary to the board.

23 (7) The primary function of the board shall be to develop and adopt policies and
 24 administrative regulations, with the advice of the Local Superintendents Advisory
 25 Council, by which the Department of Education shall be governed in planning,
 26 coordinating, administering, supervising, operating, and evaluating the educational
 27 programs, services, and activities within the Department of Education which are

1 within the jurisdiction of the board.

2 ➔Section 2. KRS 156.040 is amended to read as follows:

3 (1) As used in this section, "relative" means father, mother, brother, sister, husband,
4 wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.

5 (2) A member of the Kentucky Board of Education shall:

6 (a) Be at least thirty (30) years of age;

7 (b) Have at least an associate degree or its equivalent;

8 (c) Have been a resident of Kentucky for at least three (3) years preceding the
9 member's appointment;

10 (d) Not hold a state office requiring the constitutional oath;

11 (e) Not be a member of the General Assembly;

12 (f) Not hold or discharge the duties of any civil or political office, deputyship, or
13 agency under the city or county of his or her residence;

14 (g) Not be directly or indirectly interested in the sale to the Kentucky Board of
15 Education or the Department of Education of books, stationery, or any other
16 property, materials, supplies, equipment, or services for which board or
17 department funds are expended;

18 (h) Not have a relative as defined in subsection (1) of this section who is
19 employed by the Department of Education;

20 (i) Not have been removed from the board for cause; and

21 (j) Not be engaged as an elementary or secondary education professional
22 educator.

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

25 ➔Section 3. Executive Order 2019-002, dated December 10, 2019, relating to the
26 reorganization of the Kentucky Board of Education is not confirmed and the
27 confirmations of the Kentucky Board of Education members appointed by Executive

1 Order 2019-002 are declined in accordance therewith.

2 ➔Section 4. Initial appointments made to the Kentucky Board of Education after
3 the effective date of this Act shall take office upon appointment by the Governor.

4 ➔Section 5. Notwithstanding KRS 11.160(1)(h), members appointed to the
5 Kentucky Board of Education in Executive Order 2019-002 who were declined to be
6 confirmed by this Act may be considered for future appointment to the Kentucky Board
7 of Education subject to board membership eligibility requirements, including the
8 proportional representation requirements in Section 1 of this Act.

9 ➔Section 6. Because the General Assembly has made changes to the proportional
10 representation requirements of the Kentucky Board of Education in Section 1 of this Act
11 that are important to ensuring public confidence in the Board and in the Commonwealth's
12 commitment to public education, an emergency is declared to exist, and this Act takes
13 effect upon its passage and approval by the Governor or upon its otherwise becoming a
14 law.