

# FREE CONFERENCE COMMITTEE REPORT

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The Free Conference Committee on **HB 178** has met as provided in the Rules of the House and Senate and hereby reports the following to be adopted:

  X   GA        SCS        HCS

For the above-referenced bill, with these amendments (if applicable):

Committee (list by chamber and number):       ;

Floor (list by chamber and number):       ; and

The following Free Conference Committee action:

Beginning on page 1, line 3, through page 3, line 13, delete Section 1 of the bill in its entirety and in lieu thereof insert the following:

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

- (1) There is hereby established a Kentucky Board of Education, which shall consist of eleven (11) **voting** members appointed by the Governor and confirmed by the Senate ~~and the House of Representatives~~ of the General Assembly, with the president of the Council on Postsecondary Education ***and the secretary of the Education and Workforce Development Cabinet*** serving as ~~an~~ ex officio nonvoting ***members, and an active public elementary or secondary school teacher and a public high school student appointed by the board as described in subsection (3) of this section serving as nonvoting members***~~member~~. Seven (7) **voting** members shall represent each of the Supreme Court districts as established by KRS 21A.010, and four (4) **voting** members shall represent the state at large. Each of the **voting**~~appointed~~ members shall serve for a four (4) year term, except the initial appointments shall be as follows: the seven (7) members representing Supreme Court districts shall serve a term which shall expire on April 14, 1994; and the four (4) at-large members shall serve a term which shall expire on April 14, 1992. Subsequent appointments

1 shall be submitted to the Senate ~~and to the House of Representatives~~ for confirmation in  
2 accordance with KRS 11.160. ~~Each appointment by the Governor shall be agreed upon by~~  
3 ~~both chambers in order for the person to be confirmed. Each confirmed appointee shall take~~  
4 ~~office on April 15.~~

- 5 (2) Appointments *of the voting members* shall be made without reference to occupation~~,~~  
6 ~~political affiliation, or similar consideration~~. No *voting* member at the time of his  
7 appointment or during the term of his service shall be engaged as a professional educator.  
8 *Beginning with voting members appointed on or after the effective date of this Act,*  
9 *appointments to the group of members representing Supreme Court districts and to the*  
10 *group of at-large members, respectively, shall reflect equal representation of the two (2)*  
11 *sexes, inasmuch as possible; reflect no less than proportional representation of the two*  
12 *(2) leading political parties of the Commonwealth based on the state's voter registration*  
13 *and the political affiliation of each appointee as of December 31 of the year preceding*  
14 *the date of his or her appointment; and reflect the minority racial composition of the*  
15 *Commonwealth based on the total minority racial population using the most recent*  
16 *census or estimate data from the United States Census Bureau. If the determination of*  
17 *proportional minority representation does not result in a whole number of minority*  
18 *members, it shall be rounded up to the next whole number. A particular political*  
19 *affiliation shall not be a prerequisite to appointment to the board generally; however, if*  
20 *any person is appointed to the board that does not represent either of the two (2) leading*  
21 *political parties of the Commonwealth, the proportional representation by political*  
22 *affiliation requirement shall be determined and satisfied based on the total number of*  
23 *members on the board less any members not affiliated with either of the two (2) leading*  
24 *political parties.* Pursuant to KRS 63.080, a member shall not be removed except for cause  
25 *or, beginning with voting members appointed on or after the effective date of this Act, in*  
26 *accordance with subsection (3) of Section 3 of this Act. Notwithstanding KRS 12.028, the*  
27 *board shall not be subject to reorganization by the Governor.*

1 (3) *The nonvoting teacher and student members shall be selected by the board from the*  
2 *state's six (6) congressional districts on a rotating basis from different districts. The*  
3 *public high school student shall be classified as a junior at the time of appointment. The*  
4 *teacher and student members shall serve for a one (1) year term, except the initial*  
5 *appointments shall serve a term which shall expire on April 14, 2022. The board shall*  
6 *promulgate an administrative regulation establishing the process for selecting the*  
7 *nonvoting teacher and student members.*

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

13 ~~(5)~~~~(4)~~ At the first regular meeting of the board in each fiscal year, a chairperson shall be  
14 elected from its voting membership.

15 ~~(6)~~~~(5)~~ The members shall be reimbursed for actual and necessary expenses incurred in the  
16 performance of their duties.

17 ~~(7)~~~~(6)~~ The commissioner of education shall serve as the executive secretary to the board.

18 ~~(8)~~~~(7)~~ The primary function of the board shall be to develop and adopt policies and  
19 administrative regulations, with the advice of the Local Superintendents Advisory Council,  
20 by which the Department of Education shall be governed in planning, coordinating,  
21 administering, supervising, operating, and evaluating the educational programs, services,  
22 and activities within the Department of Education which are within the jurisdiction of the  
23 board."

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