

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 **thirteen (13)**~~eleven (11)~~ voting members, **including a public high school student,**
6 appointed by the Governor and confirmed by the Senate of the General Assembly,
7 with the president of the Council on Postsecondary Education and the secretary of
8 the Education and Workforce Development Cabinet serving as ex officio nonvoting
9 members, and an active public elementary or secondary school teacher~~and a public~~
10 ~~high school student~~ appointed by the board as described in subsection (3) of this
11 section serving as **a** nonvoting ~~member~~~~members~~. **The voting public high school**
12 **student member shall be selected from the state's six (6) congressional districts on**
13 **a rotating basis from different districts. Of the remaining voting members,** seven
14 (7) voting members shall represent each of the Supreme Court districts as
15 established by KRS 21A.010,~~and~~ **five (5)**~~four (4)~~ voting members shall
16 represent the state at large, **and at least two (2) of these members shall have at**
17 **least one (1) child enrolled in a Kentucky public school.** Each of the voting
18 members shall serve for a four (4) year term, except the **public high school student**
19 **shall serve a one (1) year term and shall be a junior at the time of**
20 **appointment**~~initial appointments shall be as follows: the seven (7) members~~
21 ~~representing Supreme Court districts shall serve a term which shall expire on April~~
22 ~~14, 1994; and the four (4) at-large members shall serve a term which shall expire on~~
23 ~~April 14, 1992. Subsequent appointments shall be submitted to the Senate for~~
24 ~~confirmation in accordance with KRS 11.160].~~

25 (2) Appointments of the voting members shall be made without reference to
26 occupation. No voting member at the time of his or her appointment or during the
27 term of his or her service shall be engaged as a professional educator. Beginning

1 with voting members appointed on or after June 29, 2021, appointments to the
2 group of members representing Supreme Court districts and to the group of at-large
3 members, respectively, shall reflect equal representation of the two (2) sexes,
4 inasmuch as possible; reflect no less than proportional representation of the two (2)
5 leading political parties of the Commonwealth based on the state's voter registration
6 and the political affiliation of each appointee as of December 31 of the year
7 preceding the date of his or her appointment; and reflect the minority racial
8 composition of the Commonwealth based on the total minority racial population
9 using the most recent census or estimate data from the United States Census
10 Bureau. If the determination of proportional minority representation does not result
11 in a whole number of minority members, it shall be rounded up to the next whole
12 number. A particular political affiliation shall not be a prerequisite to appointment
13 to the board generally; however, if any person is appointed to the board that does
14 not represent either of the two (2) leading political parties of the Commonwealth,
15 the proportional representation by political affiliation requirement shall be
16 determined and satisfied based on the total number of members on the board less
17 any members not affiliated with either of the two (2) leading political parties.
18 Pursuant to KRS 63.080, a member shall not be removed except for cause or, *for*
19 *the members representing Supreme Court districts and the at-large*
20 *members*~~beginning with voting members appointed on or after June 29, 2021~~, in
21 accordance with KRS 63.080(3). Notwithstanding KRS 12.028, the board shall not
22 be subject to reorganization by the Governor.

23 (3) The nonvoting teacher *member*~~and student members~~ shall be selected by the
24 board from the state's six (6) congressional districts on a rotating basis from
25 different districts. ~~The public high school student shall be classified as a junior at~~
26 ~~the time of appointment.~~ The teacher *member*~~and student members~~ shall serve
27 for a one (1) year term~~, except the initial appointments shall serve a term which~~

1 ~~shall expire on April 14, 2022].~~ The board shall promulgate an administrative
2 regulation establishing the process for selecting the nonvoting teacher member~~and~~
3 ~~student members].~~

4 (4) A vacancy in the voting membership of the board shall be filled by the Governor for
5 the unexpired term with the consent of the Senate. In the event that the General
6 Assembly is not in session at the time of the appointment, the consent of the Senate
7 shall be obtained during the time the General Assembly next convenes.

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

10 (6) The members shall be reimbursed for actual and necessary expenses incurred in the
11 performance of their duties.

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

13 (8) The primary function of the board shall be to develop and adopt policies and
14 administrative regulations, with the advice of the Local Superintendents Advisory
15 Council, by which the Department of Education shall be governed in planning,
16 coordinating, administering, supervising, operating, and evaluating the educational
17 programs, services, and activities within the Department of Education which are
18 within the jurisdiction of the board.

19 ➔Section 2. Because the term of the nonvoting student member serving on the
20 board prior to the effective date of this Act will expire on June 30, 2022, an emergency is
21 declared to exist, and this Act takes effect July 1, 2022.