

1 AN ACT relating to the state management of education and declaring an
2 emergency.

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

4 ➔Section 1. KRS 156.148 is amended to read as follows:

5 (1) ~~[Effective January 1, 1991,]~~The commissioner of education shall be the chief state
6 school officer. He ***or she*** shall possess the professional qualifications determined by
7 the Kentucky Board of Education as appropriate for the office.

8 (2) The commissioner shall:

9 ***(a)*** Be appointed ***or reappointed*** by the Kentucky Board of Education, ***subject to***
10 ***Senate confirmation in accordance with KRS 11.160;***

11 ***(b)*** Serve ***for a term not to exceed four (4) years, unless removed by the***
12 ***Kentucky Board of Education***~~[at the pleasure of the board,];~~ and

13 ***(c)*** Receive compensation as set by the board, the provisions of KRS 64.640
14 notwithstanding.

15 (3) The commissioner of education shall be the executive and administrative officer of
16 the Kentucky Board of Education in its administration of all educational matters
17 and functions placed under its management and control. He ***or she*** shall carry out
18 all duties assigned to him ***or her*** by law; shall execute under the direction of the
19 state board the educational policies, orders, directives, and administrative functions
20 of the board; and shall direct the work of all persons employed in the Department of
21 Education.

22 (4) The commissioner of education shall be reimbursed for all actual and necessary
23 traveling expenses incurred by him ***or her*** in the performance of his ***or her*** duties.

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

25 (1) There is hereby established a Kentucky Board of Education, which shall consist of
26 eleven (11) voting members appointed by the Governor and confirmed by the
27 Senate of the General Assembly, with the president of the Council on

1 Postsecondary Education and the secretary of the Education and Labor Cabinet
2 serving as ex officio nonvoting members, and an active public elementary or
3 secondary school teacher and a public high school student appointed by the board
4 as described in subsection (3) of this section serving as nonvoting members. Seven
5 (7) voting members shall represent each of the Supreme Court districts as
6 established by KRS 21A.010, and four (4) voting members shall represent the state
7 at large. Each of the voting members shall serve for a four (4) year term, except the
8 initial appointments shall be as follows: the seven (7) members representing
9 Supreme Court districts shall serve a term which shall expire on April 14, 1994; and
10 the four (4) at-large members shall serve a term which shall expire on April 14,
11 1992. Subsequent appointments shall be submitted to the Senate for confirmation in
12 accordance with KRS 11.160.

13 (2) Appointments of the voting members shall be made without reference to
14 occupation. No voting member at the time of his or her appointment or during the
15 term of his or her service shall be engaged as a professional educator. Beginning
16 with voting members appointed on or after June 29, 2021, appointments to the
17 group of members representing Supreme Court districts and to the group of at-large
18 members, respectively, shall reflect equal representation of the two (2) sexes,
19 inasmuch as possible; reflect no less than proportional representation of the two (2)
20 leading political parties of the Commonwealth based on the state's voter registration
21 and the political affiliation of each appointee as of December 31 of the year
22 preceding the date of his or her appointment; and reflect the minority racial
23 composition of the Commonwealth based on the total minority racial population
24 using the most recent census or estimate data from the United States Census
25 Bureau. If the determination of proportional minority representation does not result
26 in a whole number of minority members, it shall be rounded up to the next whole
27 number. A particular political affiliation shall not be a prerequisite to appointment

1 to the board generally; however, if any person is appointed to the board that does
2 not represent either of the two (2) leading political parties of the Commonwealth,
3 the proportional representation by political affiliation requirement shall be
4 determined and satisfied based on the total number of members on the board less
5 any members not affiliated with either of the two (2) leading political parties.
6 Pursuant to KRS 63.080, a member shall not be removed except for cause or,
7 beginning with voting members appointed on or after June 29, 2021, in accordance
8 with KRS 63.080(3). Notwithstanding KRS 12.028, the board shall not be subject to
9 reorganization by the Governor.

10 (3) **Ex officio and other nonvoting members shall not be represented by proxy at any**
11 **meeting of the board.**

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

19 (5)~~(4)~~ A vacancy in the voting membership of the board shall be filled by the
20 Governor for the unexpired term with the consent of the Senate. In the event that
21 the General Assembly is not in session at the time of the appointment, the consent
22 of the Senate shall be obtained during the time the General Assembly next
23 convenes.

24 (6)~~(5)~~ At the first regular meeting of the board in each fiscal year, a chairperson
25 shall be elected from its voting membership.

26 (7)~~(6)~~ The members shall be reimbursed for actual and necessary expenses incurred
27 in the performance of their duties.

1 ~~(8)~~~~(7)~~ The commissioner of education shall serve as the executive secretary to the
2 board.

3 ~~(9)~~~~(8)~~ The primary function of the board shall be to develop and adopt policies and
4 administrative regulations, with the advice of the Local Superintendents Advisory
5 Council, by which the Department of Education shall be governed in planning,
6 coordinating, administering, supervising, operating, and evaluating the educational
7 programs, services, and activities within the Department of Education which are
8 within the jurisdiction of the board.

9 ➔Section 3. Whereas ensuring consistent quality in the state management of
10 education is of the utmost priority for the General Assembly, an emergency is declared to
11 exist, and this Act takes effect upon its passage and approval by the Governor or upon its
12 otherwise becoming a law.