

1 AN ACT relating to the Kentucky Board of Education.

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 Labor Cabinet serving as ex officio nonvoting members, and an  
9 active public elementary or secondary school teacher~~and a public high school~~  
10 ~~student~~ appointed by the board as described in subsection ~~(4)~~~~(3)~~ of this section  
11 serving as a nonvoting ~~member~~~~members~~. **The voting public high school student**  
12 **member shall be selected from the state's six (6) congressional districts on a**  
13 **rotating basis from different districts. Of the remaining voting members,** seven (7)  
14 voting members shall represent each of the Supreme Court districts as established  
15 by KRS 21A.010, **five (5)**~~and four (4)~~ voting members shall represent the state at  
16 large, **and at least two (2) of these members shall have at least one (1) child**  
17 **enrolled in a Kentucky public school.** Each of the voting members shall serve for a  
18 four (4) year term, except the **public high school student shall serve a one (1) year**  
19 **term and shall be a junior at the time of appointment**~~initial appointments shall be~~  
20 ~~as follows: the seven (7) members representing Supreme Court districts shall serve~~  
21 ~~a term which shall expire on April 14, 1994; and the four (4) at large members shall~~  
22 ~~serve a term which shall expire on April 14, 1992. Subsequent appointments shall~~  
23 ~~be submitted to the Senate for confirmation in accordance with KRS 11.160].~~
- 24 (2) Appointments of the voting members shall be made without reference to  
25 occupation. No voting member at the time of his or her appointment or during the  
26 term of his or her service shall be engaged as a professional educator. Beginning  
27 with voting members appointed on or after June 29, 2021, appointments to the

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

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

24 (4) The nonvoting teacher *member*~~and student members~~ shall be selected by the  
25 board from the state's six (6) congressional districts on a rotating basis from  
26 different districts. ~~The public high school student shall be classified as a junior at~~  
27 ~~the time of appointment.~~ The teacher *member*~~and student members~~ shall serve

1 for a one (1) year term~~[, except the initial appointments shall serve a term which~~  
2 ~~shall expire on April 14, 2022]~~. The board shall promulgate an administrative  
3 regulation establishing the process for selecting the nonvoting teacher member~~[and~~  
4 ~~student members]~~.

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

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

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

13 (8) The commissioner of education shall serve as the executive secretary to the board.

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

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

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

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

24 (a) Be at least thirty (30) years of age, **except for the public high school student;**

25 (b) Have at least an associate degree or its equivalent, **except for the public high**  
26 **school student;**

27 (c) Have been a resident of Kentucky for at least three (3) years preceding the

- 1 member's appointment;
- 2 (d) Not hold a state office requiring the constitutional oath;
- 3 (e) Not be a member of the General Assembly;
- 4 (f) Not hold or discharge the duties of any civil or political office, deputyship, or
- 5 agency under the city or county of his or her residence;
- 6 (g) Not be directly or indirectly interested in the sale to the Kentucky Board of
- 7 Education or the Department of Education of books, stationery, or any other
- 8 property, materials, supplies, equipment, or services for which board or
- 9 department funds are expended;
- 10 (h) Not have a relative as defined in subsection (1) of this section who is
- 11 employed by the Department of Education;
- 12 (i) Not have been removed from the board for cause; and
- 13 (j) Not be engaged as an elementary or secondary education professional
- 14 educator.