

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. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) There is hereby established the Board of Education Nominating Committee,*
7 *which shall consist of seven (7) members representing each of the Supreme Court*
8 *districts appointed by the Governor, and confirmed by the Senate of the General*
9 *Assembly in accordance with KRS 11.160.*

10 *(2) (a) In order to be eligible to serve on the Board of Education Nominating*
11 *Committee, a member at the time of appointment shall have no conflict of*
12 *interest pursuant to KRS 45A.340. In addition, no member shall have a*
13 *relative employed by the Department of Education or a public school district*
14 *during his or her tenure on the committee.*

15 *(b) The Governor shall make the appointments so as to reflect inasmuch as*
16 *possible:*

17 *1. Equal representation of the two (2) sexes;*

18 *2. No less than proportional representation of the two (2) leading*
19 *political parties of the Commonwealth based on the state's voter*
20 *registration; and*

21 *3. The minority racial composition of the Commonwealth.*

22 *In filling vacancies to the committee, the Governor shall act so as to*
23 *provide, inasmuch as possible, equal representation of the two (2) sexes by*
24 *appointing a member of the sex that is the lesser represented at the time of*
25 *the appointment. If the remaining membership already has an equal*
26 *number of males and females, the Governor may appoint a member of*
27 *either sex.*

- 1 (c) In selecting the members of the committee, the Governor shall solicit
2 recommendations from each of the following:
- 3 1. The Kentucky School Boards Association;
 - 4 2. The Kentucky Association of School Superintendents;
 - 5 3. The Kentucky Association of School Administrators;
 - 6 4. The Kentucky Association of Secondary School Principals;
 - 7 5. The Kentucky Association of Elementary School Principals;
 - 8 6. The Kentucky Non-Public Schools Commission;
 - 9 7. The Education Professional Standards Board; and
 - 10 8. The Council on Postsecondary Education.
- 11 (3) (a) Members shall serve four (4) year terms, and until a successor is appointed,
12 except the initial appointments shall be as follows:
- 13 1. Three (3) members shall serve a two (2) year term; and
 - 14 2. Four (4) members shall serve a four (4) year term.
- 15 (b) The terms of the original appointees shall expire on April 14 in the year
16 designated for the term, and the terms of each member appointed thereafter
17 shall begin on April 15. At the first regular meeting of the committee each
18 fiscal year, a chairperson shall be selected by the membership.
- 19 (4) The members of the committee may be reimbursed for actual and necessary
20 expenditures incurred in the performance of their duties. The expenses of the
21 committee shall be paid out of the appropriation for the Governor's office.
- 22 (5) The committee shall be responsible for submitting three (3) nominations from
23 which the Governor shall select each gubernatorial appointment to the Kentucky
24 Board of Education made pursuant to Section 2 of this Act. The committee shall
25 provide to the Governor, inasmuch as possible, an equal number of male and
26 female nominees. If the Governor needs nominees from a particular Supreme
27 Court district in order to make an appointment, the committee shall only provide

1 nominees who reside in that district. The Governor shall select the appointees
 2 from among the nominees.

3 (6) In making its nominations, the committee shall consider the needs of the
 4 Kentucky Board of Education, locate potential appointees, review candidates'
 5 qualifications and references, conduct interviews, and carry out other search and
 6 screening activities as necessary.

7 (7) The Department of Education shall provide support services for the committee.

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

- 9 (1) There is hereby established a Kentucky Board of Education, which shall consist of
 10 eleven (11) voting members appointed by the Governor and confirmed by the
 11 Senate of the General Assembly in accordance with KRS 11.160, with the
 12 president of the Council on Postsecondary Education and the secretary of the
 13 Education and Labor Cabinet serving as ex officio nonvoting members, and an
 14 active public elementary or secondary school teacher and a public high school
 15 student appointed by the board as described in subsection (3) of this section serving
 16 as nonvoting members. Seven (7) voting members shall represent each of the
 17 Supreme Court districts as established by KRS 21A.010, and four (4) voting
 18 members shall represent the state at large. Beginning April 1, 2024, each of the
 19 voting members shall be appointed in accordance with Section 1 of this Act and
 20 serve for a four (4) year term~~], except the initial appointments shall be as follows:~~
 21 ~~the seven (7) members representing Supreme Court districts shall serve a term~~
 22 ~~which shall expire on April 14, 1994; and the four (4) at large members shall serve~~
 23 ~~a term which shall expire on April 14, 1992. Subsequent appointments shall be~~
 24 ~~submitted to the Senate for 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,
19 beginning with voting members appointed on or after June 29, 2021, in accordance
20 with KRS 63.080(3). Notwithstanding KRS 12.028, the board shall not be subject to
21 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 and student members shall be selected by the board from the
25 state's six (6) congressional districts on a rotating basis from different districts. The
26 public high school student shall be classified as a junior at the time of appointment.
27 The teacher and student members shall serve for a one (1) year term, except the

1 initial appointments shall serve a term which shall expire on April 14, 2022. The
2 board shall promulgate an administrative regulation establishing the process for
3 selecting the nonvoting teacher and student members.

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

9 ~~(6)~~~~(5)~~ At the first regular meeting of the board in each fiscal year, a chairperson
10 shall be elected from its voting membership.

11 ~~(7)~~~~(6)~~ The members shall be reimbursed for actual and necessary expenses incurred
12 in the performance of their duties.

13 ~~(8)~~~~(7)~~ The commissioner of education shall serve as the executive secretary to the
14 board.

15 ~~(9)~~~~(8)~~ The primary function of the board shall be to develop and adopt policies and
16 administrative regulations, with the advice of the Local Superintendents Advisory
17 Council, by which the Department of Education shall be governed in planning,
18 coordinating, administering, supervising, operating, and evaluating the educational
19 programs, services, and activities within the Department of Education which are
20 within the jurisdiction of the board.

21 ➔Section 3. KRS 156.148 is amended to read as follows:

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

25 (2) The commissioner shall:

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

1 **(b) Be subject to annual review by the Kentucky Board of Education in closed,**
 2 **executive session;**

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

5 **(d) Receive compensation as set by the board, the provisions of KRS 64.640**
 6 notwithstanding.

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

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

16 ➔Section 4. Whereas ensuring consistent quality in the state management of
 17 education is of the utmost priority for the General Assembly, an emergency is declared to
 18 exist, and this Act takes effect upon its passage and approval by the Governor or upon its
 19 otherwise becoming a law.