

CHAPTER 134**(SB 107)**

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

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

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

- (1) ~~Effective January 1, 1991,~~ The commissioner of education shall be the chief state school officer. He *or she* shall possess the professional qualifications determined by the Kentucky Board of Education as appropriate for the office.
- (2) The commissioner shall:
 - (a) Be appointed *or reappointed* by the Kentucky Board of Education, *subject to Senate confirmation in accordance with KRS 11.160*;
 - (b) *Serve for a term not to exceed four (4) years, unless removed by the Kentucky Board of Education*~~at the pleasure of the board,~~; and
 - (c) Receive compensation as set by the board, the provisions of KRS 64.640 notwithstanding.
- (3) The commissioner of education shall be the executive and administrative officer of the Kentucky Board of Education in its administration of all educational matters and functions placed under its management and control. He *or she* shall carry out all duties assigned to him *or her* by law; shall execute under the direction of the state board the educational policies, orders, directives, and administrative functions of the board; and shall direct the work of all persons employed in the Department of Education.
- (4) The commissioner of education shall be reimbursed for all actual and necessary traveling expenses incurred by him *or her* in the performance of his *or her* duties.

➔Section 2. 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 of the General Assembly, with the president of the Council on Postsecondary Education and the secretary of the Education and Labor Cabinet serving as 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. 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 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 shall be submitted to the Senate for confirmation in accordance with KRS 11.160.
- (2) Appointments of the voting members shall be made without reference to occupation. No voting member at the time of his or her appointment or during the term of his or her service shall be engaged as a professional educator. Beginning with voting members appointed on or after June 29, 2021, appointments to the group of members representing Supreme Court districts and to the group of at-large members, respectively, shall reflect equal representation of the two (2) sexes, inasmuch as possible; reflect no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and the political affiliation of each appointee as of December 31 of the year preceding the date of his or her appointment; and reflect the minority racial composition of the Commonwealth based on the total minority racial population using the most recent census or estimate data from the United States Census Bureau. If the determination of proportional minority representation does not result in a whole number of minority members, it shall be rounded up to the next whole number. A particular political affiliation shall not be a prerequisite to appointment to the board generally; however, if any person is appointed to the board that does not represent either of the two (2) leading political parties of the Commonwealth, the proportional representation by political affiliation requirement shall be determined and satisfied based on the total number of members on the board less any members not affiliated with either of the two (2) leading political parties. Pursuant to KRS 63.080, a member shall not be removed except for cause or, beginning with voting members appointed on or after June

29, 2021, in accordance with KRS 63.080(3). Notwithstanding KRS 12.028, the board shall not be subject to reorganization by the Governor.

- (3) ***Ex officio and other nonvoting members shall not be represented by proxy at any meeting of the board.***
- (4) The nonvoting teacher and student members shall be selected by the board from the state's six (6) congressional districts on a rotating basis from different districts. The public high school student shall be classified as a junior at the time of appointment. The teacher and student members shall serve for a one (1) year term, except the initial appointments shall serve a term which shall expire on April 14, 2022. The board shall promulgate an administrative regulation establishing the process for selecting the nonvoting teacher and student members.
- ~~(5)(4)~~ A vacancy in the voting membership of the board shall be filled by the Governor for the unexpired term with the consent of the Senate. In the event that the General Assembly is not in session at the time of the appointment, the consent of the Senate shall be obtained during the time the General Assembly next convenes.
- ~~(6)(5)~~ At the first regular meeting of the board in each fiscal year, a chairperson shall be elected from its voting membership.
- ~~(7)(6)~~ The members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.
- ~~(8)(7)~~ The commissioner of education shall serve as the executive secretary to the board.
- ~~(9)(8)~~ The primary function of the board shall be to develop and adopt policies and administrative regulations, with the advice of the Local Superintendents Advisory Council, by which the Department of Education shall be governed in planning, coordinating, administering, supervising, operating, and evaluating the educational programs, services, and activities within the Department of Education which are within the jurisdiction of the board.

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

Veto Overridden March 29, 2023.