

(2) ***At the request of a local school council, any local school district superintendent shall request that the State Board for Elementary and Secondary Education waive any administrative regulation promulgated by that board. Prior to the 1994-95 school year, the requested waiver shall be granted to any school meeting the standards adopted pursuant to subsection (1) of this section. After the 1994-95 school year begins, a school shall exceed its threshold to be granted a waiver from regulations. Regulations relating to health and safety, civil rights, any state regulation required by a federal law, and regulations promulgated pursuant to Sections 3, 4, 5, 10, and 31 of this Act relating to measurement of performance outcomes and determination of successful schools shall not be subject to waiver. Any waiver granted under this subsection shall be subject to revocation upon a determination by the State Board for Elementary and Secondary Education that the school holding the waiver has subsequently failed to reach its threshold level as provided for in Section 5 of this Act.***

(3) Any private, parochial, or church school may voluntarily comply with curriculum, certification, and textbook standards established by the State Board for Elementary and Secondary Education and be certified upon application to the board by such schools.

Section 32. KRS 156.445 is amended to read as follows:

(1) No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and listed on the state multiple list of textbooks by the state textbook commission ***or unless a school district has applied for and received a waiver of this requirement from the State Board for Elementary and Secondary Education pursuant to subsection (2) of this section.*** Any changes of textbooks made by the state textbook commission shall not become effective until grades and classes of the respective county and independent school districts have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

(2) ***A local school board may apply to the State Board for Elementary and Secondary Education to adopt a basal textbook which is not on the multiple list by submitting evidence that the textbook it has chosen meets the selection criteria of the state textbook commission in KRS 156.405(3)(a) and the subject specific criteria of the textbook reviewers pursuant to KRS 156.407(6). The State Board for Elementary and Secondary Education shall accept reasonable requests and reimburse the local board for the amount of its books or up to the highest cost of the books on the multiple list, whichever is less.***

(3) In approving text materials for private and parochial schools for the purpose of KRS 156.160(2) such text materials shall be approved if they are comprehensive and appropriate to the grade level in question notwithstanding the fact that they may contain elements of religious philosophy.

PART II-GOVERNANCE

SECTION 33. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

For purposes of KRS Chapters 156 through 168, "chief state school officer" shall mean the Superintendent of Public Instruction until the close of business on December 31, 1990, and after that date it shall mean the commissioner of education.

Section 34. KRS 156.031 is amended to read as follows:

(1) ***Effective until the Governor appoints and the Senate and the House of Representatives of the General Assembly confirm the State Board for Elementary and Secondary Education as established in Section 35 of this Act,*** there is ~~hereby established~~ within the Department of Education a State Board for Elementary and Secondary Education which shall consist of thirteen (13) members. Seven (7) members shall be appointed, one (1) from each Supreme Court district, as established by KRS 21A.010, and six (6) members from the state at large, by the Governor to serve for terms of four (4) years. ~~[The members of the state board of education shall comprise the original members of the board and service in such capacity for the remainder of their terms.]~~

(2) The terms of the appointees shall expire on June 30 in the appropriate year, and the terms of each new member appointed thereafter shall begin on July 1.

(3) Vacancies in the membership of the board shall be filled by the Governor for unexpired terms. Appointments shall be made without reference to occupation, political affiliation, or similar consideration. No member at the time of his appointment or during the term of his service shall be engaged as a professional educator.

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

- (5) The Superintendent of Public Instruction or his designee shall be the executive officer of the board.
- (6) The primary function of the board shall be to develop and adopt policies and administrative regulations 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. ***Existing administrative regulations relating to statutes that are repealed and reenacted in this Act and that have not been objected to in the administrative review process as provided for in KRS Chapter 13A shall remain in effect until amended or repealed. Regulations promulgated under newly created or amended statutes in this Act shall be promulgated, reviewed, or amended if necessary and resubmitted to the Legislative Research Commission, prior to December 30, 1990, except for regulations that are to be promulgated at another date in accordance with other provisions of this Act.***

SECTION 35. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

- (1) ***There is hereby established a State Board for Elementary and Secondary Education, which shall consist of eleven (11) members appointed by the Governor and confirmed by the Senate and the House of Representatives of the General Assembly, with the executive director of the Council on Higher Education serving as an ex officio nonvoting member. Seven (7) members shall represent each of the Supreme Court districts as established by KRS 21A.010, and four (4) members shall represent the state at large. Each of the appointed 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 and to the House of Representatives for confirmation by February 1 in each year that a regular session of the General Assembly convenes. Each appointment by the Governor shall be agreed upon by both chambers in order for the person to be confirmed. Each confirmed appointee shall take office on April 15.***
- (2) ***Appointments shall be made without reference to occupation, political affiliation, or similar consideration. No member at the time of his appointment or during the term of his service shall be engaged as a professional educator. Pursuant to KRS 63.080, a member shall not be removed except for cause.***
- (3) ***A vacancy in the membership of the board shall be filled by the Governor for the unexpired term with the consent of the Senate and the House of Representatives. In the event that the General Assembly is not in session at the time of the appointment, the consent of the Senate and the House of Representatives shall be obtained during the time the General Assembly next convenes.***
- (4) ***At the first regular meeting of the board in each fiscal year, a chairperson shall be elected from its voting membership.***
- (5) ***The members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.***
- (6) ***The commissioner of education shall serve as the executive secretary to the board.***
- (7) ***The primary function of the board shall be to develop and adopt policies and administrative regulations 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 36. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

- (1) ***There is hereby created an Education Management Selection Commission. The commission shall consist of six (6) members to be appointed as follows: Three (3) by the Governor, one (1) by the President Pro Tempore of the Senate, one (1) by the Speaker of the House of Representatives, and one (1) jointly by the President Pro Tempore and the Speaker. The commission is temporary in nature and shall terminate after the State Board for Elementary and Secondary Education has signed a contract of employment with the first commissioner of education. The members shall serve without compensation, but shall be reimbursed for their reasonable and necessary actual expenses.***
- (2) ***The commission shall conduct a national search to identify the best qualified individual for the State Board for Elementary and Secondary Education to appoint as the first commissioner of education to carry out the duties of the chief state school officer. The individual shall be agreed upon by a unanimous vote of all of the members of the commission.***
- (3) ***The commission shall meet as soon as practicable after it is constituted. The members shall elect***

a chairperson, who shall be responsible for convening future meetings. The Governor's Office and the Legislative Research Commission shall provide staff support to the commission.

Section 37. KRS 63.080 is amended to read as follows:

(1) Except as provided in subsection (2) of this section and otherwise provided by law, any person appointed by the Governor, either with or without the advice and consent of the Senate, may be removed from office by the Governor for any cause the Governor deems sufficient, by an order of the Governor entered in the executive journal removing the officer.

(2) Members of the board of trustees of the University of Kentucky, members of the board of regents respectively of Eastern Kentucky University, Western Kentucky University, Morehead State University and Murray State University, ***and members of the State Board for Elementary and Secondary Education shall*** ~~may~~ not be removed except for cause.

Section 38. KRS 156.040 is amended to read as follows:

(1) The members of the State Board for ~~[Vocational-Technical]~~ Adult, ***Vocational*** Education and Vocational Rehabilitation ~~[Services and the State Board for Elementary and Secondary Education]~~ shall have the same qualifications as school board members, except that members ~~[of these boards]~~ shall be at least thirty (30) years of age. Appointments shall be made without reference to occupation, political affiliation or similar considerations. No member at the time of his appointment or during the term of his service shall be engaged as a professional educator.

(2) Members of the State Board for ~~[vocational-technical]~~ Adult, ***Vocational*** Education and Vocational Rehabilitation ~~[services]~~ shall possess an understanding of business and industry and a knowledge of occupational and academic needs of adults. At least one (1) member shall possess a knowledge of vocational rehabilitation services.

(3) ***The members of the State Board for Elementary and Secondary Education shall have the same qualifications as local board members pursuant to KRS 160.180, except the members of the State Board for Elementary and Secondary Education shall be at least thirty (30) years of age and shall have a bachelor's degree from an accredited college or university.***

SECTION 39. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

The first commissioner of education selected in accordance with Section 36 of this Act shall be appointed no later than December 31, 1990.

Section 40. KRS 156.120 is amended to read as follows:

(1) The Superintendent of Public Instruction shall keep his office at the capital in such public buildings as may be provided. ***Until the close of business on December 31, 1990***, he shall devote his entire time to the duties of his office.

(2) He ~~[and his assistants]~~ shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred or made by ***him*** ~~[them]~~ in the performance of ***his*** ~~[their]~~ official duties, and no part of the reimbursement shall be included in or accounted as a part of ***his salary, but in no case shall the amount spent exceed the amount appropriated in the biennial budget*** ~~[their salaries]~~. ***Effective January 6, 1992, the salary of the Superintendent of Public Instruction shall be three thousand dollars (\$3,000).***

SECTION 41. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) ***Effective January 1, 1991, the commissioner of education shall be the chief state school officer. He shall possess the professional qualifications determined by the State Board for Elementary and Secondary Education as appropriate for the office.***

(2) ***The commissioner shall be appointed by the State Board for Elementary and Secondary Education, serve at the pleasure of the board, and 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 State Board for Elementary and Secondary Education in its administration of all educational matters and functions placed under its management and control. He shall carry out all duties assigned to him 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 in the performance of his duties.

SECTION 42. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

(1) Effective at the close of business on June 30, 1991, all employment positions in the Department of Education shall be abolished and the employment of all employees in the positions shall be terminated. Employees whose employment has been terminated under the provisions of this section shall have the same reemployment rights granted career employees by KRS Chapter 18A, except these employees shall not have priority status on the register for reemployment in the Department of Education. This shall not be construed as prohibiting the Department of Education from rehiring an employee whose employment has been terminated.

(2) After a comprehensive study of the Department of Education and the goals and duties of the commissioner of education and the department as established under this Act, the commissioner shall reorganize the department, effective July 1, 1991. The reorganization of the department shall incorporate a strong orientation toward providing technical assistance to school districts. After the comprehensive study, which shall include consultations with current department employees, the commissioner shall establish all positions in the department and set the qualifications for the positions, effective no earlier than July 1, 1991. The commissioner may rehire any department employees whose employment is terminated at the close of business on June 30, 1991, under this section.

(3) This section is in response to a specific court decision demanding specific actions of the General Assembly. The actions authorized by this section are designed for a single time use only in response to the education situation. The actions authorized by this section shall not extend to any other situation or circumstance.

Section 43. KRS 156.010 is amended to read as follows:

(1) The Department of Education shall consist of the Superintendent of Public Instruction who shall be the chief executive officer of the department, the organizational structure of the department as set forth in this section, the State Board for Elementary and Secondary Education, and the State Board for **Adult, Vocational Education and Vocational Rehabilitation [vocational technical, adult education and vocational rehabilitation services].**

(2) The Superintendent of Public Instruction shall appoint a deputy superintendent for elementary and secondary education, who shall directly supervise an office of instruction, headed by an office head and composed of divisions of [accreditation,] teacher education and certification, curriculum and staff development, compensatory education, support services, and student services; and an office of education for exceptional children, headed by an office head and composed of divisions of categorical programs, support services, coordinated programs, the Kentucky School for the Blind, and the Kentucky School for the Deaf.

(3) The Superintendent of Public Instruction shall appoint a deputy superintendent for vocational-technical, adult education and vocational rehabilitation services, who shall directly supervise an office of vocational education, headed by an office head and composed of divisions of program services, staff development, support services, and school services; an office of vocational rehabilitation, headed by an office head and composed of divisions of field services, program development, support services, and the Carl D. Perkins comprehensive rehabilitation center; and an office of adult and community education, headed by an office head and composed of divisions of adult basic education, community education, and adult special projects.

(4) The Superintendent of Public Instruction shall appoint a deputy superintendent for research, who shall directly supervise an office of research and planning, headed by an office head and composed of divisions of **accreditation, planning, research, **and** evaluation [and computer services]; and an office of communication services, headed by an office head and composed of divisions of media services, recognition and special events, public information, and printing services. The superintendent shall also appoint a deputy superintendent for administration, who shall directly supervise an office of school administration and finance, headed by an office head and composed of divisions of buildings and grounds, pupil transportation, pupil attendance, school district finance, textbook services, surplus property, school food services, and insurance services; and an office of internal administration, headed by an office head and composed of divisions of purchasing, accounting, budget analysis, **computer services**, facilities management, personnel services, and equal education opportunity. Directly attached and responsible to the Superintendent of Public Instruction also shall be an office of legal services headed by an office head, an assistant who shall be secretary to the State Board for Elementary and Secondary Education and the State Board for **Adult, Vocational** [vocational, technical, adult] Education and Vocational Rehabilitation [services], a chief executive assistant to the superintendent, and an ombudsman responsible for coordination and referral of correspondence from the public as it relates to departmental services and functions.**

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- (5) The Superintendent of Public Instruction shall establish the organizational units below the division level, and arrange the units within the organizational structure of the Department of Education as set forth in subsections (1) to (4) of this section to provide required program and administrative services and assure effective execution of the department's responsibilities. The superintendent shall further, and as appropriate, abolish or assign, within the organizational structure of the Department of Education established by subsections (1) to (4) of this section, those assistant office head positions and principal assistant positions within the department not specifically mentioned in this section but existing as of July 1, 1988.
- (6) As of July 1, 1988, all appropriate transfers of functions, personnel, funds, equipment, facilities, and records shall be made within the Department of Education to implement the provisions of this section and actions taken pursuant hereto.
- (7) The Superintendent of Public Instruction shall have general supervision of all assistants, agents and employees. He shall be responsible for implementing policies promulgated by the State Board for Elementary and Secondary Education and the State Board for **Adult, Vocational** ~~[vocational technical, adult]~~ Education and Vocational Rehabilitation ~~[service]~~. He may clothe his assistants with full power of attorney to act for him in the supervision, inspection and administration of the schools over which he has supervisory and administrative control.
- (8) All employees shall be reimbursed for necessary traveling expenses incurred in the performance of their official duties, and no part of the reimbursement shall be included in or accounted as a part of their salaries.
- (9) The Superintendent of Public Instruction, through his appropriate deputy superintendents, assistants, office heads, and division directors, shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, vocational education, vocational rehabilitation, adult and community education, the Kentucky School for the Blind and the Kentucky School for the Deaf, and may exercise the general powers and functions relating to state vocational schools and area vocational educational centers for young people who are enrolled in regular day schools and for out-of-school youth and adults, both employed and unemployed. The Department of Education shall exercise also those powers relating to television in aid of education and other proper public functions, as provided in KRS 156.070.
- (10) The Kentucky School for the Blind advisory board, the Kentucky School for the Deaf advisory board, the State Board for Elementary and Secondary Education and the State Board for **Adult, Vocational** ~~[vocational technical, adult]~~ Education and Vocational Rehabilitation ~~[services, the Kentucky council on teacher education and certification]~~, the State Advisory Committee for Educational Improvement and the State Textbook Commission shall be administratively attached to the office of superintendent, but each shall continue to exercise all the functions conferred upon it by law.
- (11) The state Department of Education, in the operation and management of its schools and the programs at these schools, shall meet all required federal and state standards relating to facilities and personnel qualifications; however, no license or license fee shall be required for any school or program operated by the state Department of Education.
- (12) The Department of Education shall be the sole state agency for the purpose of developing and approving state plans required by state or federal laws and regulations as prerequisites to receiving federal funds for elementary and secondary education ~~[, vocational education, vocational rehabilitation and adult education]~~.
- (13) The provisions of subsections (1), (2), (3), (4), (5), (6), (9), and (10), of this section shall remain effective until July 1, 1991.**
- (14) Effective July 1, 1991, the commissioner of education shall be the chief executive of the Department of Education. The commissioner shall be responsible for administering, structuring, and organizing the department and its services including, but not limited to, the following:**
- (a) Technical assistance with curriculum design, school administration and finance, computer and technology services, media services, community education, secondary vocational education, education for exceptional children, and professional development;**
- (b) Compensatory education;**
- (c) Research and planning, which shall include, but not be limited to, a statewide research and development effort to identify or develop the best educational practices to be used in the public schools of the Commonwealth. Appropriations for this purpose may be used within the department of for contracting with other individuals, agencies, universities, laboratories or organizations;**

- (d) ***Kentucky School for the Blind and the Kentucky School for the Deaf:***
- (e) ***Performance and outcome assessments;***
- (f) ***Monitoring the management of school districts, including administration and finance, implementation of state laws and regulations, and student performance; and***
- (g) ***Implementing state laws and the policies promulgated thereunder by the State Board for Elementary and Secondary Education and the Education Professional Standards Board.***

SECTION 44. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

Effective January, 1, 1992, the commissioner of education shall establish regional service centers in the Commonwealth that primarily focus on the professional development of employees of school districts. The regional service centers shall be staffed by employees of the Department of Education employed by the commissioner in accordance with Section 42 of this Act. The regional service centers may include, but are not limited to, specially trained technical assistance teams and may facilitate the work of school district cooperatives or consortia. A school district cooperative or consortia formed under the Interlocal Cooperation Act, KRS 65.210 to 65.300, may contract with the Department of Education to serve the role and function of the regional service center for the area in which the cooperative is based. The department may contract directly with a school district cooperative or consortia for services or assistance to accomplish goals and duties of the commissioner of education and the department as established under this Act.

SECTION 45. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

- (1) ***Prior to July 1, 1992, the Department of Education shall establish a Principals Assessment Center, which shall consist of the National Association of Secondary School Principals assessment process or a similar validated process. The department may operate assessment centers regionally and shall provide for assessor training.***
- (2) ***In addition to any applicable certification and experience requirements, to be qualified and eligible for initial or continued employment as a school principal, effective July 1, 1994, the principal or applicant shall have successfully completed the assessment center process. A newly hired principal who is relocating from outside the state to begin his duties after June 30, 1994, shall successfully complete the assessment center process within one (1) year of assuming his duties as principal.***
- (3) ***The State Board for Elementary and Secondary Education shall adopt administrative regulations to establish the criteria for successful completion of the assessment center process..***
- (4) ***All principals hired prior to the effective date of this Act shall be required to successfully complete the beginning teacher committee training program, pursuant to KRS 161.030(8) by July 1, 1991. All principals hired after the effective date of this Act shall be required to complete the beginning teacher committee training program pursuant to KRS 161.030(8) within one (1) year after their appointment.***

SECTION 46. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ AS FOLLOWS:

- (1) ***Prior to July 1, 1992, the Department of Education shall establish a Superintendents Training Program and Assessment Center. The assessment center shall be modeled after the American Association of School Administrators assessment process or a similar validated process. The department may provide assessment centers regionally and shall provide for assessor training. The center shall include, but not be limited to, training for superintendents in the following subjects:***
 - (a) ***Core concepts of management,***
 - (b) ***School-based decision making;***
 - (c) ***Kentucky school law;***
 - (d) ***Kentucky school finance; and***
 - (e) ***School curriculum and assessment.***
- (2) ***At the conclusion of the training, each participant shall complete a written comprehensive examination based on the content of the training.***

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(3) *In addition to any applicable certification and experience requirements, to be qualified and eligible for continued employment as a school superintendent, effective July 1, 1994, the school superintendent shall have successfully completed the assessment center process. A person hired for the first time as superintendent in Kentucky after July 1, 1992, shall successfully complete the assessment center process within one (1) year of assuming his duties as superintendent.*

(4) *The State Board for Elementary and Secondary Education shall adopt administrative regulations to govern the training content, number of hours, written examination, and criteria for successful completion of the training and assessment center process. The board shall also establish the continuing professional development requirements for school superintendents, to be effective July 1, 1994.*

Section 47. KRS 156.070 is amended to read as follows:

(1) The State Board for Elementary and Secondary Education shall have the management and control of the common schools and all programs operated in such schools, including interscholastic athletics, the Kentucky School for the Deaf and the Kentucky School for the Blind **and community education programs and services**. ~~[The state board for vocational technical, adult education and vocational rehabilitation services shall have the management and control of the state operated vocational schools and vocational rehabilitation centers and all programs and services operated in these schools and centers. In addition, it shall be responsible for adult and community education programs and services.]~~

(2) The State Board for Elementary and Secondary Education may designate an organization or agency to manage interscholastic, athletics in the common schools, provided that the rules, regulations and bylaws, of any organization or agency so designated shall be approved by the board, and provided further that the board shall adopt administrative regulations providing for the appeal to the board of any decisions made by the designated managing organization or agency.

(3) (a) The State Board for Elementary and Secondary Education is hereby authorized to lease from the State Property and Buildings Commission, or others, whether public or private, any lands, buildings, structures, installations and facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction, throughout the Commonwealth, and for incidental use in any other proper public functions. ~~The [Any such]~~ lease may be for any initial term commencing with the date of ~~the [such]~~ lease and ending with the next ensuing June 30, which is the close of the then current fiscal. biennium of the Commonwealth, with exclusive options in favor of the board .to renew the same for successive ensuing bienniums (July 1 in each even year to June 30 in the next ensuing even year); and the rentals may be fixed at such sums in each biennium, if renewed, as will be sufficient to enable the State Property and Buildings Commission to pay therefrom the maturing principal of and interest on (and provide reserves for) any revenue bonds which ~~the [said]~~ State Property and Buildings Commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring ~~the [such]~~ television and related facilities, with appurtenances and ~~[such]~~ costs as may be incident to the issuance of ~~the [such]~~ bonds.

(b) Each ~~[such]~~ option of the State Board for Elementary and Secondary Education to renew the lease for a succeeding biennial term may be exercised at any time after the adjournment of the session of the General Assembly at which appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the State Property and Buildings Commission in writing, signed by the **chief state school officer** ~~[superintendent of public instruction]~~, and delivered to the secretary of the Finance and Administration Cabinet as a member of ~~the [said]~~ commission; provided, however, that ~~the [such]~~ option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium, effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the secretary of the Finance and Administration Cabinet before the close of business on the last working day in April immediately preceding the beginning of such succeeding biennium.

(c) The State Board for Elementary and Secondary Education shall not itself operate such leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one (1) or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the **chief state school officer** ~~[superintendent of public instruction]~~ and the Department of Education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any ~~[such]~~ contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to such reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any ~~[such]~~ contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate

for public office, or for commercial advertising. No lease between the board and the State Property and Buildings Commission shall bind the board to pay rentals for more than one (1) fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any ~~such~~ lease and to the cost of providing for the operation of such television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of this subsection.

(4) The state **board** ~~[boards]~~ may, on the recommendation and with the advice of the **chief state school officer** ~~[superintendent of public instruction]~~, prescribe, print, publish and distribute at public expense such administrative regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as each deems necessary for the efficient management, control and operation of the schools and programs under its jurisdiction. All administrative regulations published or distributed by **the** ~~[each]~~ board shall be inclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.

(5) Upon the recommendation of the **chief state school officer** ~~[superintendent of public instruction]~~ or his designee, the state **board** ~~[boards]~~ shall ~~;~~ ~~within their respective jurisdictional areas,~~ establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets and all other matters which are the administrative responsibility of the Department of Education.

~~[(6) — Vocational and nonvocational programs offered at the state universities shall be operated and administered by these universities consistent with the regulations developed by the board of trustees or regents and approved by the council on higher education for the issuance of associate, baccalaureate or graduate degrees. The state board for vocational technical, adult education and vocational rehabilitation services and the state department of education shall not operate or administer any programs for such degrees. No institution of public higher education, including the community colleges, shall offer any new program of a vocational technical occupational nature below the associate degree level without the consent of the state board. The state board for vocational technical, adult education and vocational rehabilitation services, with approval of the council on higher education, may contract with institutions of public higher education for the operation of specific programs and projects.~~

~~(7) — The department of education shall administer, supervise; and operate all programs offered in the state vocational technical schools and area vocational education centers, or may, with the approval of the state board for vocational technical, adult education and vocational rehabilitation services; contract with a level school system for such services.~~

~~(8) — The state board for vocational technical, adult education and vocational rehabilitation services shall be responsible for establishing priorities for; and approval of, construction of facilities designed for vocational occupational type programs.~~

~~(9) — The state board for vocational technical, adult education and vocational rehabilitation services, in conjunction with the council on higher education, shall, by program title; prepare a complete listing of programs of a vocational technical occupational type offered in public institutions of higher education and the community colleges, state vocational schools and centers; and junior and senior high schools. These listings shall distinguish between vocational technical occupational programs for which approval is required by the state board and other general education programs.~~

~~(10) — The state board for vocational technical adult education and vocational rehabilitation services shall have the authority and responsibility to review and to make recommendations to the council on higher education concerning both new programs and existing programs at the associate degree level offered at the institutions of public higher education, including the community colleges, if these programs are of a vocational type.]~~

Section 48. KRS 156.032 is amended to read as follows:

(1) There is hereby established within the Department of Education a State Board for ~~[vocational technical,] Adult, Vocational~~ Education and Vocational Rehabilitation ~~[services]~~ which shall consist of nine (9) voting members, one (1) from each Supreme Court district as established by KRS 21A.010 and two (2) members from the state at large.

(2) The Governor shall make appointments to the board and fill vacancies as they may occur. Appointments shall conform to KRS 156.040.

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- (3) The original appointments shall expire on June 30 in the year hereinafter designated and the terms of each member appointed thereafter shall begin on July 1 and be for four (4) years. The original appointments to the board shall be made in the following manner: three (3) shall expire on June 30, 1989; three (3) shall expire on June 30, 1990; and three (3) shall expire on June 30, 1991.
- (4) The **chief state school officer** [~~superintendent of public instruction~~] or his designee shall be the executive officer of the board.
- (5) The primary function of the board shall be to [~~develop and~~] adopt [~~policies and~~] administrative regulations by which the Department of Education shall be governed in planning, coordinating, administering, supervising, operating and evaluating the vocational-technical, adult and community education and vocational rehabilitation programs, services and activities within the Department of Education.
- (6) The board shall have the management and control of state-operated vocational schools and vocational rehabilitation centers.
- (7) The board shall have authority to establish administration and operating procedures for state-operated vocational schools, and regional staffs therefor, and for vocational rehabilitation centers, and field staffs therefor. However, all positions and employees shall continue to be subject to the provisions of KRS Chapter 18A.
- (8) The board shall have the authority to enter into agreements with other agencies in order to carry out services under its jurisdiction.
- (9) The board shall have authority to recommend to the State Board for Elementary and Secondary Education standards pertaining to secondary vocational education curriculum, [~~accreditation,~~] equipment, facilities, and related matters.

SECTION 49. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO READ; AS FOLLOWS:

- (1) ***The State Board for Adult, Vocational Education and Vocational Rehabilitation shall have the management and control of the state-operated vocational schools and vocational rehabilitation centers and all programs and services operated in these schools and centers. In addition, it shall be responsible for adult education programs and services.***
- (2) ***The state board may, on the recommendation and with the advice of the chief state school officer, prescribe, print, publish and distribute at public expense such administrative regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as each deems necessary for the efficient management, control and operation of the schools and programs under its jurisdiction. All administrative regulations published or distributed by the board shall be inclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.***
- (3) ***Upon the recommendation of the chief state school officer or his designee, the state board shall establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets and all other matters which are the administrative responsibility of the Department of Education.***
- (4) ***Vocational and nonvocational programs offered at the state universities shall be operated and administered by those universities consistent with the regulations developed by the board of trustees or regents and approved by the Council on Higher Education for the issuance of associate, baccalaureate or graduate degrees. The State Board for Adult, Vocational Education and Vocational Rehabilitation and the state Department of Education shall not operate or administer any programs for such degrees. No institution of public higher education, including the community colleges, shall offer any new program of a vocational-technical-occupational nature below the associate degree level without the consent of the state board. The State Board for Adult, Vocational Education and Vocational Rehabilitation, with approval of the Council on Higher Education, may contract with institutions of public higher education for the operation of specific programs and projects.***
- (5) ***The Department of Education shall administer, supervise, and operate all programs offered in the state vocational technical schools and area vocational education centers, or may, with the approval of the State Board for Adult, Vocational Education and Vocational Rehabilitation, contract with a local school system for such services.***
- (6) ***The State Board for Adult Vocational Education and Vocational Rehabilitation shall be responsible for establishing priorities for, and approval of, construction of facilities designed for vocational-occupational type programs.***

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(7) **The State Board for Adult, Vocational Education and Vocational Rehabilitation, in conjunction with the Council on Higher Education, shall, by program title, prepare a complete listing of programs of a vocational-technical-occupational type offered in public institutions of higher education and the community colleges, state vocational-technical schools and centers, and junior and senior high schools. These listings shall distinguish between vocational-technical-occupational programs for which approval is required by the state board and other general education programs.**

(8) **The State Board for Adult, Vocational Education and Vocational Rehabilitation shall have the authority and responsibility to review and to make recommendations to the Council on Higher Education concerning both new programs and existing programs at the associate degree level offered at the institutions of public higher education, including the community colleges, if these programs are of a vocational-technical-occupational type.**

Section 50. KRS 156.132 is amended to read as follows:

(1) The **chief state school officer** [~~superintendent of public instruction or the State Board for Elementary and Secondary Education~~] shall recommend, by written charges to the proper school authorities having immediate jurisdiction, the removal of any superintendent of schools, principal, teacher or other public school officer **as to whom he has reason to believe** [~~who is his or their opinion~~] is guilty of immorality, misconduct in office, incompetency or willful neglect of duty.

(2) The **chief state school officer** [~~superintendent of public instruction~~] shall recommend by written charges the suspension by the State Board for Elementary and Secondary Education of any district board member or superintendent of schools **as to whom he has reason to believe** [~~who in his opinion~~] is guilty of immorality, misconduct in office, incompetency or willful neglect of duty. The State Board for Elementary and Secondary Education shall, after a summary hearing as provided by **administrative** regulations, suspend any district board of education member or superintendent of schools, who in the opinion of the majority of the State Board for Elementary and Secondary Education is guilty of immorality, misconduct in office, incompetence or willful neglect of duty. Such action by the State Board for Elementary and Secondary Education may be taken upon a recommendation of the **chief state school officer** [~~Superintendent of Public Instruction~~], or such action may be taken by a majority vote of the State Board for Elementary and Secondary Education without recommendation from the **chief state school officer** [~~Superintendent of Public Instruction~~].

(3) The State Board for Elementary and Secondary Education may suspend a district superintendent of schools under subsection (2) of this section only if after thirty (30) days of receipt of the written charges specified in subsection (1) of this section, the district board ~~of~~ [~~for elementary and secondary~~] education has refused to act, has acted in bad faith, arbitrarily or capriciously, or if a recommendation to the district board would have been futile.

(4) **Any officer suspended by the State Board for Elementary and Secondary Education under subsection (2) of this section shall be furnished with a written statement, specifying in detail the reasons for suspension and naming a date and place at which the officer may appear before the State Board for Elementary and Secondary Education to answer the charges. The date shall be not less than twenty (20) nor more than thirty (30) days after the service of such charges upon the officer. Within ten (10) days after receipt of the charges, the officer may notify the State Board for Elementary and Secondary Education of his intention to appear and answer such charges. If the officer fails to notify the board of his intention to appear and answer such charges, the State Board for Elementary and Secondary Education may remove the officer by a majority vote and such dismissal shall be final.**

(5) **Upon receipt of the officer's notice of intention to appear and answer the charges, the State Board for Elementary and Secondary Education shall issue subpoenas as shall be necessary for the determination of the issues involved. The issues shall be heard at the time and place set and the hearing shall be public or private at the discretion of the accused officer. Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take oath before an officer of the board. The State Board for Elementary and Secondary Education shall provide for a stenographic report of the proceedings and furnish the officer with a copy.**

(6) **Upon completion of both sides of the case, but within ninety (90) days from the date the officer was suspended, the State Board for Elementary and Secondary Education may by a majority vote remove the officer. If the board votes to remove the officer, the board shall prepare written findings specifying which charge or charges it found to be the basis for removal. If within ninety (90) days from the date of suspension, the state board has not removed the officer, or has dismissed the charges, the suspended officer shall be reinstated and shall be paid his full salary for the period of suspension.**

(7) **The officer shall have a right to appeal on the record to the Circuit Court located in the county**

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of the school district. If the appeal is not made within thirty (30) days after removal, then the decision of the State Board for Elementary and Secondary Education shall be final. The appeal shall be an original action in court and shall be commenced by the filing of a petition against the State Board for Elementary and Secondary Education, in which petition the facts shall be alleged upon which the officer relies for a reversal or modification of the order of removal. Upon service or waiver of summons in the appeal, the State Board for Elementary and Secondary Education shall forthwith transmit to the clerk of the court for filing a transcript of the original notice of charges and a transcript of all evidence considered at the hearing, where the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing before the State Board for Elementary and Secondary Education. Upon final hearing, the court shall grant or deny the relief asked for in the petition. Either the officer or the State Board for Elementary and Secondary Education may appeal the action of the court to the Court of Appeals. If the decision of the court is against removal, the officer shall be paid his full salary from the date of suspension. The payment shall be made from funds appropriated to the state Department of Education.

Section 51. KRS 156.136 is amended to read as follows:

The State Board for Elementary and Secondary Education, upon suspension of any officer or district board of education member under ~~subsections (2) and (3) of~~ KRS 156.132, shall name a person to fill the vacancy caused by such suspension. Persons appointed by the State Board for Elementary and Secondary Education to fill vacancies under KRS 156.132 ~~and~~ ~~to~~ 156.136 shall hold office only during the time an officer is suspended, not to exceed ninety (90) days from the date of suspension. At the expiration of such period, vacancies shall be filled in the manner provided by law for the office. Persons appointed by the State Board for Elementary and Secondary Education to fill vacancies caused by suspension shall be paid from funds of the district board of education. Any person employed to fill the position of a superintendent who has been removed by the State Board for Elementary and Secondary Education under KRS 156.132 shall be employed by the district board of education for **periods** ~~a period~~ not to exceed one (1) year if the superintendent has appealed to the courts and if the courts have not taken final action.

Section 52. KRS 12.020 is amended to read as follows:

Departments, program cabinets (and their departments) and the respective major administrative bodies that they include are enumerated in this section. It is not intended that this enumeration of administrative bodies be all-inclusive. Every authority, board, bureau, interstate compact, commission, committee, conference, council, office or any other form of organization shall be included in or attached to the department or program cabinet in which they are included or to which they are attached by statute or statutorily authorized executive order, provided, however, in the case of the Personnel Board, and where the attached department or administrative body is headed by a constitutionally elected officer, such attachment shall be solely for the purpose of dissemination of information and coordination of activities and shall not include any authority over the functions, personnel, funds, equipment, facilities, or records of such department or administrative body.

- I. Cabinet for General Government - Departments headed by elected officers:
 1. The Governor.
 2. Lieutenant Governor.
 3. Department of State.
 - (a) Secretary of State.
 - (b) Board of Elections.
 4. Department of Law.
 - (a) Attorney General.
 5. Department of the Treasury.
 - (a) Treasurer.
 6. Department of Agriculture.
 - (a) Commissioner of Agriculture.

- (b) Kentucky Council on Agriculture.
- 7. ~~[Department of Education.~~
- ~~(a)]~~ Superintendent of Public Instruction.
- ~~[(b) State Board for Elementary and Secondary Education.]~~
- 8. Auditor of Public Accounts.
- 9. Railroad Commission.
- II. Program cabinets headed by appointed officers:
 - 1. Justice Cabinet:
 - (a) Department of State Police.
 - (b) Department of Criminal Justice Training.
 - (c) Office of Administration.
 - 2. Education and Humanities Cabinet:
 - (a) Department for the Blind.
 - (b) Department of Education.
 - (1) State Board for Elementary and Secondary Education.**
 - (2) Education Professional Standards Board.**
 - (c) Department for Libraries and Archives.
 - (d) Governor's Council on Vocational Education.
 - (e) Kentucky Industries for the Blind.
 - (f) Kentucky Educational Television.
 - (g) Kentucky Historical Society.
 - (h) Kentucky Teachers' Retirement System Board of Trustees.
 - ~~[(i) Kentucky School Building Authority.]~~
 - 3. Natural Resources and Environmental Protection Cabinet:
 - (a) Environmental Quality Commission.
 - (b) Kentucky Nature Preserves Commission.
 - (c) Department for Environmental Protection.
 - (d) Department for Natural Resources.
 - (e) Department for Surface Mining Reclamation and Enforcement.
 - (f) Office of General Counsel.
 - (g) Office of Communications and Community Affairs.
 - 4. Transportation Cabinet:
 - (a) Department of Highways.

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- (b) Department of Vehicle Regulation.
- (c) Department of Administrative Services.
- (d) Department of Fiscal Management.
- (e) Department of Rural and Municipal Aid.
- (f) Office of Aeronautics.
- (g) Office of General Counsel.
- (h) Office of Public Relations.
- (i) Office of Personnel Management.
- (j) Office of Minority Affairs.
- 5. Cabinet for Economic Development:
 - (a) Department of Business Development.
 - (b) Department of the Arts.
 - (c) Tobacco Research Board.
 - (d) Kentucky Development Finance Authority.
 - (e) Office of Business and Technology.
- 6. Public Protection and Regulation Cabinet:
 - (a) Public Service Commission.
 - (b) Department of Insurance.
 - (c) Department of Housing, Buildings, and Construction.
 - (d) Department of Financial Institutions. (e) Department of Mines and Minerals.
 - (e) Department of Mines and Minerals.
 - (f) Department of Public Advocacy.
 - (g) Department of Alcoholic Beverage Control.
 - (h) Kentucky Harness Racing Commission.
 - (i) Kentucky State Racing Commission.
 - (j) Registry of Election Finance.
 - (k) Board of Claims.
 - (l) Crime Victims Compensation Board.
 - (m) Kentucky Board of Tax Appeals.
 - (n) Backside Improvement Commission.
- 7. Cabinet for Human Resources:
 - (a) Department for Health Services.
 - (b) Department for Employment Services.

- (c) Department for Social Insurance.
- (d) Department for Social Services.
- (e) Department for Medicaid Services.
- (f) Department for Mental Health and Mental Retardation Services.
- (g) Unemployment Insurance Commission.
- (h) Commission for Handicapped Children.
- (i) Public Assistance Appeals Board.
- (j) Office of Administrative Services.
- (k) Office of Communications and Council Affairs.
- (l) Office of General Counsel.
- (m) Office of Inspector General.
- (n) Office of Policy and Budget.
- (o) Office of the Ombudsman.
- 8. Finance and Administration Cabinet:
 - (a) Office of Legal and Legislative Services.
 - (b) Office of Management Services.
 - (c) Office of Historic Properties.
 - (d) Department for Administration.
 - (e) Department of Facilities Management.
 - (f) Department of Information Systems.
 - (g) State Property and Buildings Commission.
 - (h) Kentucky Pollution Abatement Authority.
 - (i) Kentucky Savings Bond Authority.
 - (j) Deferred Compensation Systems.
 - (k) Office of Equal Employment Opportunity Contract Compliance.
 - (l) Capital Plaza Authority.
 - (m) County Officials Compensation Board.
 - (n) Financial Disclosure Review Commission.
 - (o) Kentucky Employees Retirement Systems.
 - (p) Commonwealth Credit Union.
 - (q) State Investment Commission.
 - (r) Kentucky Housing Corporation.
 - (s) Governmental Services Center.

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- (t) Kentucky Local Correctional Facilities Construction Authority.
- (u) Kentucky Turnpike Authority.
- (v) Historic Properties Advisory Commission.
- 9. Energy Cabinet:
 - (a) Department of Energy Production and Utilization.
 - (b) Department of Energy Research and Development.
 - (c) Office of Administration.
 - (d) Office of Energy Policy and Evaluation.
- 10. Corrections Cabinet:
 - (a) Parole Board.
 - (b) Commission on Corrections and Community Services.
 - (c) Department of Adult Correctional Institutions.
 - (d) Department of Community Services and Facilities.
 - (e) Office of Administrative Services.
 - (f) Office of Corrections Training.
 - (g) Office of General Counsel.
- 11. Labor Cabinet:
 - (a) Department of Workplace Standards.
 - (b) Department of Workers' Claims.
 - (c) Kentucky Labor-Management Advisory Council.
 - (d) Occupational Safety and Health Standards Board.
 - (e) Prevailing Wage Review Board.
 - (f) Workers' Compensation Board.
 - (g) Kentucky Employees insurance Association.
 - (h) Apprenticeship and Training Council.
 - (i) State Labor Relations Board.
 - (j) Kentucky Occupational Safety and Health Review Commission.
 - (k) Office of Administrative Services.
 - (l) Office of Labor Management Relations.
 - (m) Office of General Counsel.
- 12. Revenue Cabinet:
 - (a) Department of Property Taxation.
 - (b) Department of Processing and Enforcement.

- (c) Department of Professional and Support Services.
- (d) Office of Revenue Estimating and Economic Analysis.
- 13. Tourism Cabinet:
 - (a) Department of Travel Development.
 - (b) Department of Parks.
 - (c) Department of Fish and Wildlife Resources.
 - (d) Kentucky Horse Park Commission.
 - (e) State Fair Board.
 - (f) Office of Administrative Services.
 - (g) Office of General Counsel.
- III. Other departments headed by appointed officers:
 - 1. Department of Military Affairs.
 - 2. Department of Personnel.
 - 3. Council on Higher Education.
 - 4. Department of Local Government.
 - 5. Kentucky Commission on Human Rights.
 - 6. Kentucky Commission on Women.

Section 53. KRS 161.010 is amended to read as follows:

As used in KRS 161.020 to 161.120:

- (1) "Standard college or university" means an institution accredited by the Southern Association of Colleges and Schools or by one of the other recognized regional accrediting agencies or by the Kentucky Department of Education.
- (2) "Standard college or university work of graduate grade" means academic preparation **which** ~~that~~ extends beyond the usual four (4) year program of undergraduate studies leading to a bachelor's degree and which is completed at a standard college or university accredited for the graduate level.
- (3) "Student teacher" means an adult who has completed the prerequisite teacher preparation as prescribed by the accredited teacher education institution in which he is enrolled, and who is jointly assigned by the institution and a local school district to engage in a period of practice teaching under the direction and supervision of the administrative and teaching staff of the school district and the institution.
- (4) "Teacher's aide" means an adult school employee who works under the direction of the professional administrative and teaching staff in performing, within the limitations of his training and competency, certain instructional and noninstructional functions in the school program **including** ~~as are illustrated by~~, but not limited to, clerical duties, tutoring individual pupils, leading pupils in recreational activities, conducting pupils from place to place, assisting with classroom instruction as directed by the teacher, aiding the school librarian, and preparing and organizing instructional materials and equipment.

Section 54. KRS 161.011 is amended to read as follows:

- (1) "Classified employee" shall mean an employee of a **local district** ~~board of education~~ who is not required to have certification for his position as provided in KRS 161.020.
- (2) ***The commissioner of education shall establish by January, 1992, job classifications and minimum qualifications for local district classified employment positions which shall be effective July 1, 1992. After***

June 30, 1992, no person shall be eligible to be a classified employee or receive salary for services rendered in that position unless he holds the qualifications for the position as established by the commissioner of education.

(3) No person who is initially hired after the effective date of this Act shall be eligible to hold the position of a classified employee or receive salary for services rendered in such position, unless he holds at least a high school diploma or GED certificate, or he shows progress toward obtaining a GED. To show progress toward obtaining a GED, a person shall be enrolled in a GED program and be progressing satisfactorily through the program, as defined by administrative regulations adopted by the State Board for Adult Vocational Education and Vocational Rehabilitation.

(4) Local school districts shall encourage classified employees who were initially hired before the effective date of this Act and who do not have a high school diploma or a GED certificate to enroll in a program to obtain a GED.

Section 55. KRS 161.020 is amended to read as follows:

(1) No person shall be eligible to hold the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued, or receive salary for services rendered in such position, unless he holds a certificate of legal qualifications for such position.

(2) No person shall enter upon the duties of a position requiring certification qualifications until his certificate has been filed or credentials registered with the **local district** ~~[board of education]~~ employing him.

(3) The validity and terms for the renewal of any certificate shall be determined by the laws and regulations in effect at the time the certificate was issued.

SECTION 56. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO READ AS FOLLOWS:

(1) Beginning July 15, 1990, there shall be an Education Professional Standards Board, with the authority and responsibility to:

(a) Establish standards and requirements for obtaining and maintaining a teaching certificate;

(b) Set standards for, approve and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel;

(c) Issue, renew, suspend, and revoke teaching certificates;

(d) Maintain data and submit reports to the Governor and the Legislative Research Commission concerning employment trends and performance of certificated personnel and the quality of professional preparation programs. The board shall study the problem of the declining pool of minority teachers in the Commonwealth and submit recommendations for increasing the number of minority teachers to the 1992 regular session of the General Assembly;

(e) Reduce and streamline the credential system to allow greater flexibility in staffing local schools while maintaining standards for teacher competence; and

(f) Develop a professional code of ethics.

(2) (a) The board shall be composed of fifteen (15) members. The chief state school officer and the executive director of the Council on Higher Education shall serve as ex officio voting members. The Governor shall make the following thirteen (13) appointments:

1. Eight (8) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;

2. Two (2) members who shall be school administrators, one of whom shall be a school principal;

3. One (1) member representative of local boards of education; and

4. Two (2) members representative of deans of colleges of education.

(b) For the initial appointments, the Governor shall designate four (4) members to serve a term of four (4) years; three (3) members to serve a term of three (3) years; three (3) members to serve a term of two (2) years; three (3) members to serve a term of one (1) year.

- (c) *A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he was appointed shall no longer be eligible to serve in that position.*
- (d) *Members of the board shall serve without compensation, but shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.*
- (e) *A state agency or any political subdivision of the state, including a school district, required to hire a substitute for a member of the board who is absent from his employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.*
- (f) *At the first meeting held after July 1 of each year, a chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. The executive secretary appointed by the chief state school officer from the Department of Education staff shall keep records of proceedings. Regular meetings shall be held at least semiannually on call of the chairman. The Department of Education shall provide staff and support for the board.*
- (g) *To carry out the functions relating to its duties and responsibilities, the board is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences and publish information.*
- (3) *The Education Professional Standards Board shall be the successor to the State Board for Elementary and Secondary Education for purposes of performing the duties authorized in Sections 56 through 68 of this Act. Rules, administrative regulations and procedures relating to these duties shall not lapse and shall continue in effect until repealed or amended by the Education Professional Standards Board.*

Section 57. KRS 161.030 is amended to read as follows:

- (1) The certification of all teachers and other school personnel is vested in the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board**. When so certified, teachers and other school personnel shall not be required to have licensure, certification, or other forms of approval from any other state agency for the performance of their respective assignments within the common schools, **except as provided for by law**. All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the ~~[published]~~ administrative regulations of the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board**.
- (2) Certificates shall be issued to persons who have completed, at ~~[such]~~ colleges, ~~[and]~~ universities **or local school district programs** ~~[as have been]~~ approved by the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** for the preparation of teachers and other school personnel, the curricula prescribed by the **administrative regulations of the** ~~[Kentucky council on teacher education and certification and approved by the state board for elementary and secondary]~~ Education **Professional Standards Board** ~~[for the certificates]~~.
- (3) Initial certification of all new teachers shall require the successful completion of appropriate written tests prior to certification. The tests shall be selected by the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** and shall measure communication skills, general knowledge, professional education concepts and knowledge in the specific teaching field of the applicant. The ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** shall determine the minimum acceptable level of achievement on each test. The tests shall measure those concepts, ideas, and facts which are being taught in teacher education programs in Kentucky. Upon successful completion of the tests and the approved teacher preparation program, a certificate valid for one (1) year shall be issued. If an out-of-state teacher with less than two (2) years experience comes to Kentucky after the deadline for taking the written tests, a temporary certificate may be issued for a period up to six (6) months provided the local board cannot fill the vacant position with a certified teacher. The teacher shall take the tests if they are administered during the period of the temporary certificate. The certificate shall be extended for the remainder of the year if the teacher successfully completes the tests. ~~If [in the event]~~ the teacher fails the tests, the temporary certificate shall be valid only for the current semester.
- (4) A reasonable fee to be paid by the teacher and directly related to the actual cost of the administration of the tests shall be established by the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board**. Provisions shall be made for persons having less than minimum levels of performance on any test to repeat that test, and candidates shall be informed of their strengths and weaknesses in the specific performance areas. The Department of Education shall provide for confidentiality of the individual assessment scores. Scores shall be available only to the candidate and to the education officials who are responsible for

determining whether established certification standards have been met. Scores shall be used only in the assessment for certification of new teachers and of out-of-state teachers with less than two (2) years of teaching experience who are seeking initial certification in Kentucky.

(5) All new teachers, and out-of-state teachers with less than two (2) years of successful teaching experience who are seeking initial certification in Kentucky shall serve a one (1) year internship. The teacher shall be a full-time employee or shall have an annual contract and serve on at least a half-time basis and shall have supervision, assistance, and assessment during the one (1) year internship. The internship may be served in a public school or a nonpublic school which **meets the state performance standards as established in KRS 156.160 or which** has been accredited by ~~the state Department of Education or~~ a **regional or** national accrediting association. Successful completion shall be determined by a majority vote of the beginning teacher committee. The internship period shall be counted as experience for the purpose of continuing contract status, retirement eligibility and benefits for single salary experience increments. Upon successful completion of the beginning teacher program, the one (1) year initial teaching certificate shall be extended for the remainder of the usual duration period established for that particular certificate by ~~state board for elementary and secondary~~ Education **Professional Standards Board administrative** regulations.

(6) The beginning teacher committee shall be composed of three (3) persons who have successfully completed special training in the supervision and assessment of the performance of beginning teachers as provided in subsection (8) of this section. The committee shall consist of a resource teacher, the school principal of the school where the internship is served, and a teacher educator from a state-approved teacher training institution to be appointed by the president of that institution. ~~If [In the event that]~~ more than two (2) teacher interns are employed in the same school, the principal's responsibility may be shared with an assistant principal who holds certification as a principal. In unusual situations, the **chief state school officer** ~~[superintendent of public instruction]~~ may permit the assistant principal to serve in lieu of the principal on a beginning teacher committee. ~~If [In the event]~~ the teacher training institution is unable to provide a member, the district superintendent shall appoint an instructional supervisor from the school district. In the case of a nonpublic school, if the teacher training institution is unable to provide a member to serve on the beginning teacher committee, the chief officer of the school shall appoint an instructional supervisor or a teacher with like qualifications and responsibilities to serve on the beginning teacher committee in lieu of the teacher educator. The resource teacher shall be appointed by the Department of Education from a pool of qualified resource teachers, and, any statutes to the contrary notwithstanding and to the extent of available appropriations, shall be entitled to be paid a reasonable stipend by the Department of Education for work done outside normal working hours. In the case of a resource teacher in a nonpublic school, payment shall be made directly to the resource teacher by the Department of Education. Priority shall be given to resource teachers with the same certification as the teacher intern in the following order:

- (a) Teachers in the same school;
- (b) Teachers in the same district; and
- (c) Teachers in an adjacent school district.

The committee shall meet with the beginning teacher a minimum of three (3) times per year for evaluation and recommendation with all committee members present. In addition, each member of the committee shall observe the beginning teacher in the classroom a minimum of three (3) times per year. If the teacher's first year performance is judged by the committee to be less than satisfactory, the teacher shall be provided with an opportunity to repeat the internship one (1) time if the teacher is employed by a school district.

(7) The resource teacher shall spend a minimum of seventy (70) hours working with the beginning teacher; twenty (20) of these hours shall be observing the beginning teacher in the classroom setting; fifty (50) of these hours shall be in consultation other than class time or attending assessment meetings. The resource teacher shall have completed at least four (4) years of successful teaching experience as attested to by his or her immediate supervisor or by having achieved tenure and be able to show evidence of continuing professional development by having achieved a master's degree or its equivalent or the accumulation of two thousand (2,000) hours of continuing professional activities.

(8) By contract with teacher education institutions in the Commonwealth, the **chief state school officer** ~~[superintendent of public instruction]~~ shall provide special training for persons who will be serving on the beginning teacher committees. Completion of special training shall be evidenced by successfully passing the examinations as prescribed by the ~~state board for elementary and secondary~~ Education **Professional Standards Board**.

(9) ~~If [In the event]~~ an applicant establishes eligibility for a one (1) year certificate under the provisions of subsection (3) of this section, but does not become employed on the basis needed to satisfy the one (1)

year internship requirement, the applicant shall be eligible for the issuance of a certificate for substitute teaching as provided by the administrative regulations of the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board**. The applicant shall remain eligible for the one (1) year certificate, as provided in subsection (3) of this section, and for the opportunity to serve the internship for a period of four (4) years after establishing eligibility. If the internship is not completed within the four (4) year period, the applicant must re-establish eligibility by repeating and passing the testing program in effect for new teachers at that time.

(10) The ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** shall approve the curricula of any standard college or university, or of any department thereof, for the training of teachers, **and shall also approve the curricula of any local district alternative certification program**, when the curricula comply with the administrative regulations of the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** for the issuance of certificates and when the institution has met the terms and conditions provided in KRS 161.010 to 161.120. Any student who has completed any of these curricula, as approved by the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board**, and who has completed the prescribed requirements for the issuance of certificates shall be granted a certificate corresponding to the curricula completed.

SECTION 58. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby established an alternative certification program. The Educational Professional Standards Board shall adopt administrative regulations establishing standards for local district training programs and the approval and evaluation process for these programs. A local district or group of districts may seek approval for a training program. The state approved local district training program is an alternative to the college teacher preparation program as a means of acquiring teacher certification. The training program may be offered in all instructional fields for middle and secondary classroom teachers, except teachers of exceptional children. To participate in a state approved local district alternative training program, the candidate shall.

(a) Possess a bachelor's degree with a grade point average of two and five tenths (2.5) on a four (4) point scale.

(b) Pass written tests designated by the Education Professional Standards Board for:

1. General knowledge;

2. Communication skills; and

3. Knowledge in the specific teaching field of the applicant with minimum scores in each test as set by the Education Professional Standards Board. To be eligible to take a subject field test, the applicant shall have completed a thirty (30) hour major in the subject field or five (5) years of experience in the subject field as approved by the Education Professional Standards Board.

(c) Have been offered employment in a school district which has a training program approved by the Education Professional Standards Board.

(2) Upon meeting the participation requirements as established in subsection (1) of this section, the candidate shall be issued a one (1) year provisional certificate by the Education Professional Standards Board. The regular provisional certificate shall be issued upon satisfactory completion of the program and the teacher testing internship program pursuant to Section 58 of this Act.

(3) The Education Professional Standards Board may reject the application of any candidate who is judged as not meeting academic requirements comparable to those for students enrolled in Kentucky teacher preparation programs.

(4) By July, 1991, the Education Professional Standards Board shall adopt administrative regulations creating a local district alternative training program for primary grade teachers.

SECTION 59. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "professional support team" means a school principal, an experienced teacher, a college or university faculty member, and an instructional supervisor. If an instructional supervisor or college or university faculty member is not available, the district shall assign a member with comparable experience. The school principal shall serve as the chairman of the team.

(2) **The Education Professional Standards Board shall establish a training program for professional support teams which shall be implemented by the Department of Education. The training shall include content and procedures for the evaluation of teacher candidates. Completion of the training shall be evidenced by successfully passing the examinations prescribed by the board.**

(3) **A local school district seeking to hire a teacher pursuant to Section 58 of this Act shall submit a plan for an alternative training program to the Department of Education and have it approved in accordance with administrative regulations established by the Education Professional Standards Board. The district shall show evidence that it has sought joint sponsorship of the program with a college or university. No local school district shall employ a teacher seeking certification in a state approved local district training program unless it has submitted a plan and received approval by the Education Professional Standards Board.**

(4) **Each state approved local district alternative training program shall provide the teacher candidate with essential knowledge and skills and include, but not be limited to, the following components:**

(a) **A full-time seminar and practicum of no less than eight (8) weeks' duration prior to the time the candidate assumes responsibility for a classroom. The content of the formal instruction shall be prescribed by the Education Professional Standards Board and shall include an introduction to basic teaching skills through supervised teaching experiences with students, as well as an orientation on the policies, organization, and curriculum of the employing district.**

(b) **A period of classroom supervision while the candidate assumes responsibility on a one-half (1/2) time basis for a classroom and continuing for eighteen (18) weeks. During this period, the candidate shall be visited and critiqued no less than one (1) time per week by one (1) or more members of a professional support team appointed by the local district and assigned according to the administrative regulations adopted by the Education Professional Standards Board. The candidate shall be formally evaluated at the end of five (5) weeks, at the end of the second five (5) weeks, and at the end of the last eight (8) weeks by the members of the team. During this period, the candidate shall continue formal instruction which emphasizes student assessment, child development, learning, curriculum, instruction of exceptional children, and school and classroom organization.**

(c) **An additional period of at least eighteen (18) weeks continued supervision of the teacher candidate who may be assigned full-time classroom duties. During this period the teacher candidate shall be critiqued at least once per month and shall be observed formally and evaluated at least twice. No more than two (2) months shall pass without a formal observation. Formal instruction shall also continue during this period. In addition, opportunities shall be provided for the teacher candidate to observe the teaching of experienced teachers.**

(5) **At least two hundred fifty (250) hours of formal instruction shall be provided in all three (3) phases of the program combined.**

(6) **At the conclusion of the alternative training program, the chair of the support team shall prepare a comprehensive evaluation report on the teacher candidate's performance. This report shall be submitted to the Education Professional Standards Board and shall contain a recommendation as to whether the teacher candidate shall be issued a one (1) year certificate of eligibility to complete the internship pursuant to Section 58 of this Act. The support team shall make one (1) of the following recommendations:**

1. **Approved: recommends issuance of certificate to complete the internship;**

2. **Insufficient: recommends the candidate be allowed to seek re-entry into a teacher preparation program;**

or

3. **Disapproved: recommends the candidate not be allowed to enter a teacher preparation program.**

Section 60. KRS 161.027 is amended to read as follows:

(1) The ~~[state board for elementary and secondary]~~ Education **Professional Standards Board**, pursuant to **Section 56 of this Act** ~~[KRS 161.025(4)]~~, shall 'by administrative regulation establish requirements for a preparation program in institutions of higher education for all new applicants for principal certification and establish criteria for admission to the program.

(2) The ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** and the Council on Higher Education shall evaluate the preparation programs for principals and maintain only those institutional programs that can demonstrate both the quality and the capability to enroll adequate numbers of students to justify the resources necessary for maintenance of a quality program.

(3) The ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** shall develop or select appropriate tests for applicants seeking certification as principals, including:

- (a) A generic test to assure an acceptable level of communication skills, general knowledge and professional education concepts related to, but not limited to, instructional leadership, management and supervisory skills; and
- (b) A specialized examination on the current instructional and administrative practices in Kentucky public education.

(4) The ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** shall establish the minimum score for successful completion of examinations and shall establish a reasonable fee to be charged applicants for the actual cost of administration of the tests. The ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** shall provide for confidentiality of examination scores.

(5) The **Education Professional Standards Board** ~~[council on teacher education and certification]~~ shall develop ~~[and recommend to the superintendent of public instruction and the state board for elementary and secondary education]~~ an internship program which shall provide for the supervision, assistance and assessment of beginning principals and assistant principals. The internship shall not be required of applicants who have completed, within a ten (10) year period prior to making application, at least two (2) years of successful experience as a principal in a school situation. The ~~[state board for elementary and secondary]~~ Education **Professional Standards Board**, by administrative regulation, shall establish the internship program.

(6) ~~[Effective January 1, 1998,]~~ The certification of principals shall require the successful completion of the examinations required by subsection (3) of this section.

(7) ~~[Effective January 1, 1998, and]~~ Upon successful completion of the approved preparation program and the examinations, the **chief state school officer** ~~[superintendent of public instruction]~~ shall issue to the applicant a statement of eligibility for internship valid for four (4) years. If the applicant does not participate in an internship program within the four (4) year period, the applicant **shall** ~~[must]~~ re-establish eligibility by repeating and passing the examinations in effect at that time. Upon obtaining employment for an internship position as principal or assistant principal within the period of eligibility, the applicant shall be issued the appropriate one (1) year certificate for the position.

(8) ~~[Effective January 1, 1998,]~~ All applicants for principal certification, after successfully completing the examinations, shall successfully complete the internship program described in subsection (5) of this section for certification as a principal. If the principal's internship performance is judged to be less than satisfactory pursuant to administrative regulations developed by the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board**, the principal applicant shall be provided with an opportunity to repeat the internship one (1) time if the applicant is employed by a school district as a principal or assistant principal.

(9) Following successful completion of the internship program, the principal's certificate shall be extended for four (4) years. Renewal of the certificate shall require the completion of a continuing education requirement as prescribed by the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board**.

Section 61. KRS 161.046 is amended to read as follows:

(1) For purposes of this section, "adjunct instructor" means an individual who has training or experience in a subject area where there is a critical teacher shortage on a statewide or local district basis and who has met the requirements for certification as an adjunct instructor established by the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board**.

(2) **The Education Professional Standards Board** ~~[By September 1, 1984 the state board for elementary and secondary education]~~ shall **adopt administrative** ~~[establish]~~ regulations governing the qualifications and utilization of adjunct instructors. These **administrative** regulations shall specify the minimum essential competencies which must be demonstrated by persona seeking an adjunct instructor certificate and shall establish and require competency tests if deemed necessary.

(3) Holders of an adjunct instructor certificate shall be employed on an annual contract basis and shall not be eligible for continuing service status pursuant to KRS 161.740 or for the retirement provisions of KRS 161.220 through 161.714. The granting of successive annual contracts to the holder of an adjunct instructor certificate shall not give rise to a claim of expectation of continuing employment.

(4) Local school boards may contract with ~~[such]~~ certificated adjunct instructors for part-time services on an hourly, daily or other periodic basis as best meets the needs of the board. An adjunct instructor shall

not fill, a position for which a qualified teacher with a regular certificate is available at the time of the signing of the contract. An orientation program shall be developed and implemented for adjunct instructors by the local school board.

Section 62. KRS 161.100 is amended to read as follows:

When a district board of education satisfies the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** that it is impossible to secure qualified teachers for a position in a school under the control of the district board, the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** may ~~[on approval of the superintendent of public instruction,]~~ issue emergency certificates to persons who meet the qualifications determined by the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** for emergency certificates. An emergency certificate shall be valid only for the specific job for which issued and for the current school term. The ~~[state board for elementary and secondary]~~ Education Professional Standards Board may require the passing of a written examination before an emergency certificate is issued. The examination shall be prepared and administered and the papers graded in the state Department of Education under the direction of the **chief state school officer** ~~[superintendent of public instruction,]~~ in accordance with **administrative** ~~[rules and]~~ regulations approved by the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board**.

Section 63. KRS 161.115 is amended to read as follows:

The holder of any type of Kentucky teacher certification issued by the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** may ~~[voluntarily,]~~ at the holder's option, have any certificate, certificate endorsement or subject specialization deleted from the official certification record upon application, subject to the following provisions:

- (1) The application shall be submitted to the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** on a form furnished by the board. The form shall include the information required by this section and the applicant shall verify the information by affidavit. The application **shall [must]** be submitted between September 1 and December 1 and shall become effective on the following July 1. If the requirements of this section are satisfied, the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** shall notify the applicant and the applicant's employing school or school district on or before February 1 following submission of the application, that the decertification has been approved.
- (2) No portion of the certification shall be deleted for any subject or assignment in which the teacher has had experience during the three (3) year period receding the request in an amount equivalent to one (1) year of full-time employment (140 days) during which at least one (1) period per day was in the subject or assignment corresponding to the portion of the certification requested for deletion.
- (3) If the certification for classroom teaching at the secondary level is to be retained, at least one (1) teaching major or one (1) area of concentration **shall [must]** be retained.
- (4) A certificate which is a prerequisite or a concurrent requirement to the issuance of another certificate or certificate endorsement held by the applicant **shall [must]** be retained.
- (5) Applications for restoration of areas of certification deleted under this section shall be submitted to the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** showing restored competency and proficiency by completion of twelve (12) semester hours of credit pertinent to the deleted areas as prescribed by an institution approved for teacher education. A transcript or other appropriate verification of completion of the twelve (12) semester hours of credit from the institution approved for teacher education shall be accepted as evidence showing restoration of competency and proficiency in the areas of certification.

Section 64. KRS 161.120 is amended to read as follows:

- (1) Any certificate issued under KRS 161.010 to 161.100, or any certificate or license issued under any previous law to superintendents, principals, teachers, supervisors, directors of pupil personnel or other administrative, supervisory or instructional employees may be revoked by the ~~[state board for elementary and secondary]~~ Education **Professional Standards Board** ~~[on the written recommendation of the superintendent of public instruction,]~~ for immorality, misconduct in office, incompetency, **violation of the school laws of the state or administrative regulations adopted by the State Board for Elementary and Secondary Education**, ~~[or]~~ willful neglect of duty, or upon the determination that a certificate applicant presented or declared false information toward obtaining the issuance or renewal of any type of teacher certification. ~~[Before the certificate is revoked the defendant shall be given a copy of the charges against him and an opportunity, upon not less than ten (10) days' notice, to be heard in person or by counsel.]~~

(2) (a) *The superintendent of seek local school district shall report in writing to the Education Professional Standards Board the name, Social Security number, position name, and position code of any certified school employee in his district whose contract is terminated or not renewed, for cause; who resigns from, or otherwise leaves, a position under threat of contract termination, or nonrenewal, for cause; who is convicted in a criminal prosecution; or who is otherwise known to have engaged in such actions or conduct as might reasonably be expected to warrant consideration for certificate revocation. The duty to report shall exist without regard to any disciplinary action, or lack thereof, by the superintendent, and the required report shall be submitted within thirty (30) days of the event giving rise to the duty to report.*

(b) *The district superintendent shall inform the Education Professional Standards Board in writing of the full facts and circumstances leading to the contract termination or nonrenewal, resignation, or other absence, conviction, or otherwise reported actions or conduct of the certified employee, which are based on immorality, misconduct in office, incompetency, violation of school law or administrative regulation adopted by the State Board for Elementary and Secondary Education, willful neglect of duty, or falsification of certification credentials, and shall forward copies of all relevant documents and records in his possession.*

(c) *The certified school employee shall be given a copy of any report provided to the Education Professional Standards Board by the district superintendent and shall have the right to file a written rebuttal which shall be attached to the district superintendent's report.*

(3) (a) *Upon taking action to initiate proceedings to revoke a certificate, the Education Professional Standards Board shall provide the certified employee a written statement specifying in detail the charge against him and setting a time and date for a hearing. The hearing shall take place no less than twenty (20) days nor more than forty-five (45) days after the certified employee receives the statement of charges.*

(b) *The hearing may be public or private at the discretion of the certified employee. The certified employee may be represented by counsel. The presence of witnesses may be required upon subpoenas issued by the chief state school officer at the request of the chairman of the Educational Professional Standards Board or the certified employee. Each witness shall be required to take an oath or affirmation prior to testimony. (c) Upon hearing the evidence, the Education Professional Standards Board may by a majority vote render its decision or may defer its action for no more than five (5) days.*

(4) *In all cases where the Education Professional Standards Board is unable, after reasonable diligence, to notify a certified individual of a scheduled hearing on pending charges, the hearing shall be continued generally until the individual can be notified or presents himself for hearing. The charges shall not be dropped in the interim, and the fact of pending revocation charges shall be appropriately noted in the individual's certification file.*

(5) *Any individual whose certificate is revoked may apply for reissuance of his certificate when he believes he can demonstrate himself suitable for reissuance, unless the Education Professional Standards Board's order of revocation sets forth a specific minimum period of revocation.*

Section 65. KRS 161.124 is amended to read as follows:

The interstate agreement on qualification of educational personnel is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

ARTICLE I. PURPOSE, FINDINGS, AND POLICY

(1) The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of **these** [such] persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of **these** [such] programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

(2) The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage **these** [such] personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational

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personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

ARTICLE II. DEFINITIONS

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

- (1) "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.
- (2) "Designated state official" means the education official of a state selected by that state to negotiate, and enter into, on behalf of his state, contracts pursuant to this agreement.
- (3) "Accept," or any variant thereof, means to recognize and give effect to one (1) or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.
- (4) "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.
- (5) "Originating state" means a state [~~{~~]and *its* [~~the~~] subdivisions [~~thereof~~], if any, [~~}]~~ whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.
- (6) "Receiving state" means a state [~~{~~]and *its* [~~the~~] subdivisions [~~thereof~~] which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

ARTICLE III. INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS

- (1) The designated state official of a party state may make one or more contracts on behalf of his state with one or more other party states providing for the acceptance of educational personnel. Any [~~such~~] contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this Article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.
- (2) Any [~~such~~] contract shall provide for:
 - (a) Its duration.
 - (b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.
 - (c) [~~Such~~] Waivers, substitutions, and conditional acceptance as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.
 - (d) Any other necessary matters.
- (3) No contract made pursuant to this agreement shall be for a term longer than five years but any [~~such~~] contract may be renewed for like or lesser periods.
- (4) Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.
- (5) The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

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(6) A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

ARTICLE IV. APPROVED AND ACCEPTED PROGRAMS

(1) Nothing in this agreement should be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

(2) To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

ARTICLE V. INTERSTATE COOPERATION

The party states agree that:

(1) They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this agreement.

(2) They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

ARTICLE VI. AGREEMENT EVALUATION

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendation for changes.

ARTICLE VII. OTHER ARRANGEMENTS

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

ARTICLE VIII. EFFECT AND WITHDRAWAL

(1) This agreement shall become effective when enacted into law by two (2) states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

(2) Any party state may withdraw from this agreement by enacting a statute repealing the **agreement** ~~[same]~~, but no ~~[such]~~ withdrawal shall take effect until one (1) year after the Governor of the withdrawing state has given notice in- writing of the withdrawal to the Governors of all other party states.

(3) No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY

This agreement shall be liberally construed so as to effectuate **its** ~~[the]~~ purposes ~~[thereof]~~. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

Section 66. - KRS 161.126 is amended to read as follows:

(1) The "designated state official" for this state shall be the **chief state school officer** ~~[superintendent of public instruction]~~. The **chief state school officer** ~~[superintendent of public instruction]~~ shall enter into contracts pursuant to article III of the agreement only with the approval of the specific text ~~[thereof]~~ by the ~~[state board for elementary secondary Education]~~ **Professional Standards Board**.

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(2) True copies of all contracts made on behalf of this state pursuant to the agreement shall be kept on file in the office of the **chief state school officer** [~~superintendent of public instruction~~] and in the office of the Secretary of State. The **chief state school officer** [~~superintendent of public instruction~~] shall publish all [such] contracts in convenient form.

Section 67. KRS 161.042 is amended to read as follows:

(1) The State Board for Elementary and Secondary Education shall provide through administrative regulation for the utilization of the common schools for the preparation of teacher education students from the colleges and universities.

(2) Within the provisions established by the state Board for Elementary and Secondary Education, local boards of education are authorized to enter into cooperative agreements, including financial arrangements, with colleges and universities for the purpose of providing professional laboratory experiences and student teaching experiences for students preparing for the education profession.

(3) A student teacher who is jointly assigned under agreement by a teacher education institution and a local board of education shall have the same legal status and protection as a certificated teacher employed within the school district and shall be responsible to the administrative staff of the school district and the supervising teacher to whom he is assigned.

(4) Teacher education students, other than student teachers, may be permitted through cooperative agreements between the local school district and the teacher education institution, to engage in supplementary instructional activities with pupils under the direction and supervision of the professional administrative and teaching staff of the school district.

Section 68. KRS 161.044 is amended to read as follows:

(1) The State Board for Elementary and Secondary Education shall establish **administrative** regulations governing the qualifications [~~and the utilization~~] of teachers' aides and adult volunteer personnel in the common schools. All teachers' aides working in kindergarten classes and all instructional teachers' aides initially employed after July 1, 1986, except those with current teacher certification, shall be subject to the following requirements:

(a) A high school diploma or a high school equivalency certificate;

(b) A passing score on an achievement test. The content of the test and the minimum score shall be determined by the State Board for Elementary and Secondary Education;

(c) Successful completion of an in-service training program established by the State Board for Elementary and Secondary Education; and

(d) An annual evaluation by the appropriate school administrator with input from the supervising teacher or teachers.

(2) "Noninstructional teacher's aide" means an adult who works under the direct supervision of the teaching staff in performing noninstructional functions such as clerical duties, lunch room duties, leading pupils in recreational activities, aiding the school librarian, preparing and organizing instructional material and equipment and monitoring children during a noninstructional period. Noninstructional teachers' aides employed on a full-time basis shall possess skills necessary to perform the duties outlined in this subsection as demonstrated by achieving a minimum score on a measurement instrument developed by the State Board for Elementary and Secondary Education.

(3) Within the **administrative** regulations established by the State Board for Elementary and Secondary Education, a local **district** [~~boards of education~~] may employ teachers' aides in supplementary instructional and noninstructional activities with pupils. While engaged in an assignment as authorized under the **administrative** regulations, and as directed by the professional administrative and teaching staff, **these** [~~seek~~] personnel shall have the same legal status and protection as a certified teacher in the performance of the same or similar duties.

(4) Local **districts** [~~boards of education~~] shall give preference to applicants for the position of teacher's aide who have regular or emergency teacher certification.

(5) Within the provisions established by the State Board for Elementary and Secondary Education, local **districts** [~~boards of education~~] may utilize adult volunteer personnel in supplementary, instructional and

noninstructional activities with pupils under the direction and supervision of the professional administrative and teaching staff.

(6) Pursuant to KRS 156.095 all teachers who have teachers' aides under their direct supervision shall receive in-service training as specified by the State Board for Elementary and Secondary Education on the effective utilization and evaluation of teachers' aides.

Section 69. KRS 160.210 is amended to read as follows:

(1) **(a)** In independent school districts, the members of the school board shall be elected from the district at large. In county school districts, members shall be elected from divisions.

(b) *If no candidate files a petition of nomination for a local board of education opening pursuant to KRS 118.315 and 118.316, the chief state school officer shall fill the new term of office by appointing a member to the local board who meets the residency requirement and the qualifications for office provided in KRS 160.180. The local board of education may make nominations and any person may nominate himself or another for the office.*

(2) The board of education of each county school district shall, not later than July 1, 1940, divide its district into five (5) divisions containing integral voting precincts and as equal in population insofar as is practicable. In first dividing the county district into divisions the board shall, if more than one (1) of its members reside in one (1) division, determine by lot which member from that division shall represent that division, and which members shall represent the divisions in which no member resides. The members so determined to represent divisions in which no member resides shall be considered the members from those divisions until their terms expire, and thereafter the members from those divisions shall be nominated and elected as provided in KRS 160.200 and 160.220 to 160.250.

(3) Any changes made in division boundary lines shall be ~~to [such as will]~~ make divisions as equal in population and containing integral voting precincts insofar as is practical. No change may be made in division boundary lines ~~less [more frequently]~~ than five (5) years after the last change in any division lines, except in case of merger of districts or a change in territory due to annexation.

(4) **(a)** Notwithstanding the provisions of subsection (3) of this section, if one hundred (100) residents of a county school district division petition the State Board for Elementary and Secondary Education stating that the school district divisions are not divided as nearly equal in population as can reasonably be expected, the **chief state school officer** ~~[superintendent of public instruction]~~ shall cause an investigation to determine the validity of the petition, **the [said]** investigation to be completed within thirty (30) days after receipt of the petition.

(b) If the investigation reveals the school district to be unequally divided according to population, the State Board for Elementary and Secondary Education, upon the recommendation of the **chief state school officer** ~~[superintendent of public instruction]~~, shall order the local board of education to make ~~[such]~~ changes in school district divisions as are necessary to equalize population within the five (5) school divisions.

(c) If any board fails to comply with the order of the State Board for Elementary and Secondary Education within thirty (30) days or prior to August 1 in any year in which any members of the board are to be elected, members shall be elected from the district at large until the order of the State Board for Elementary and Secondary Education has been complied with.

(d) No change shall be made in the boundary of any division under the provisions of this subsection after August 1 in the year in which a member of the school board is to be elected from any division.

(5) Notwithstanding the provisions of subsection (2) of this section, in counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished, there shall be seven (7) divisions as equal in population as is practicable with members elected from divisions, To be eligible to be elected from a division, a candidate must reside in that division. The divisions, based upon 1970 United States Census Bureau Reports on total population by census tracts for Jefferson County, Kentucky shall be as follows: Division One shall include census tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84, 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106, 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118, 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01, 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected; KRS 160.044 notwithstanding, shall be four (4) years and the election for the initial four (4) year terms shall be as follows: The election of the members from Divisions Two, Four and Seven shall be held at the next regular November election following the effective

date of the merger pursuant to KRS 160.041, and the election of the members from Divisions One, Three, Five and Six shall be held at the regular November election two (2) years thereafter.

(6) In counties containing cities of the first class, responsibility for the establishment or the changing of school board division boundaries shall be with the local board of education, subject to the review and approval of the county board of elections. Where division and census tract boundaries do not coincide with existing election precinct boundaries, school board divisions shall be redrawn to comply with precinct boundaries. In no instance shall precinct boundaries be redrawn nor shall a precinct be divided to accommodate the drawing of school board division lines. Precinct boundaries nearest existing school board division boundaries shall become the new division boundary. All changes under this statute ~~shall~~ **must** be completed on or before January 1, 1979, and on or before January 1 in any succeeding year in which a member of the school board is to be elected from any division. A record of all changes in division lines shall be kept in the offices of the county board of education and the county board of elections. The board of education shall publish all changes pursuant to KRS Chapter 424. A copy of the newspaper in which the notice is published shall be filed with the **chief state school officer** ~~[superintendent of public instruction]~~ within ten (10) days following its publication.

Section 70. KRS 160.190 is amended to read as follows:

(1) Any vacancy in any board of education shall be filled by the **chief state school officer** ~~[other members of the board]~~ within ninety (90) days after the vacancy occurs. ~~[If the vacancy is not filled by the other members of the board within ninety (90) days, it shall be filled by the state board for elementary and secondary education within thirty (30) days after information has been filed by any citizen of the district that the vacancy has existed for more than ninety (90) days.]~~ The member so chosen shall meet the eligibility requirements as established by KRS 160.180 and shall hold office until his successor is elected and has qualified. **The local board of education may make nominations and any person may nominate himself or another for the office.**

(2) Any vacancy having an unexpired term of one (1) year or more at the next regular November election after the vacancy occurs shall be filled for the unexpired term by an election to be held at the next regular November election after the vacancy occurs. The elected member shall succeed the member chosen by the **chief state school officer** ~~[board of education or the state board for elementary and secondary education]~~ to fill the vacancy.

Section 71. KRS 160.180 is amended to read as follows:

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

(2) No person shall be eligible to membership on a board of education:

(a) Unless he has attained the age of twenty-four (24) years; and

(b) Unless he has been a citizen of Kentucky for at least three (3) years preceding his election and is a voter of the district for which he is elected; and

(c) Unless he has completed at least the ~~[eighth grade in the common schools as shown by the records of the school if which the eighth grade was completed or by affidavits of the teacher or teachers under whom the work was completed, or unless he has the equivalent of an eighth grade education as determined by an examination held under rules and regulations adopted by the State Board for Elementary and Secondary Education. Only those board members serving July 1, 1984 and who continue to serve without a break in service shall be eligible with an eighth grade education. All other members elected after July 1, 1984 shall have completed at least the]~~ twelfth grade or **has been issued a GED certificate and he is elected after the effective date of this Act** ~~[unless they have completed the equivalent of a twelfth grade education as determined by an examination held under rules and regulations adopted by the State Board for Elementary and Secondary Education]; or~~

(d) Who holds a state office requiring the constitutional oath or is a member of the General Assembly; or

(e) Who holds or discharges the duties of any civil or political office, deputyship or agency under the city or county of his residence; or

(f) Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery or any other property, materials, supplies, equipment or services for which school funds are expended; or

(g) Who has been removed from membership on a board of education for cause; **or**

(h) Who has a relative as defined in subsection (1) of this section employed by the school district and is elected after the effective date of this Act. However, this shall not apply to a board member holding office on the effective date of this Act whose relative was not initially hired by the district during the tenure of the board member.

~~(3)~~⁽²⁾ If, after the election of any member of the board, he becomes interested in any contract with or claims against the board, of the kind mentioned in paragraph (f) of subsection ~~(2)~~⁽⁴⁾ of this section, or becomes a candidate for nomination or election to any office or agency the holding and the discharging of the duties of which would have rendered him ineligible before election, or if he moves his residence from the district for which he was chosen, **or if he attempts to influence the hiring of any school employee, except the superintendent of schools or school board attorney**, or if he does anything that would render him ineligible for re-election, he shall be subject to removal from office pursuant to KRS 415.050 and 415.060.

~~(4)~~⁽³⁾ A board member shall be eligible for re-election unless he becomes disqualified.

~~(4) No member of a board of education shall cast a vote regarding the appointment or employment in any capacity of any person related to him as father, mother, brother, sister, husband, wife, son, daughter, nephew, niece, aunt, uncle, son-in-law, daughter-in-law, or first cousin, except when the majority vote of the remainder of the board is in the affirmative regarding the appointment or employment of such person.~~

~~(5) [All local school board members shall complete at least fifteen (15) hours of in-service training through December 31, 1986.~~

~~(6) Effective January 1, 1987, and thereafter,~~ The annual in-service **training** requirements for all school board members shall be as follows:

- (a) Twelve (12) **hours** ~~[hours' training]~~ for school board members with zero to three (3) years of experience;
- (b) Eight (8) **hours** ~~[hours' training]~~ for school board members with four (4) to seven (7) years of experience; and
- (c) Four (4) **hours** ~~[hours' training]~~ for school board members with eight (8) or more years of experience. The State Board for Elementary and Secondary Education shall identify the criteria for fulfilling this requirement.

Section 72. KRS 160.170 is amended to read as follows:

Every person elected to a board of education shall, before assuming the duties of his office, take the following oath, in addition to the constitutional oath:

"State of Kentucky,

"County of _____

" _____ being duly sworn, says that he is eligible under the law to serve as a member of the board of education, and that he will not, while serving as a member of such board, become interested, directly or indirectly, in any contract with or claim against the board, and that he will not **in any way influence** ~~[be influenced during his term of office by any consideration except that of merit or fitness in]~~ the **hiring or** appointment of **district** ~~[officers or engagement of]~~ employees, **except the hiring of the superintendent of schools or school board attorney.**

" _____

"Subscribed and sworn to before me this _____ day of _____

" _____ "

The oath shall be kept on record by the board.

Section 73. KRS 121.150 is amended to read as follows:

(1) No contribution of money or other thing of value, nor obligation therefore, shall be made or received,

and no expenditure of money or other thing of value, shall be made or incurred, directly or indirectly, other than an "independent expenditure," to support or defeat a candidate in an election, except through the duly appointed campaign manager, or campaign treasurer of the candidate or registered committee. As used in this section, "independent expenditure" means one (1) made for a communication which expressly advocates the election or defeat of a clearly identified candidate and which is not made with any direct or indirect cooperation, consent, request or suggestion or consultation involving a candidate or his authorized committee or agent. Any person making an "independent expenditure" as defined herein must report these expenditures, when he exceeds three hundred dollars (\$300) per calendar year, on forms provided by the registry.

(2) The solicitation from and contributions by candidates and party executive committees to any religious, charitable, civic, eleemosynary or other causes or organizations established primarily for the public good is expressly prohibited; provided that it shall not be construed as a violation of this section for a candidate to continue regular personal contributions to religious, civic or charitable groups, of which he is a member or to which he has been a regular contributor for more than six (6) months.

(3) No candidate, committee, or contributing organization, nor anyone acting on their behalf, shall accept any anonymous contribution in excess of one hundred dollars (\$100), and all such contributions in excess of one hundred dollars (\$100) shall be returned to the donor, if the donor can be determined. If no donor is found, the contribution shall escheat to the state.

(4) No candidate, committee, or contributing organization, nor anyone on their behalf, shall accept a cash contribution in excess of one hundred dollars (\$100).

(5) No candidate, committee, contributing organization, nor anyone on their behalf, shall accept any contribution in excess of one hundred dollars (\$100) from any person who shall not become eighteen (18) years of age on or before the day of the next general election.

(6) No candidate, or committee or anyone acting for the candidate, shall accept a contribution of more than four thousand dollars (\$4,000) from any person, permanent committee, or contributing organization in any one (1) election; **except that no candidate for school board, or committee or anyone acting for the candidate shall accept a contribution of more than one hundred dollars (\$100) from any person of more than two hundred dollars (\$200) from any permanent committee or contributing organization in any one (1) election.** No person, permanent committee or contributing organization shall contribute more than four thousand dollars (\$4,000) to any one (1) candidate, or anyone acting for the candidate, in any one (1) election; **except that no person shall contribute more than one hundred dollars (\$100) and no permanent committee or contributing organization shall contribute more than two hundred dollars (\$200) to any one (1) school board candidate, or anyone acting for the candidate, in any one (1) election.**

(7) Except for permanent committees organized as of January 1, 1988, permanent committees or contributing organizations affiliated by bylaw structure or by registration, as determined by the Registry of Election Finance, shall be considered as one (1) committee for purposes of applying the contribution limits of subsection (6) of this section.

(8) No permanent committee shall contribute funds to another permanent committee for the purpose of circumventing contribution limits of subsection (6) of this section.

(9) No person shall contribute more than four thousand dollars (\$4,000) to all permanent committees and contributing organizations in any one (1) year.

(10) No person shall contribute more than six thousand dollars (\$6,000) to the state executive committee of a political party and their subdivisions and affiliates in any one (1) year.

(11) No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one (1) person in the name of another person.

(12) No candidate for the office of governor shall make a personal loan to his committee in excess of fifty thousand dollars (\$50,000) in any one (1) election. No candidate for any other statewide elected state office shall lend to his committee any amount in excess of twenty-five thousand dollars (\$25,000) in any one (1) election. In campaigning for all other offices, no candidate shall lend to his committee more than ten thousand dollars (\$10,000):

(13) No candidate for nomination to any state, county, city, or district office, nor committee, nor anyone on their behalf, shall solicit or accept contributions for primary election expenses after the date of the primary. No person other than the candidate shall contribute for primary election expenses after the date of the primary.

(14) No candidate for any state, county, city or district office at a general election, nor committee, nor anyone on their behalf, shall solicit or accept contributions for general election expenses after the date of the general election. No person other than the candidate shall contribute for general election expenses after the date of the general election.

(15) The provisions of subsections (13) and (14) of this section shall apply only to those candidates in a primary or election which shall be conducted subsequent to January 1, 1989.

(16) No candidate for governor or the immediate family thereof may loan any money, service or other thing of value to his campaign, and all such moneys or services shall be deemed a contribution, which may not be recovered by the candidate, except to the extent of a total of fifty thousand dollars (\$50,000).

Section 74. KRS 160.290 is amended to read as follows:

(1) Each board of education shall have general control and management of the public schools in its district and may establish ~~[such]~~ schools and provide for ~~[such]~~ courses and other services as it deems necessary for the promotion of education and the general health and welfare of pupils, consistent with the **administrative** ~~[rules and]~~ regulations of the State Board for Elementary and Secondary Education. Each board shall have control and management of all school funds and all public school property of its district and may use **its** ~~[such]~~ funds and property to promote public education ~~[in such ways as it deems necessary and proper]~~. Each board shall exercise generally all powers **prescribed by law** in the administration of its public school system, appoint **the superintendent of schools** ~~[such officers, agents and employees as it deems necessary and proper, prescribe their duties,]~~ and fix **the** ~~[their]~~ compensation **of employees** ~~[and terms of office]~~.

(2) Each board shall make and adopt, and may amend or repeal, rules, regulations and bylaws for its meetings and proceedings for the ~~[government, regulation and]~~ management of the ~~[public]~~ schools and school property of the district, for the transaction of its business, and for the qualification and **duties** ~~[employment]~~ of **employees** ~~[teachers]~~ and the conduct of pupils. The rules, regulations, and bylaws ~~[heretofore]~~ made by ~~[any governing body of a school district, or hereafter made by]~~ a board of education ~~[,]~~ shall be consistent with the general school laws of the state and shall be binding on the board of education and parties dealing with it until amended or repealed by an affirmative vote of a majority of the members of the board. The rules, regulations and bylaws shall be spread on the minutes of the board and be open to the public.

(3) Local boards of education electing to enter into agreements pursuant to the Interlocal Cooperation Act, KRS 65.210 to 65.300, with other local boards of education to establish consortia to provide services in accordance with this Act may transfer real or personal property to the consortia without receiving fair market value compensation. The joint or cooperative action may employ employees transferred from employment of a local board of education, and the employees shall retain their eligibility for the Kentucky Teachers' Retirement System. The chief state school officer, under administrative regulations of the State Board for Elementary and Secondary Education, may allot funding to an interlocal cooperative board created by two (2) or more local school districts pursuant to KRS 65.210 to 65.300 to provide educational services for the mutual advantage of the students in the representative districts. All statutes and administrative regulations that apply to the use of these funds in local school districts shall also apply to cooperative boards.

Section 75. KRS 160.350 is amended to read as follows:

(1) **After considering the recommendations of a screening committee, as provided in Section 76 of this Act,** each board of education shall appoint a superintendent of schools whose term of office shall begin on July 1, following his appointment. The appointment may be for a term of no more than four (4) years. In the event a vacancy occurs in the office of superintendent prior to the expiration of the term set by the board, the term shall expire on the date the vacancy occurs. Therefore, the board may appoint a superintendent for a new term as provided in this subsection, which shall begin on the date of the superintendent's appointment, except when the vacancy occurs after a school board election and before the newly elected members take office. When a vacancy occurs during this period, the position shall not be filled until the new members take office, but the board may appoint an acting superintendent to serve a term not to exceed six (6) months. This appointment may be renewed once for a period not to exceed three (3) months. No superintendent shall resign his term and accept a new term from the same board of education prior to the expiration date of his present term. In the case of a vacancy in the office for an unexpired term, the board of education shall make the appointment so that the term will end on June 30. The board shall set the salary of the superintendent to be paid in regular installments.

(2) Before any superintendent assumes his duties, he shall present to the board of education that **appointed** ~~[elected]~~ him a statement signed by the **chief state school officer** ~~[superintendent of public instruction]~~ that **the superintendent** ~~[he]~~ has been duly issued a certificate of administration and supervision issued in accordance with the provisions of law and which qualifies him to hold the position to which he has been **appointed** ~~[elected]~~,

and he shall hold such certificate throughout the period of his employment. **After July 1, 1994, the statement all signed by the chief state school officer shall also indicate that the superintendent candidate has successfully completed the superintendents training program and assessment center process established in Section 46 of this Act. However, a superintendent candidate who is relocating from outside the state, to begin his duties, after June 30, 1994, shall successfully complete the training program and assessment center process within one (1) year of assuming his duties as superintendent.** A superintendent shall not serve as director or officer of a bank, trust company, or savings or loan association which has his school district funds on deposit.

(3) A superintendent of schools may be removed for cause by a vote of four-fifths (4/5) of the membership of a board of education **and upon approval by the chief state school officer. However, if the dismissal of the superintendent has been recommended by a Kentucky distinguished educator pursuant to Section 5 of this Act and the action is approved by the chief state school officer, the board shall terminate the superintendent's contract.** Written notice setting out the charges for removal shall be spread on the minutes of the board and given to the superintendent [~~fifteen (15) days before action is taken on his removal~~], **The board shall seek approval by the chief state school officer for removing the superintendent. The chief state school officer shall investigate the accuracy of the charges made, evaluate the superintendent's overall performance during his appointment, and consider the educational performance of the students in the district. Within thirty (30) days of notification he shall either approve or reject the board's request.**

SECTION 76. A NEW SECTION OF KRS 160.350 TO 160.360 IS CREATED TO READ AS FOLLOWS:

(1) **Each board of education shall appoint a superintendent of schools after receiving the recommendations of a screening committee. A screening committee shall be established within thirty (30) days of a determination by a board of education that a vacancy has occurred or will occur in the office of superintendent.**

(2) **A screening committee shall be composed of:**

(a) **Two (2) teachers, elected by the teachers in the district;**

(b) **One (1) board of education member, appointed by the board chairman;**

(c) **One (1) principal, elected by the principals in the district; and**

(d) **One (1) parent, elected by the presidents of the parent-teacher organizations of the schools in the district.**

(3) **Prior to appointing a superintendent of schools, the board of education shall consider the recommendations of the screening committee, but the board shall not be required to appoint a superintendent from the committee's recommendations.**

Section 77. KRS 160.330 is amended to read as follows:

(1) Each board of education may furnish necessary school supplies free of charge to indigent children in its school district or to such other children as it deems advisable, under such rules and regulations as it may adopt, except that free textbooks must be provided to indigent children as provided in KRS 157.110.

(2) **Local school districts shall establish, pursuant to State Board for Elementary and Secondary Education administrative regulations, a process by which to waive fees for pupils who qualify for free and reduced priced lunches, including a process by which such students shall be informed of the fee waiver provisions.**

Section 78. KRS 160.380 is amended to read as follows:

(1) **As used in KRS 160.380:**

(a) **"Relative" shall mean father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law and daughter-in-law.**

(b) **"Vacancy" shall mean any certified position opening created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member of a local school district or a new position created in a local school district for which certification is required.**

(2) (a) All appointments, promotions and transfers of principals, supervisors, teachers and other public school employees shall be made only **by the** [~~upon the recommendation of the~~] superintendent of schools, **who shall notify the board of the action taken** [, subject to the approval of the board. If the board of education

cannot agree with the superintendent as to any legally qualified person recommended by the superintendent the board of education may appeal to the State Board for Elementary and Secondary Education to review the case and the decision of the State Board for Elementary and Secondary Education shall be final. All employees of the **local district** [board] shall have **the** [such] qualifications [as are] prescribed by law and by the administrative regulations of the State Board for Elementary and Secondary Education and of the employing board. Supervisors, principals, teachers and other employees may be appointed by the **superintendent** [board of education] for, any school year at any time after February 1 [next] preceding the beginning of the school year.

(b) *When a vacancy occurs in a local school district, the superintendent shall notify the chief state school officer thirty (30) days before the position shall be filled. The chief state school officer shall keep a registry of local district vacancies which shall be made available to the public. The local school district shall post position openings in the local board office for public viewing.*

(c) *When a vacancy needs to be filled in less than thirty (30) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days.*

(d) *When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position.*

(e) *Effective July 1, 1991, no relative of a superintendent of schools shall be an employee of the school district. However, this shall not apply to a relative who is an employee of the school district prior to the effective date of this Act and who is certified for the position he holds, as long as the superintendent is holding office on July 1, 1991, and it shall not apply to a superintendent's spouse who has at least twenty (20) years of service in any elementary or secondary school in any school district. A superintendent's spouse who is employed under this provision shall not hold a position in which the spouse supervises certified or classified employees. A superintendent's spouse may supervise teacher aides and student teachers. However, the superintendent shall not promote his relative who continues employment under an exception of this subsection.*

(f) *No superintendent shall employ a relative of a school board member of the district, unless on the effective date of this Act, the board member's relative is an employee of the district, the board member is holding office, and the relative was not initially hired by the district during the tenure of the board member. However, the superintendent shall not promote any relative of a school board member who continues employment under the exception of this subsection.*

(g) *No principal's relative shall be employed in the principal's school, except a relative who is not the principal's spouse and who was employed in the principal's school during the 1989-90 school years. No spouse of a principal shall be employed in the principal's school, except a principal's spouse who was employed in the principal's school during the 1989-90 school years for whom there is no position for which the spouse is certified to fill in another school operated in the district. The provisions of KRS 161.760 shall not apply to any transfer made in order to comply with the provisions of this paragraph.*

(3) [(2)] No **superintendent** [board of education] shall employ in a position which involves supervisory or disciplinary power over a minor, any person who is a violent offender or has been convicted of a sex crime as defined by KRS 17.165 which is classified as a felony. The **superintendent** [board] may employ, at his [its] discretion, persons convicted of sex crimes classified as a misdemeanor. Each **superintendent** [board] shall request all conviction information for any applicant for initial employment from the Justice Cabinet prior to employing the applicant.

(4) [(3)] (a) If a school term has begun and a position remains unfilled or if a vacancy occurs during a school term, a **superintendent** [board] may employ an individual, who will have supervisory or disciplinary authority over minors, on probationary status pending receipt of the required records. Application for the criminal record of a probationary employee shall be made no later than the date probationary employment begins.

(b) Employment shall be contingent on the receipt of records documenting that the probationary employee has no record of a sex crime nor as a violent offender as defined in KRS 17.165.

(c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary, probationary employment under this section shall terminate on receipt by the district of a record documenting a criminal act as defined above and no further procedures shall be required.

(5) [(4)] Each application or renewal form, provided by the employer to the applicant, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A CRIMINAL RECORD CHECK AS A CONDITION OF EMPLOYMENT."

(6) [(5)] Any request for records under subsection (3) [(2)] of this section shall be on a form approved by the Justice Cabinet, and the cabinet may charge a fee to be paid by the applicant in an amount no greater than the actual cost of processing the request.

(7) [(6)] The provisions of this section shall apply to all applicants for initial employment in a position which involves supervisory or disciplinary power over a minor after July 15, 1988. Initial employment shall include first time applicants and applicants who were former employees of the district but have not been employed by the district for six (6) months.

Section 79. KRS 161.164 is amended to read as follows:

(1) ***No employee of the local school district shall take part in the management or activities of any political campaign for school board.***

(2) ***No candidate for school board shall solicit or accept any political assessment, subscription, contribution, or service of any employee of the school district.***

(3) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position as teacher or employee of any district board of education, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person.

(4) ***No teacher or employee of any district board of education shall be appointed or promoted to, or demoted or dismissed from, any position or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations or ethnic origin or race or color or sex or age or handicapping condition.***

(5) ***The local superintendent shall inform all school employees of the provisions of this section.***

Section 80. KRS 161.720 is amended to read as follows:

(1) The term "teacher" for the purpose of KRS **161.730** [464.724] to 161.810 shall mean any person for whom certification is required as a basis of employment in the public schools of the state with the exception of the superintendent.

(2) The term "year" as applied to terms of service means actual service of not less than seven (7) school months within a school year; provided, however, that any board of education may grant a leave of absence for professional advancement with full credit for service.

(3) The term "limited contract" shall mean a contract for the employment of a teacher for a term of one (1) year only or for that portion of the school year that remains at the time of employment.

(4) The term "continuing service contract" shall mean a contract for the employment of a teacher which shall remain in full force anti effect until the teacher resigns or retires, or until it is terminated or suspended as provided in KRS 161.790 and 161.800.

(5) The term "continuing status" means employment of a teacher under a continuing contract.

(6) The term "standard" or "college" certificate for the purpose of KRS **161.730** [464.724] to 161.810 shall mean any certificate issued upon the basis of graduation from a standard four (4) year college **or completion of a local district alternative certification training program.**

(7) The term "superintendent" for the purpose of KRS 161.765 shall mean the school officer appointed by aboard of education under the authority of KRS 160.350 or any person authorized by law to perform the duties of that officer.

(8) The term "administrator" for the purpose of KRS 161.765 shall mean a certified employee, below the rank of superintendent, who devotes the majority of his employed time to service as **an** [a principal,] assistant principal, supervisor, coordinator, director, assistant director, administrative assistant, finance officer, pupil personnel worker, guidance counselor, or school business administrator, or who holds a position in which

he evaluates or supervises board employees or recommends personnel for employment or discharge. The term "administrator" shall also include those assistant, associate or deputy superintendents who do not fall within the definition of "superintendent" as set forth in subsection (7) of this section.

(9) The terms "demote" or "demotion" for the purpose of KRS 161.765 shall mean a reduction in rank from one position on the school district salary schedule to a different position on that schedule for which a lower salary is paid. The terms shall not include lateral transfers to positions of similar rank and pay or minor alterations in pay increments required by the salary schedule.

Section 81. KRS 161.730 is amended to read as follows:

Each **local district** [~~board of education~~] shall enter into written contracts, either limited or continuing, for the employment of all teachers.

Section 82. KRS 161.740 is amended to read as follows:

(1) Teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this section:

(a) Hold a standard or college certificate as defined in KRS 161.720 or meet the certification standards for vocational education teachers established by the [~~State Board for Elementary and Secondary~~] Education **Professional Standards Board**.

(b) When a currently employed teacher is **re-employed by the superintendent** [~~recommended for re-employment~~] after teaching four (4) consecutive years in the same district, or after teaching four (4) years which shall fall within a period not to exceed six (6) years in the same district, the year of present employment included, the superintendent shall **issue** [~~recommend said teacher for a continuing contract, and, if the teacher is employed by the board of education,~~] a written continuing contract **if the teacher assumes his duties, and the superintendent shall notify the board of the action taken** [~~shall be issued~~]. Each day served in the General Assembly by a board of education employee during a regular, extraordinary, or organizational session shall be included in the computation of a year as defined in KRS 161.720(2).

(c) When a teacher has attained continuing contract status in one (1) district and becomes employed in another district, **the [said] teacher shall retain that status** [~~provided,~~] However, [~~that~~] a district may require a one-year probationary period of service in that district before granting that status. For purposes of this subsection, the continuing contract of a teacher shall not be [~~deemed to have~~] terminated when the teacher leaves employment, all provisions of KRS 161.720 to 161.810 to the contrary notwithstanding, and the continuing service contract **shall [will]** be transferred to the next school district, under conditions [~~herein~~] set forth **in this section**, for a period of up to seven (7) months from the time employment in the first school district has terminated. Nothing contained herein shall be construed to give a teacher a right to re-employment in the first school district during the seven (7) month period following termination.

(d) Service credit toward a continuing contract shall begin only when a teacher is properly certified as defined in KRS 161.720(6) or, in the case of a vocational education teacher, when the required certification standards established by the [~~State Board for Elementary and Secondary~~] Education **Professional Standards Board** have been met.

(2) Vocational education teachers fulfilling the requirements in subsection (1) of this section as of July 15, 1982 shall be [~~deemed~~] eligible for continuing service status.

(3) Any teacher or superintendent who has been or may be hereafter inducted into the armed forces of this country, shall at the expiration of [~~such~~] service be re-employed or reinstated in a comparable position as of the beginning of the next school year, provided application is made at least thirty (30) days before the opening of school, unless physically or mentally incapacitated according to medical notations on official discharge papers. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under a limited contract of one (1) year or less.

Section 83. KRS 161.750 is amended to read as follows:

(1) Any teacher employed under a limited contract **may** [~~shall at the expiration of such limited contract~~] be [~~deemed~~] re-employed under the provisions of KRS 161.720 to 161.810 for the succeeding school year at the same salary plus any increment or decrease as provided by the salary schedule, **upon notification of the board by** [~~unless~~] the superintendent of schools [~~has recommended to the board of education~~] that the contract of the teacher is [~~not be~~] renewed [~~and unless the board has voted to approve said recommendation~~].

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(2) If the **superintendent does not renew the contract he shall** ~~[board of education approves the superintendent's recommendation, as provided in subsection (1) of this section, the board must]~~ present written notice to the teacher that the contract will not be renewed no later than April 30 of the school year during which the contract is in effect. Upon receipt of a request by the teacher, the **superintendent** ~~[board]~~ shall provide a written statement containing the specific, detailed and complete statement of grounds upon which the nonrenewal of contract is based.

(3) **The** ~~[Upon failure of the employing board of education to act favorably on the recommendation of the superintendent not to renew a contract as required by subsection (1) of this section, to give written notice of said nonrenewal as required by subsection (12) of this section or to provide the written statement of grounds required by subsection (2) of this section the teacher shall receive a contract of employment for the next school year; and if the teacher has served the number of years as required by KRS 161.740(1)(b) or (c), said contract of employment shall be a continuing contract. Such]~~ teacher shall be presumed to have accepted ~~[such]~~ employment, unless he **notifies the superintendent of schools** ~~[shall notify the board of education]~~ in writing to the contrary on or before the fifteenth day of June, and a written contract for the succeeding year shall be executed accordingly.

Section 84. KRS 161.760 is amended to read as follows:

(1) **The superintendent of schools** ~~[Each board of education]~~ shall **give** ~~[cause]~~ notice ~~[to be given annually]~~ not later than July 1 **each year** to each teacher who holds a contract valid for the succeeding school year, stating the best estimate as to the salary to be paid ~~the~~ ~~[such]~~ teacher during **the** ~~[such]~~ year. **The** ~~[Such]~~ salary shall not be lower than the salary paid during the preceding school year unless ~~the~~ ~~[such]~~ reduction is ~~[be]~~ a part of a uniform plan affecting all teachers in the entire district, or unless there is a reduction of responsibilities. Nothing herein shall prevent increases of salary after the **superintendent's** ~~[board's]~~ annual notice has been given. All teachers who refuse assignment shall notify the superintendent in writing not later than July 15.

(2) Transfer or change in appointment of teachers after July 15 shall be made only to fill vacancies created by illness, death or resignations; to reduce or increase personnel because of a shift in school population; to make personnel adjustments after consolidation or merger; or to assign personnel according to their certification pursuant to KRS 161.010 to 161.120 ~~[and regulations adopted thereunder,]~~ provided, in the latter instance, that the teacher was appointed to a position outside his or her field of certification in the previous year.

(3) ~~[Upon recommendation of the superintendent and approval of the board of education]~~ Reduction of responsibility for a teacher may be accompanied by a corresponding reduction in salary provided that written notification **stating** ~~[setting forth]~~ the specific reason ~~[or reasons]~~ for **the** reduction ~~[in responsibility]~~ shall be furnished to the teacher not later than May 15.

(4) Employment of a teacher, under either a limited or a continuing contract, is employment in the school district only and not in a particular position or school.

Section 85. KRS 161.790 is amended to read as follows:

(1) The contract of a teacher shall remain in force during good behavior and efficient and competent service by the teacher and shall not be terminated except for any of the following causes:

(a) Insubordination, including but not limited to **violation of the school laws of the state or administrative regulations adopted by the State Board for Elementary and Secondary Education** or ~~[1. violations of]~~ lawful rules and regulations established by the local board of education for the operation of schools, **or** ~~[and 2.]~~ refusal to recognize or obey the authority of the superintendent, principal, or any other supervisory personnel of the board in the performance of their duties;

(b) Immoral character or conduct unbecoming a teacher;

(c) Physical or mental disability;

(d) Inefficiency, incompetency, or neglect of duty, when a written statement identifying the problems or difficulties has been furnished the teacher or teachers involved.

(2) **Charges under subsections (1)(a) and (1)(d) of this section shall be supported by a written record of teacher performance by the superintendent, principal, or other supervisory personnel of the district, except when the charges are brought as a result of a recommendation made by a Kentucky distinguished educator under Section 5 of this Act.**

(3) **No contract shall be terminated except upon notification of the board by the superintendent. Prior to notification of the board, the superintendent shall furnish the teacher with a written statement specifying in detail the charge against the teacher. The teacher may within ten (10) days after receiving the charge notify the chief state school officer and the superintendent of his intention to answer the charge, and upon failure of the teacher to give notice within ten (10) days, the dismissal shall be final.**

(4) **Upon receiving the teacher's notice of his intention to answer the charge, the chief state school officer shall appoint a three (3) member tribunal, consisting of one (1) teacher, one (1) administrator, and one (1) lay person, none of whom reside in the district, to conduct an impartial hearing within the district. The chief state school officer shall name the chairman and set the date and time for the hearing. The hearing shall take place no less than twenty (20) days nor more than thirty (30) days after the teacher receives the statement of charges.**

(5) **The hearing may be public or private at the discretion of the teacher. Both parties may be represented by counsel and may require the presence of witnesses upon subpoenas issued by the chief state school officer. Each witness shall be required to take an oath or affirmation prior to testimony. The local board of education shall provide for a tape and stenographic report of the proceedings and furnish the teacher with a copy. The local board shall pay each member of the tribunal a per diem of one hundred dollars (\$100) and travel expenses.**

(6) **Upon hearing both sides of the case, the tribunal may by a majority vote render its decision or may defer its action for not more than five (5) days.**

(7) **The superintendent may suspend the teacher pending final action to terminate the contract, if, in his judgment, the character of the charge warrants the action. If after the hearing the decision of the tribunal is against termination of the contract, the suspended teacher shall be paid his full salary for any period of suspension.**

(8) **The teacher shall have the right to make an appeal to the Circuit Court having jurisdiction in the county where the school district is located. The appeal shall be commenced by filing a petition against the local board of education and the superintendent. The petition shall state the grounds upon which the teacher relies for a reversal or modification of the order of termination of contract. Upon service or waiver of summons in the appeal, the tribunal, with the assistance of the chief state school officer, shall transmit to the clerk of the court for filing a transcript of the original notice of charges and a transcript of all evidence considered at the hearing before the tribunal. The local board of education shall be responsible for the costs of the transcript. The court shall hear the appeal upon the record as certified by the tribunal and shall dispose of the appeal in summary manner. Either the teacher or the superintendent and local board of education may appeal the action of the court to the Court of Appeals. If the appeal is not made within thirty (30) days following the final decision of the tribunal, the decision shall be final.**

~~(9) (a) Charges on the above causes shall be supported by written records of teacher performance by the superintendent; principal or other supervisory personnel of the board.~~

~~(b) Marriage of a teacher shall not be cause for termination of the contract.~~

~~(3) No contract shall be terminated except upon recommendation of the superintendent and unless the teacher is furnished with a written statement, specifying in detail the charge or charges against said teacher, signed by the chairman and secretary of the board of education and naming a date and place at which the teacher may appear before the board of education and answer said charge or charges. Said date for the hearing shall not be less than twenty (20) nor more than thirty (30) days after the service of such charges upon the teacher. The teacher shall within ten (10) days after the receipt of the written statement of such charges notify the board of education of his intention to appear and answer such charges, and upon failure of the teacher to give such notice, the board of education may dismiss the teacher by a majority vote and such dismissal shall be final.~~

~~(4) Upon receipt of the teacher's notice of intention to appear and answer such charges, the board of education shall issue such subpoenas as shall be necessary for the determination of the issues involved. The issue shall be heard at the time and place set and the hearing shall be public or private at the discretion of the teacher. Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take oath or affirmation before an officer of the board of education. The board of education shall provide for a stenographic report of the proceedings and furnish the teacher with a copy. Upon completion of both sides of the case the board of education may by a majority vote dismiss the teacher or may defer its action for not more than five (5) days.~~

~~(5) The board of education may on recommendation of the superintendent, suspend a teacher pending~~

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final action to terminate his contract if, in its judgment, the character of the charges warrants such action. If after the hearing the decision of the board is against termination of the contract, the suspended teacher shall be paid his full salary for the period of such suspension.

(6) The teacher shall have a right to make an appeal both as to law and as to fact to the circuit court. If said appeal is not made within thirty (30) days after dismissal, then the decision of the board of education shall be final. Such appeal shall be an original action in said court and shall be commenced by the filing of a petition against such board of education, in which petition the facts shall be alleged upon which the teacher relies for a reversal or modification of the order of termination of contract. Upon service or waiver of summons in said appeal, such board of education shall forthwith transmit to the clerk of said court for filing a transcript of the original notice of charges and a transcript of all evidence adduced at the hearing before such board, whereupon the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing before the board of education and shall hold such additional hearings as it may deem advisable, at which it may consider other evidence in addition to such transcript and record. Upon final hearing, the court shall grant or deny the relief prayed for in the petition as may be proper under the provisions of KRS 161.720 to 161.810 and if accordance with the evidence adduced at the hearing. Either the teacher or the board of education may appeal from the action of the court to the Court of Appeals.

(7) As an alternative to termination of a teacher's contract, the **superintendent upon notifying the board and providing written notification to the teacher of the charge** [board of education] may, [by majority vote,] impose other sanctions, including, [but not limited to,] suspension without pay, [transfer notwithstanding the provisions of KRS 160.380 and 161.760,] public reprimand or private reprimand. The **procedures set out in subsection (3) of this section shall apply, except to a private reprimand. The teacher may appeal the action of the superintendent, except a private reprimand, in the same manner as established in subsections (4) through (8) of this section** [decision to impose sanctions is within the discretion of the board after a hearing on the charges. Upon hearing both sides of the case, the board may impose a sanction or may defer its action for not more than five (5) days. The decision of the board shall be final]. Upon completion of a suspension period, the teacher may be reinstated.

Section 86. KRS 160.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 160.250 shall be fined not more than two hundred dollars (\$200).

(2) Any person who violates any of the provisions of KRS 160.300 shall be fined not less than ten (10) nor more than fifty dollars (\$50.00).

(3) Any superintendent who violates any of the provisions of KRS 160.350 to 160.400 shall be fined not less than one hundred (100) nor more than one thousand dollars (\$1,000) for each offense, and the violation is grounds for revocation of his certificate.

(4) [Any superintendent who violates any of the provisions of KRS 160.420 shall be fined not less than one hundred (100) nor more than one thousand dollars (\$1,000) for each offense.

(5) Any person who violates any of the provisions of KRS 160.550 shall be fined not less than fifty (50) nor more than one hundred dollars (\$100), and shall be subject to removal from office.

(5) [(6)] The State Board for Elementary and Secondary Education may withhold funds allotted under KRS 157.350 from any **local district** [board of education] which violates subsection (3) [(2)] of KRS 160.380 in the amount of one thousand dollars (\$1,000) per violation.

(6) [(7)] In addition to penalties listed in this section, any **local district** [board of education] which violates subsection (3) [(2)] of KRS 160.380 shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

Section 87. KRS 161.990 is amended to read as follows:

(1) Any person who [willfully] violates any provisions **of KRS 161.164 shall be guilty of a Class A misdemeanor.** [of KRS 161.162 or] 161.164, shall be confined in jail for not less than thirty (30) days nor more than six (6) months. **Any school board candidate or school board member who willfully violates any provision of KRS 161.164 shall also be disqualified from holding the office of school board member.**

(2) Any teacher or employee of a district [board of education] who willfully violates any provision of KRS [161.162 or] 161.164 shall be ineligible for employment in the common schools for a period of five (5) years.

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- (3) Any person who violates any of the provisions of KRS 161.190 shall be guilty of a Class A misdemeanor.
- (4) Any teacher who violates any of the provisions of subsection (2) of KRS 161.210 shall be subject to a fine of fifty dollars (\$50) and upon conviction his certificate shall be revoked.
- (5) A violation of any of the provisions of KRS 161.661 or 161.690 is a misdemeanor and upon conviction shall be punished by a fine of not more than five thousand dollars (\$5,000).

Section 88. KRS 160.160 is amended to read as follows:

- (1) Each school district shall be under the management and control of a board of education consisting of five (5) members, except in counties containing a city of the first class wherein a merger pursuant to KRS 160.041 shall have been accomplished which shall have seven (7) members elected from the divisions and in the manner prescribed by KRS 160.210(5), to be known as the "board of education of _____, Kentucky." Each board of education shall be a body politic and corporate with perpetual succession. It may sue and be sued; make contracts; expend funds necessary for liability insurance premiums and for the defense of any civil action brought against an individual board member in his official or individual capacity, or both, on account of an act made in the scope and course of his performance of legal duties as a board member; purchase, receive, hold and sell property; issue its bonds to build and construct improvements; and do all things necessary to accomplish the purposes for which it is created. Each board of education shall elect a chairman and vice-chairman from its membership in a manner and for a term prescribed by the board not to exceed two (2) years.
- (2) No board of education shall participate in any financing of school buildings, school improvements, appurtenances thereto, or furnishing and equipment without:
- (a) First establishing the cost of the project in advance of ~~such~~ financing, based on the receipt of advertised, public, and competitive bids for such project, in accordance with KRS Chapter 424; and
- (b) Establishing the cost of ~~such~~ financing in advance of the sale of any bonds, certificates of participation in any leases, or other evidences of financial commitments issued by or on behalf of such board. Any ~~such~~ bonds, leases, participations, or other financial arrangements shall not involve a final commitment of the board until the purchaser or lender involved shall have been determined by public advertising in accordance with KRS Chapter 424.
- (3) No board of education shall make a mortgage, lien, or other encumbrance upon any school building owned by the board, or transfer title to any such school building as part of any financing arrangement, without the specific approval of the ~~state~~ Department of Education, and without ~~the~~ ~~such~~ transaction being entered into pursuant to a detailed plan or procedure specifically authorized by Kentucky statute.
- (4) Without the approval of the ~~state~~ Department of Education, no board may lease, as lessee, a building or public facility that has been or is to be financed at the request of the board or on its behalf through the issuance of bonds by another public body or by a nonprofit corporation serving as an agency and instrumentality of the board, or by a leasing corporation. Any ~~such~~ lease, participation, or other financial arrangement shall not involve a final commitment of the board unless and until the purchaser or lender involved in same shall have been determined by public advertising in accordance with KRS Chapter 424. No ~~such~~ transaction shall be entered into by the board except upon the basis of public advertising and competitive bidding in accordance with KRS Chapter 424.

Section 89. KRS 160.370 is amended to read as follows:

The superintendent shall be the executive agent of the board that appoints him and shall meet with the board except when his own tenure, salary, or the administration of his office is under consideration. As executive officer of the board, the superintendent shall see that the laws relating to the schools, the bylaws, rules and regulations of the State Board for Elementary and Secondary Education, and the regulations and policies of the district board of education are carried into effect. He may administer the oath required by the board of education to any teacher or other person. He shall be the professional adviser of the board in all matters. He shall prepare, under the direction of the board, all rules, regulations, bylaws and statements of policy for approval and adoption by the board. He shall have general supervision, subject to the control of the board of education, of the general conduct of the schools, the course of instruction, ~~the management of teachers,~~ the discipline of pupils, and the management of business affairs. **He shall be responsible for the hiring and dismissal of all personnel in the district.**

Section 90. KRS.160.390 is amended to read as follows:

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(1) ~~[The superintendent of schools may appoint necessary clerks, and may remove them at pleasure. The number and salaries of the clerks shall be determined by the board.]~~

~~(2)]~~ The superintendent shall devote himself exclusively to his duties. He shall exercise general supervision of the schools of his district, examine their condition and progress, and keep himself informed of the progress in other districts. He shall prepare or have prepared all budgets, salary schedules and reports required of his board by the State Board for Elementary and Secondary Education. He shall advise himself of the need of extension of the school system of the district, shall receive and examine reports from teachers and other school officers, and shall make reports from time to time as required by the rules of his board or as directed by the board. **He shall be responsible to the board for the general condition of the schools. He shall be responsible for all personnel actions including hiring, assignments, transfer, dismissal, suspension, reinstatement, promotion, and demotion and reporting the actions to the local board.**

(2) All personnel actions by the superintendent as described in subsection (1) shall be recorded in the minutes of the local board of education at the next meeting after the action is taken and shall not be effective prior to receipt of written notice of the personnel action by the affected employee from the superintendent.

Section 91. KRS 160.440 is amended to read as follows:

Each board of education shall appoint a secretary for a term of one (1), two (2), three (3) or four (4) years. The secretary shall not be a member of the board of education. The board of education of any district may appoint its superintendent as secretary. **However, a superintendent who serves as secretary to the board shall not receive compensation in addition to that which he receives for serving as superintendent.** The board may fix a reasonable salary for the secretary. The secretary shall keep the records of the board and perform other duties imposed upon him by the board. All orders of the board must be signed by the secretary and countersigned by the chairman of the board. The secretary shall be custodian of all securities, documents, title papers and other papers of the board under such conditions as the board may direct. The secretary, when other than the superintendent, shall make all records of the board available to the superintendent and the board of education at any time and shall furnish the superintendent of schools and the board of education such information as is revealed by the records at any time upon the request of the superintendent or the board of education.

SECTION 92. A NEW SECTION OF KRS CHAPTER 7 IS CREATED TO READ AS FOLLOWS:

(1) It is the intent of the General Assembly to provide an efficient system of common schools which shall be operated without waste, duplication, mismanagement, and political influence. The system of schools shall have the goal of providing all students with at least the seven (7) capacities referred to in Section 2 of this Act.

(2) (a) An Office of Education Accountability is hereby created and shall be under the direction of the Legislative Research Commission.

(b) The Office of Education Accountability shall be administered by a deputy director appointed by the Legislative Research Commission upon recommendation of the director of the Legislative Research Commission. The deputy director shall have the qualifications set by the Commission. The salary of the deputy director shall be set by the Commission. The Commission shall have exclusive jurisdiction over the employment of personnel necessary to carry out the provisions of this section. The deputy director shall be subject to the direction of and report to the director of the Legislative Research Commission.

(c) The Office of Education Accountability shall have the following duties and responsibilities:

1. Monitor the education system and implementation of the provisions of this Act including actions taken by the State Board for Elementary and Secondary Education, the Education Professional Standards Board, the chief state school officer, the Department of Education, local school districts, and vocational and higher education as affected by this Act.

2. Establish a division of school finance which shall conduct an ongoing review of the finance system. The review shall include an analysis of the level of equity achieved by the funding system and whether adequate funds are available to all school districts; and recommendations for the weights of various education program components, the base per pupil funding for the support education excellence in Kentucky program, and a statewide salary schedule. It shall conduct studies of other finance issues identified as needing further study, including a review of the transportation formula required in Section 97 of this Act. The division shall submit an annual report of its activities, findings, and recommendations to the Governor, the Legislative Research Commission, and the State Board for Elementary and Secondary Education no later than October 1 each year.

3. **Verify the accuracy of reports of school, district, and state performance by conducting, contracting for or requesting periodic program and fiscal audits as necessary. The Office of Education Accountability may request an audit from the State Committee for School District Audits as established in KRS 156.265.**
4. **Investigate allegations of wrongdoing of any person or agency including but not limited to waste, duplication, mismanagement, political influence and illegal activity at the state, regional, or school district level which have not been resolved or satisfactorily explained by the local superintendent, local board of education, the chief state school officer, or the State Board for Elementary and Secondary Education and make recommendations for action to the Legislative Research Commission.**
5. **Conduct studies and analyze available data on the efficiency of the system of schools and whether progress is being made toward attaining the goal of providing students with the seven (7) capacities as required by this Act.**
6. **Make periodic reports to the Legislative Research Commission as directed by the Commission.**
7. **Prepare an annual report on the implementation of the provisions of this Act including recommendations for improvement which shall be submitted to the Governor, the Legislative Research Commission, and the State Board for Elementary and Secondary Education.**
 - (d) **The Office of Education Accountability shall have access to all public records and information on oath as provided in KRS 7.110. The office shall also have access to otherwise confidential records, meetings, and hearings regarding local school district personnel matters. However, the office shall not disclose any information contained in or derived from the records, meetings, and hearings that would enable the discovery of the specific identification of any individual who is the focus or subject of the personnel matter.**
 - (e) **In compliance with KRS 48.800, 48.950, and 48.955, the finance and Administration Cabinet and the Governor's Office of Policy and Management shall provide to the Office of Education Accountability access to all information and records, other than preliminary work papers, relating to allotment of funds, whether by usual allotment or by other means, to the Department of Education, local school districts, and to other recipients of funds for educational purposes.**
 - (f) **Any state agency receiving a complaint or information which if accurate may identify a violation of this Act shall notify the office of the complaint or information.**
 - (g) **The Office of Education Accountability may contract for services as approved by the Legislative Research Commission pursuant to KRS 7.090(7).**

PART III - FINANCE

Section 93. KRS 157.310 is amended to read as follows:

~~[In KRS 157.310 to 157.440 and subsection (2) of KRS 157.990,] It is the intention of the General Assembly to assure substantially equal public school educational opportunities [; through a foundation program,] for those in attendance in the public schools of the Commonwealth, but not to limit nor to prevent any school district from providing educational services and facilities beyond those assured by the **state supported** [foundation] program. **The program shall** [~~; and to provide, additional state funds are made available for the public schools, for the use of such funds for the further equalization of educational opportunities. KRS 157.310 to 157.440 and subsection (2) of KRS 157.990, shall be interpreted as a measure to~~] provide for an efficient system of public schools throughout the Commonwealth, as prescribed by Section 183 of the Constitution of Kentucky, and for the manner of distribution of the public school fund among the districts and its use for public school purposes, as prescribed by Section 186 of the Constitution.~~

Section. 94. KRS 157.320 is amended to read as follows:

As used in KRS 157.310 to 157.440, unless the context otherwise requires:

- (1) "Average daily attendance" means the aggregate days attended by pupils in a public school, divided by the actual number of days the school is in session;
- (2) **"Base funding level" means a guaranteed amount of revenue per pupil to be provided for each school district, to be used for regular operating and capital expenditures;**
- (3) "Board" means the board of education of any county or independent school district;