



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

SENATE BILL NO. 38

WEDNESDAY, FEBRUARY 8, 2012

The following bill was reported to the House from the Senate and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Allen

1 AN ACT relating to career pathways, making an appropriation therefor, and
2 declaring an emergency.

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

4 →Section 1. KRS 158.812 is amended to read as follows:

5 (1) *It is the intent of the General Assembly to provide rigorous academic and career*
6 *and technical education programs that are relevant for all students and that*
7 *encourage at-risk students to graduate from high school prepared to enter*
8 *postsecondary education institutions or the workforce with needed skills.*

9 (2) The purposes of elementary and secondary education programs of career and
10 technical education *are to:*

11 (a) Provide students opportunities to *understand the relevance of and*
12 *master*^[increase] academic skills in mathematics, science, English, *reading,*
13 and communications as well as technical literacy in *broad-based career*
14 *fields*^[work-based settings];

15 (b) Provide students a variety of opportunities to master the usage of technology;

16 (c) Prepare individuals with specialized, transferable academic skills and
17 technical skills for gainful employment^[in entry-level positions] in broad-
18 based career fields; and

19 (d) Assist individuals in *making*^[the process of preparing for] successful
20 *transitions*^[transition] from school to work,^[or] to postsecondary education,[[]
21 ^{or]} to the military, *or from one (1) career to another.*

22 (3)^[(2)] The General Assembly acknowledges that:

23 (a) Rigorous, *relevant, and* high-quality career and technical education offers
24 students an opportunity to develop skills in mathematics, science, *English,*
25 *reading,* communication, problem-solving, *and technology,* and *in* career and
26 technical areas that are essential to meet the goals for Kentucky education as
27 described in KRS 158.6451 and *that*^[to] help students achieve the capacities

- 1 required of all students ~~as~~~~and~~ defined in KRS 158.645;
- 2 (b) Students need access to career pathway programs that meet high standards,~~f~~
 3 ~~and~~ connect technical skills with core academic requirements for high school
 4 students, and align with postsecondary education requirements and business
 5 and industry needs;
- 6 (c) Students can accelerate their overall scholastic achievement when given an
 7 opportunity to learn in an integrated school- and work-based environment;~~f~~
 8 ~~and~~
- 9 (d) Students are less likely to drop out of school when they are making
 10 academic progress and see relevance in the program of study to their future
 11 potential for success; and
- 12 (e) The General Assembly has a responsibility to provide the resources that
 13 recognize the increased costs for offering high-quality, relevant career and
 14 technical education programs.

15 →Section 2. KRS 158.810 is amended to read as follows:

16 For purposes of KRS 158.810 to 158.816:

- 17 (1) "Advanced manufacturing" means manufacturing that uses technology and
 18 knowledge-based processes that leverage human, intellectual, and financial
 19 capital to create globally competitive products;
- 20 (2) "At-risk" means a student who is academically unprepared, has inadequate
 21 academic preparation for the next educational level, or who is in danger of
 22 dropping out of school;
- 23 (3) "Career academy" means a small learning community within a larger high
 24 school that:
- 25 (a) Consists of a heterogeneous group of students taking classes together for at
 26 least two (2) years who are taught by a team of teachers from different
 27 disciplines;

1 (b) Provides a college-preparatory academic curriculum based on a career
 2 theme that helps students see relationships and connections between
 3 academic subjects and their applications in specific career pathways and in
 4 broad career areas such as health science, business, pre-engineering,
 5 agribusiness, and advanced manufacturing; and

6 (c) Provides opportunities through partnerships with employers, colleges, and
 7 the community for students to engage in internships and work-based
 8 learning with adult mentors to motivate students to achieve;

9 (4) "Career and technical education"~~[or "secondary vocational education" or~~
 10 ~~"secondary vocational study"]~~ means a program of study that leads to the
 11 development of academic and specialized occupational skills in career fields;

12 (5) "Career guidance coach" means a counselor who is assigned one hundred
 13 percent (100%) of his or her time to:

14 (a) The development of students', teachers', and parents' understanding of
 15 broad career themes and opportunities through career pathways;

16 (b) Academic advising and career counseling;

17 (c) Assisting students in the development of individual learning plans; and

18 (d) Providing assistance to other teachers;

19 (6) "Career pathway" means a coherent, articulated sequence of rigorous academic
 20 and career-related courses, commencing in ninth grade and leading to an
 21 associate degree, an industry-recognized certificate or license, or a baccalaureate
 22 or higher degree. A career pathway is developed, implemented, and maintained in
 23 partnership among secondary and postsecondary education institutions,
 24 businesses, and employers. Career pathways are available to all students,
 25 including adult learners, and are designed to lead to rewarding careers;

26 (7) "Career pathway program of study" means a coherent, articulated sequence of
 27 rigorous academic and career and technical education courses, including dual

1 credit opportunities, that prepares secondary students for postsecondary study
 2 leading to postsecondary degrees, industry certifications, or licensure;

3 (8) "Evidence-based instructional model" or "evidence-based model" means the
 4 application of valid and relevant knowledge to education activities and programs,
 5 which are based on the findings from systematic and empirical methods
 6 including observations, experiments, and rigorous data analyses;

7 (9) "Industry certification" means certification that is awarded to a student who has
 8 passed a standardized, valid, industry-based examination that measures the
 9 knowledge and skills recognized nationally by employers or by an industry group
 10 or association within Kentucky as representing the level of proficiency that is
 11 needed to enter a specific field;

12 ~~(10)~~~~(2)~~ "Technical literacy" means a student's ability to read and comprehend the
 13 language of a field of study, understand the major technical concepts of that field,
 14 and apply the appropriate mathematics concepts to typical problems encountered in
 15 the workplace;

16 ~~(11)~~~~(3)~~ "Secondary area technology center" or "secondary area center" means a school
 17 facility dedicated to the primary purpose of offering five (5) or more technical
 18 preparation programs that lead to skill development focused on specific
 19 occupational areas. An area center may be called a "magnet technology center" or
 20 "career center" or may be assigned another working title by the parent agency. An
 21 area center may be either state or locally operated; and

22 ~~(12)~~~~(4)~~ "Career and technical education~~[Vocational]~~ department" means a portion of
 23 a school facility that has five (5) or more technical preparation programs that lead to
 24 skill development focused on specific occupational areas.

25 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO
 26 READ AS FOLLOWS:

27 (1) Prior to January 1, 2013, the Kentucky Department of Education shall

1 communicate to all local school districts the minimum core content standards for
 2 postsecondary education introductory courses and career-readiness standards
 3 required under KRS 158.6453.

4 (2) Prior to the beginning of the 2013-2014 school year, the department shall assist
 5 districts in the analyses of assessment data to identify students who are
 6 academically behind, who have higher than normal absentee rates, or who have a
 7 record of discipline problems at the end of grade six (6), grade eight (8), grade
 8 nine (9), grade ten (10), and grade eleven (11).

9 (3) The department shall develop enhanced courses in English, reading, and
 10 mathematics to be offered to students in grade six (6), grade nine (9), grade ten
 11 (10), grade eleven (11), and grade twelve (12) who are academically behind to
 12 help them meet the college and career-readiness standards.

13 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
 14 READ AS FOLLOWS:

15 (1) If funds are appropriated for the purposes of funding evidence-based
 16 instructional models or if internal state or federal funds are available, the
 17 Kentucky Department of Education, in collaboration with the Office of Career
 18 and Technical Education in the Education and Workforce Development Cabinet,
 19 the Kentucky Community and Technical College System, the Education
 20 Professional Standards Board, and other appropriate educational entities, shall
 21 recommend evidence-based models for addressing the needs of at-risk students.

22 (2) The evidence-based models shall include a variety of programs and curricula
 23 proven to be effective for at-risk students, and shall focus on:

24 (a) Identification of students at risk for inadequate academic preparation for
 25 the next grade level or at risk for dropping out of school;

26 (b) Reduction in the number of students retained in grade nine (9) and
 27 reduction of high school failure rates;

- 1 (c) Improvement of student performance through grade-level standards in
 2 reading and mathematics with an emphasis on grade nine (9);
- 3 (d) Assistance to students and their parents or legal guardians in identifying
 4 students' career and educational goals, developing individual learning
 5 plans, and the appropriate programs of study to achieve these goals; and
- 6 (e) Assistance to adult students in obtaining a high school diploma or a
 7 recognized postsecondary education credential that has value in the
 8 workplace.
- 9 (3) The evidence-based models shall include the following components designed to
 10 facilitate more students having a successful start in high school and successfully
 11 completing grade nine (9) requirements:
- 12 (a) The use of flexible scheduling as appropriate to increase students' time in
 13 the study of core language arts and mathematics;
- 14 (b) The assignment of the most effective teachers as leaders for instructional
 15 teams in grade nine (9) to improve instructional planning, delivery of
 16 instruction, and the use of reteaching strategies;
- 17 (c) The assignment of mentors to teach students study skills and habits
 18 necessary to become independent learners and when possible, the use of
 19 career guidance coaches to advise students; and
- 20 (d) Career courses, including career exploration, in grade nine (9) to
 21 incorporate project-based instruction that requires the application of grade
 22 nine (9) level reading, mathematics, and science skills and that uses a wide
 23 variety of technology.
- 24 (4) (a) If state or federal funds are available, all career and technical education
 25 teachers who teach high school students shall receive training in how to
 26 embed reading, mathematics, and science knowledge and skills in specific
 27 career and technical education courses.

1 (b) Training required under paragraph (a) of this subsection may be provided
 2 by local school districts or postsecondary education institutions, including
 3 community and technical colleges, and outside providers that have a record
 4 of working effectively with schools in redesigning the ninth grade.

5 (5) Career and technical education teachers shall provide evidence through the
 6 courses they teach that the students' academic achievement is increased as
 7 defined by administrative regulations promulgated by the Kentucky Board of
 8 Education and developed in collaboration with the Education and Workforce
 9 Development Cabinet and the Kentucky Community and Technical College
 10 System.

11 (6) The evidence-based models shall be incorporated into career and technical
 12 education programs, career academies, and career pathway programs of study
 13 developed under Section 5 of this Act.

14 →SECTION 5. A NEW SECTION OF KRS CHAPTER 157 IS CREATED TO
 15 READ AS FOLLOWS:

16 (1) For purposes of this section:

17 (a) "Career academy" means a small learning community within a larger high
 18 school that:

19 1. Consists of a heterogeneous group of students taking classes together
 20 for at least two (2) years and who are taught by a team of teachers
 21 from different disciplines;

22 2. Provides a college-preparatory academic curriculum based on a career
 23 theme that helps students see relationships and connections between
 24 academic subjects and their applications in specific career pathways
 25 and in broad career areas such as health science, business, pre-
 26 engineering, agribusiness, and advanced manufacturing; and

27 3. Provides opportunities through partnerships with employers, colleges

1 and the community for students to engage in internships and work-
 2 based learning with adult mentors to motivate students to achieve;

3 (b) "Career guidance coach" means a person who is assigned one hundred
 4 percent (100%) of his or her time to:

5 1. The development of students', teachers', and parents' understanding
 6 of broad career themes and opportunities through career pathways;

7 2. Academic advising and career counseling;

8 3. Assisting students in the development of individual learning plans;
 9 and

10 4. Providing assistance to other teachers;

11 (c) "Career pathway" means a coherent, articulated sequence of rigorous
 12 academic and career-related courses, commencing in ninth grade and
 13 leading to an associate degree, an industry-recognized certificate or license,
 14 or a baccalaureate or higher degree. A career pathway is developed,
 15 implemented, and maintained in partnership among secondary and
 16 postsecondary education institutions, businesses, and employers. Career
 17 pathways are available to all students, including adult learners, and are
 18 designed to lead to rewarding careers; and

19 (d) "Career pathway program of study" means a coherent, articulated
 20 sequence of rigorous academic and career and technical education courses,
 21 including dual credit opportunities, that prepares secondary students for
 22 postsecondary study leading to postsecondary degrees, industry
 23 certifications, or licensure.

24 (2) There is hereby created a trust and agency account to be known as the "career
 25 and technical education accessibility fund," to be administered by the Kentucky
 26 Department of Education. The fund shall consist of proceeds from grants, federal
 27 funds, contributions, appropriations, or other moneys made available for the

1 purposes of the fund. The fund shall provide grants to be used for:

2 (a) The development of career pathways and programs of study in high-demand
3 occupational fields for students in middle schools and high schools; and

4 (b) The establishment of career academies in secondary schools. Each career
5 academy shall employ general education faculty who teach the academic
6 core content and career and technical education faculty who focus the
7 majority of the content around a broad career area and when possible,
8 employ career guidance coaches to advise students. Career academies shall
9 provide students an opportunity to earn a high school diploma and
10 simultaneously earn postsecondary education credit. They shall also provide
11 opportunities to earn industry certification in high-demand fields, including
12 biotechnology, environmental sustainability, agriculture, health,
13 engineering, information technology, and other emerging career areas.

14 (3) The grants may be used within a high school facility, career and technical
15 education center, or in an area technology center.

16 (4) The programs may, based on written policies of the education institution in
17 consultation with and approval of the Kentucky Community and Technical
18 College System, serve adult learners who may have interrupted their secondary
19 education and wish to reenter a program or adults who wish to pursue initial
20 study in a career and technical education field.

21 (5) Funds shall be distributed through a grant program to eligible school districts
22 and the Kentucky Tech System on a matching basis as funds are available.

23 (6) Financial gifts and in-kind contributions from any business or industry, a
24 community college, or other entity may be accepted to meet the matching
25 requirements based on criteria established by the Kentucky Board of Education.

26 (7) Pursuant to KRS Chapter 13A, the Kentucky Board of Education shall
27 promulgate administrative regulations that specify the:

- 1 (a) Eligibility requirements for participation in the grant program. Low
 2 graduation rates, as determined in accordance with the methodology
 3 established by the National Center for Education Statistics, shall be high
 4 priority for participation in the grant program;
- 5 (b) Matching requirements;
- 6 (c) Application and review process;
- 7 (d) Accountability and data requirements for grant recipients;
- 8 (e) Procedures for the reallocation of any unused fund balance;
- 9 (f) Grant continuation requirements; and
- 10 (g) Other components essential to the implementation of this section.
- 11 (8) Notwithstanding KRS 45.229, any unused balance in the career and technical
 12 education accessibility fund shall not lapse but shall be carried forward into the
 13 next fiscal year and used only for the purposes described in subsection (2) of this
 14 section. Any interest earnings of the fund shall become a part of the fund and
 15 shall not lapse. Moneys in the fund are hereby appropriated for the purposes set
 16 forth in this section.
- 17 (9) Schools receiving grants shall have an active local advisory council comprised of
 18 industry leaders and employers and postsecondary education faculty to provide
 19 input on long-range goals for career and technical education.
- 20 (10) Nothing in this section shall prohibit a school that has begun the implementation
 21 of a career pathway or a career academy prior to the effective date of this Act
 22 from qualifying for funds under this section.

23 ➔ Section 6. KRS 158.814 is amended to read as follows:

- 24 (1) In order to ensure that high-quality, relevant secondary career and technical
 25 programs are available to students in all school districts that enable them to gain the
 26 academic and technical skills to meet high school graduation requirements and for
 27 successful transition to postsecondary education, work, or the military and to

1 support present-day and future needs of Kentucky employers, the Kentucky
 2 Department of Education and the Office of Career and Technical Education shall
 3 jointly ~~implement a comprehensive plan between July 1, 2001, and January 1,~~
 4 ~~2004, to~~:

5 (a) Review and revise as needed the equipment and facilities standards for each
 6 career and technical education program identified and described in the career
 7 and technical *education* supplement to the Kentucky program of studies and
 8 published by the Kentucky Department of Education; and

9 (b) *Determine the statewide unmet needs for career and technical education*
 10 *capital projects, including renovations and expansions of existing facilities*
 11 *and the construction of new technology centers, through*~~Establish~~ a needs
 12 assessment process. *This process shall be* tied to specific criteria ~~for assisting~~
 13 ~~all providers of programs~~ in determining if the current programs *or career*
 14 *pathways* offered in *locally and state-operated*~~their respective~~ facilities are
 15 appropriate for the students in the school districts served as well as for
 16 determining if new programs are needed. *The statewide assessment of capital*
 17 *needs for career and technical education shall be incorporated into the local*
 18 *school district facility plan as required by KRS 157.420. The Kentucky*
 19 *Board of Education shall incorporate criteria within the administrative*
 20 *regulations relating to school facility plan requirements to prioritize need*
 21 *for career and technical education programming, regardless of whether the*
 22 *programs are locally or state-operated.*

23 (2) Representatives from local school districts, the Kentucky Community and Technical
 24 College System, *the Office of Career and Technical Education in the Education*
 25 *and Workforce Development Cabinet, the Division of Career and Technical*
 26 *Education in the Kentucky Department of Education,* business and industry,
 27 colleges, universities, and other appropriate agencies shall be consulted in carrying

1 out the requirements of this section.

2 → Section 7. KRS 158.816 is amended to read as follows:

3 (1) The Kentucky Department of Education and the Office of Career and Technical
4 Education in the Education and Workforce Development Cabinet, with
5 involvement of representatives from the local school districts and teacher
6 preparation institutions, shall jointly complete an annual statewide analysis and
7 report of academic achievement of technical education students who have
8 completed or are enrolled in a sequence of a technical program of at least three (3)
9 high school credits.

10 (2) (a) The analysis shall include the previous year's results from the state assessment
11 program described in KRS 158.6453. The data shall be disaggregated for all
12 high school students by career cluster areas of agriculture, business and
13 marketing, human services, health services, transportation, construction,
14 communication, and manufacturing and by special populations. Where
15 available, disaggregated data from other national assessments shall also be
16 used.

17 (b) In addition to assessment scores required under paragraph (a) of this
18 subsection, the analysis shall include:

19 1. The number of students who took state or national assessments of skill
20 standards and qualified for skills certificates;

21 2. The number of senior concentrators as defined in the Carl D. Perkins
22 Vocational and Technical Education Act, Pub. L. No. 105-332, who
23 have attained a high school diploma or equivalent;

24 3. The number of students who made successful transitions to work,
25 military, or postsecondary education. A successful transition to
26 postsecondary education means a student enters directly into advanced
27 training, a certificate program, or a degree program without having to

1 take remedial academic courses;

2 4. The number of students employed in nontraditional careers; and

3 5. Other factors deemed appropriate by the state education agencies or
4 required under federal law.

5 (3) (a) The Kentucky Department of Education, with assistance from the Office of
6 Career and Technical Education, shall coordinate the development of a
7 statewide technical assistance plan to aid providers of programs in identifying
8 areas for improvement for those schools that do not meet their school
9 performance goal and for those schools where technical students as a group do
10 not score equal to or better than the school average in each of the academic
11 areas. The plan shall address methodologies for further analysis at each school
12 including but not limited to:

- 13 1. The academic course-taking patterns of the technical students;
- 14 2. The rigor and intensity of the technical programs and expectations for
15 student performance in reading, math, science, and writing and other
16 academic skills as well as in technical skill development;
- 17 3. The level of communication and collaboration between teachers in
18 technical programs and academic programs, planning, and opportunity
19 for analyzing student achievement, particularly between faculty in the
20 comprehensive high schools with the faculty in state-operated or locally
21 operated secondary area centers and vocational departments;
- 22 4. The faculties' understanding of Kentucky's program of studies, academic
23 expectations, and core content for assessment;
- 24 5. The knowledge and understanding of academic teachers and technical
25 teachers in integrating mutually supportive curricula content;
- 26 6. The level of curricula alignment and articulation in grades eight (8) to
27 sixteen (16);

- 1 7. The availability of extra help for students in meeting higher standards;
- 2 8. The availability and adequacy of school career and guidance counseling;
- 3 9. The availability and adequacy of work-based learning;
- 4 10. The availability and adequacy of distance learning and educational
- 5 technology;
- 6 11. The adequacy of involvement of business and industry in curricula,
- 7 work-based learning, and program development; and
- 8 12. The adequacy of teachers' preparation to prepare them for teaching both
- 9 academic and technical skills to all students that are necessary for
- 10 successful transition to postsecondary education, work, or the military.
- 11 (b) 1. The department and the office, in cooperation with the Education
- 12 Professional Standards Board, teacher preparation programs,
- 13 postsecondary education institutions, and other appropriate partners,
- 14 shall ensure that academic core content is embedded~~[imbedded]~~ or
- 15 integrated within the performance requirements for teacher education
- 16 students.
- 17 2. Beginning with the 2013-2014 school year and thereafter, the
- 18 Education Professional Standards Board shall, as a condition of
- 19 program approval, require career and technical educator preparation
- 20 programs to include instructional techniques for teacher education
- 21 students to embed reading, mathematics, and science knowledge and
- 22 skills into all career and technical education instruction at the
- 23 secondary level.
- 24 (c) The department and the office, in cooperation with the Kentucky Community
- 25 and Technical College System, shall encourage postsecondary education and
- 26 business and industry to provide professional development and training
- 27 opportunities to engage technical faculty in continuous improvement activities

1 to enhance their instructional skills.

2 (d) The department and the office shall continue efforts with business and
3 industry to develop occupation skill standards and assessments. All efforts
4 shall be made with the involvement of business, industry, and labor. Skill
5 standards and assessments, where available, shall be used as the focus of the
6 curricula.

7 (4) The department and the office shall consult with the Education Professional
8 Standards Board in carrying out the requirements of this section as they relate to
9 teacher preparation.

10 →Section 8. KRS 18A.010 is amended to read as follows:

11 (1) The general purpose of KRS 18A.005 to 18A.200 is to establish for the state a
12 system of personnel administration based on merit principles and scientific methods
13 governing the recruitment, examination, appointment, promotion, transfer, lay-off,
14 removal, discipline, and welfare of its classified employees and other incidents of
15 state employment. All appointments and promotions to positions in the state
16 classified service shall be made solely on the basis of merit and fitness, to be
17 ascertained by competitive examination, except as hereinafter specified. The
18 General Assembly finds that this chapter is necessary in order to improve the
19 morale and motivation of state employees and to gain the maximum utilization of
20 human resources in order to provide better service to the citizens of this
21 Commonwealth.

22 (2) The total number of permanent full-time personnel employed in agencies of the
23 executive branch shall not exceed thirty-three thousand (33,000).

24 (3) The provisions of subsection (2) of this section do not apply to teachers, career
25 guidance coaches and counselors, or school administrators employed in state-
26 operated area technology centers, employees of the General Assembly, the
27 Legislative Research Commission, the Kentucky Higher Education Assistance

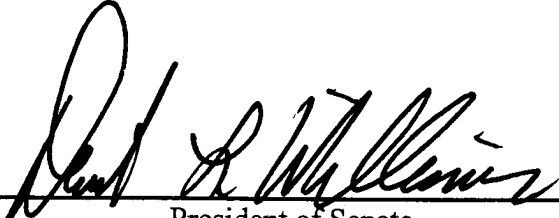
1 Authority, the Kentucky Higher Education Student Loan Corporation, or the Court
2 of Justice.

3 **(4) As used in this section, "career guidance coach" has the same meaning as in**
4 **Section 2 of this Act.**


5 ➔Section 9. The Council on Postsecondary Education is urged to provide
6 additional funding to those postsecondary education institutions that have partnerships
7 with high school seniors enrolled in STEM and energy fields.

8 ➔Section 10. This Act shall be known as the "Career Pathways Act of 2012."

9 ➔Section 11. Whereas it is necessary for the Kentucky Board of Education to
10 promulgate administrative regulations in order to implement the provisions of this Act as
11 early in the 2012-2013 fiscal year as possible, an emergency is declared to exist, and this
12 Act takes effect upon its passage and approval of the Governor or upon its otherwise
13 becoming a law.



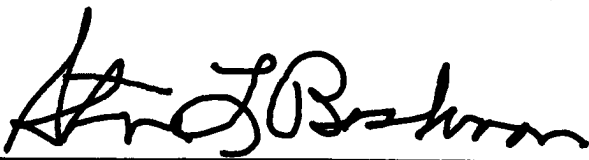
President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 4-19-12