KENTUCKY GENERAL ASSEMBLY

2016 Regular Session

Technical Correction by the Reviser of Statutes

The following technical correction shall be made in the printed copy of HB 15/EN:

On page 36, line 16, remove the brackets and strike-throughs from "~~[accelerated courses, with an emphasis on]~~" and place brackets around and strike through ", with an emphasis on Advanced Placement classes".

On April 15, 2016, the Senate passed HB 15 with Senate Committee Substitute 1, Senate Floor Amendment 3, and Senate Committee Amendment 1 (Title), all of which were concurred in by the House, and HB 15 was then enrolled and delivered to the Governor. An error was made in engrossing Senate Floor Amendment 3 prior to it being enrolled. The first direction of Senate Floor Amendment 3 was to place brackets around and strike through ", with an emphasis on Advanced Placement courses" on page 36, line 16. However, "accelerated courses, with an emphasis on" on line 16 was incorrectly bracketed and struck through instead.

KRS 446.310 authorizes correcting an enacted bill to avoid the consequence of the incorrect text being null and void and not codified by the Reviser of Statutes. Without the correction of the error in HB 15/EN, KRS 446.017 requires that the incorrect text be voided and severed from the bill. Therefore, this inadvertent clerical error should be corrected in the bill presented to the Governor, and the Reviser of Statutes shall codify this text as corrected.

Reviser of Statutes

Date: April 18, 2016

House Clerk: Jean E. Burgin

GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

HOUSE BILL NO. 15

AS ENACTED

FRIDAY, APRIL 15, 2016

RECEIVED AND FILED
DATE April 27, 2016
4:41pm
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

AN ACT relating to education.

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

➔Section 1. KRS 164.011 is amended to read as follows:

(1) There is hereby created and established a Council on Postsecondary Education in Kentucky as an agency, instrumentality, and political subdivision of the Commonwealth and a public body corporate and politic having all powers, duties, and responsibilities as are provided to it by law, appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The council shall be composed of the commissioner of education, a faculty member, a student member, and thirteen (13) citizen members appointed by the Governor. The citizen members shall be confirmed by the Senate ~~[and the House of Representatives]~~under KRS 11.160, and the commissioner of education shall serve as a nonvoting ex officio member. Citizen council members shall be selected from a list of nominees provided to the Governor under the nominating process set forth in KRS 164.005. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the ***Senate***~~[General Assembly]~~ at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.

(2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary Education Nominating Committee shall submit nominations to the Governor as set forth in KRS 164.005. On making appointments to the council, the Governor shall assure broad geographical and political representation; assure equal representation of the two (2) sexes, inasmuch as possible; assure no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration; and assure that appointments reflect the minority racial composition of the Commonwealth. In filling vacancies to the council, the Governor shall act so as to provide, inasmuch as possible, equal representation of

the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex. No more than two (2) members of the council shall hold an undergraduate degree from any one (1) Kentucky university, and no more than three (3) voting members of the council shall reside in any one (1) judicial district of the Kentucky Supreme Court as of the date of the appointment. However, change in residency after the date of appointment shall not affect the ability to serve.

(3) One (1) member shall be a full-time faculty member employed at a state institution of postsecondary education. The faculty member shall be appointed to a four (4) year term by the Governor from a list of three (3) nominees selected and submitted by majority vote of the ten (10) faculty members who serve as faculty representatives of the boards of trustees and boards of regents of the nine (9) postsecondary education institutions.

(4) One (1) member shall be enrolled as a full-time student at a state institution of postsecondary education and shall be selected annually in the following manner: not later than June 1 of each year the eight (8) student body presidents of the four (4) year state public institutions of higher education, the two (2) student members to the Kentucky Community and Technical College System, and one (1) student body president representing the members of the Association of Independent Kentucky Colleges and Universities shall elect by majority vote three (3) nominees to submit to the Governor. From this list of nominees, the Governor shall appoint a student member.

(5) In filling any vacancies, the Governor shall ensure the continuing representation upon the council of the broad constituencies as set forth in subsection (2) of this section. Vacancies on the council shall be filled for the unexpired term in accordance with the procedures established for the original appointments.

(6) Each citizen member shall serve a term of six (6) years, except the initial appointments shall be as follows:

(a) Two (2) appointments shall expire December 31, 1997;

(b) Three (3) appointments shall expire December 31, 1998;

(c) Two (2) appointments shall expire December 31, 1999;

(d) Two (2) appointments shall expire December 31, 2000;

(e) Two (2) appointments shall expire December 31, 2001; and

(f) Two (2) appointments shall expire December 31, 2002.

(7) Any person, other than the chief state school officer, holding either an elective or appointive state office or who is a member of the governing board of any state university in Kentucky, shall be ineligible for membership or appointment on the council during his term.

(8) The members of the council shall elect the chair and the vice chair of the council from among the council's membership, and the chair and vice chair shall serve at the pleasure of the council. The vice chair shall serve as chair in the absence of the chair.

(9) The council shall meet at least quarterly and at other times upon the call of the chair or a majority of the council.

(10) A quorum shall be a majority of the appointive membership of the council.

(11) A quorum shall be required to organize and conduct the business of the council, except that an affirmative vote of eight (8) or more appointive members of the entire council shall be required to dismiss from employment the president of the council, and to adopt or amend the state strategic postsecondary education agenda.

(12) New appointees to the council shall not serve more than two (2) consecutive terms. Appointees after May 30, 1997, who previously served on the Council of Higher Education may serve two (2) additional full consecutive terms.

(13) New appointees to the council shall complete an orientation and education

program set forth in subsection (25) of Section 2 of this Act to be eligible for appointment to a second term.

➔Section 2. KRS 164.020 is amended to read as follows:

The Council on Postsecondary Education in Kentucky shall:

(1) Develop and implement the strategic agenda with the advice and counsel of the Strategic Committee on Postsecondary Education. The council shall provide for and direct the planning process and subsequent strategic implementation plans based on the strategic agenda as provided in KRS 164.0203;

(2) Revise the strategic agenda and strategic implementation plan with the advice and counsel of the committee as set forth in KRS 164.004;

(3) Develop a system of public accountability related to the strategic agenda by evaluating the performance and effectiveness of the state's postsecondary system. The council shall prepare a report in conjunction with the accountability reporting described in KRS 164.095, which shall be submitted to the committee, the Governor, and the General Assembly by December 1 annually. This report shall include a description of contributions by postsecondary institutions to the quality of elementary and secondary education in the Commonwealth;

(4) Review, revise, and approve the missions of the state's universities and the Kentucky Community and Technical College System. The Council on Postsecondary Education shall have the final authority to determine the compliance of postsecondary institutions with their academic, service, and research missions;

(5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively provide for an integrated system of postsecondary education. The council shall guard against inappropriate and unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions;

(6) Engage in analyses and research to determine the overall needs of postsecondary education and adult education in the Commonwealth;

(7) Develop plans that may be required by federal legislation. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in federal legislation. When federal legislation requires additional representation on any "single state agency," the Council on Postsecondary Education shall establish advisory groups necessary to satisfy federal legislative or regulatory guidelines;

(8) Determine tuition and approve the minimum qualifications for admission to the state postsecondary educational system. In defining residency, the council shall classify a student as having Kentucky residency if the student met the residency requirements at the beginning of his or her last year in high school and enters a Kentucky postsecondary education institution within two (2) years of high school graduation. In determining the tuition for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and other factors the council may in its sole discretion deem pertinent;

(9) Devise, establish, and periodically review and revise policies to be used in making recommendations to the Governor for consideration in developing recommendations to the General Assembly for appropriations to the universities, the Kentucky Community and Technical College System, and to support strategies for persons to maintain necessary levels of literacy throughout their lifetimes including but not limited to appropriations to the Kentucky Adult Education Program. The council has sole discretion, with advice of the Strategic Committee on Postsecondary Education and the executive officers of the postsecondary education system, to devise policies that provide for allocation of funds among the universities

and the Kentucky Community and Technical College System;

(10) Lead and provide staff support for the biennial budget process as provided under KRS Chapter 48, in cooperation with the committee;

(11) (a) Except as provided in paragraph (b) of this subsection, review and approve all capital construction projects covered by KRS 45.750(1)(f), including real property acquisitions, and regardless of the source of funding for projects or acquisitions. Approval of capital projects and real property acquisitions shall be on a basis consistent with the strategic agenda and the mission of the respective universities and the Kentucky Community and Technical College System.

(b) The organized groups that are establishing community college satellites as branches of existing community colleges in the counties of Laurel, Leslie, and Muhlenberg, and that have substantially obtained cash, pledges, real property, or other commitments to build the satellite at no cost to the Commonwealth, other than operating costs that shall be paid as part of the operating budget of the main community college of which the satellite is a branch, are authorized to begin construction of the satellite on or after January 1, 1998;

(12) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties;

(13) Ensure that the state postsecondary system does not unnecessarily duplicate services and programs provided by private postsecondary institutions and shall promote maximum cooperation between the state postsecondary system and private postsecondary institutions. Receive and consider an annual report prepared by the Association of Independent Kentucky Colleges and Universities stating the condition of independent institutions, listing opportunities for more collaboration between the state and independent institutions and other information as appropriate;

(14) Establish course credit, transfer, and degree components as required in KRS

164.2951;

(15) Define and approve the offering of all postsecondary education technical, associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in the public postsecondary education institutions. The council shall expedite wherever possible the approval of requests from the Kentucky Community and Technical College System board of regents relating to new certificate, diploma, technical, or associate degree programs of a vocational-technical and occupational nature. Without the consent of the General Assembly, the council shall not abolish or limit the total enrollment of the general program offered at any community college to meet the goal of reasonable access throughout the Commonwealth to a two (2) year course of general studies designed for transfer to a baccalaureate program. This does not restrict or limit the authority of the council, as set forth in this section, to eliminate or make changes in individual programs within that general program;

(16) Eliminate, in its discretion, existing programs or make any changes in existing academic programs at the state's postsecondary educational institutions, taking into consideration these criteria:

(a) Consistency with the institution's mission and the strategic agenda;

(b) Alignment with the priorities in the strategic implementation plan for achieving the strategic agenda;

(c) Elimination of unnecessary duplication of programs within and among institutions; and

(d) Efforts to create cooperative programs with other institutions through traditional means, or by use of distance learning technology and electronic resources, to achieve effective and efficient program delivery;

(17) Ensure the governing board and faculty of all postsecondary education institutions are committed to providing instruction free of discrimination against students who hold political views and opinions contrary to those of the governing board and

faculty;

(18) Review proposals and make recommendations to the Governor regarding the establishment of new public community colleges, technical institutions, and new four (4) year colleges;

(19) Postpone the approval of any new program at a state postsecondary educational institution, unless the institution has met its equal educational opportunity goals, as established by the council. In accordance with administrative regulations promulgated by the council, those institutions not meeting the goals shall be able to obtain a temporary waiver, if the institution has made substantial progress toward meeting its equal educational opportunity goals;

(20) Ensure the coordination, transferability, and connectivity of technology among postsecondary institutions in the Commonwealth including the development and implementation of a technology plan as a component of the strategic agenda;

(21) Approve the teacher education programs in the public institutions that comply with standards established by the Education Professional Standards Board pursuant to KRS 161.028;

(22) Constitute the representative agency of the Commonwealth in all matters of postsecondary education of a general and statewide nature which are not otherwise delegated to one (1) or more institutions of postsecondary learning. The responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment;

(23) Maintain procedures for the approval of a designated receiver to provide for the maintenance of student records of the public institutions of higher education and the colleges as defined in KRS 164.945, and institutions operating pursuant to KRS 165A.310 which offer collegiate level courses for academic credit, which cease to

operate. Procedures shall include assurances that, upon proper request, subject to federal and state laws and regulations, copies of student records shall be made available within a reasonable length of time for a minimum fee;

(24) Monitor and transmit a report on compliance with KRS 164.351 to the director of the Legislative Research Commission for distribution to the Health and Welfare Committee;

(25) ***(a)*** Develop in cooperation with each ***public university and the Kentucky Community and Technical College System***~~[state postsecondary educational institution]~~ a comprehensive orientation ***and education*** program for new members of the council and the governing boards ***and continuing education opportunities for all council and board members. For new members of the council and institutional governing boards, the council shall:***~~[.]~~

1. Ensure that the orientation ***and education*** program ***comprises six (6) hours of instruction time and includes***~~[shall include]~~ but ***is*** not~~[be]~~ limited to~~[the]~~ information concerning the roles of the council ***and governing board members***, the strategic agenda and the strategic implementation plan, and the respective institution's mission, budget ***and finances***, ***strategic*** plans~~[, policies, strengths,]~~ and ***priorities, institutional policies and procedures,***~~[weaknesses]~~ ***board fiduciary responsibilities, legal considerations including open records and open meetings requirements, and ethical considerations arising from board membership***;

2. Establish delivery methods by which the orientation and education program can be completed in person or electronically by new members within one (1) year of their appointment or election;

3. Provide an annual report to the Governor and Legislative Research Commission of those new board members who do not complete the

required orientation and education program; and

4. Invite governing board members of private colleges and universities licensed by the Council on Postsecondary Education to participate in the orientation and education program described in this subsection;

(b) Offer, in cooperation with the public universities and the Kentucky Community and Technical College System, continuing education opportunities for all council and governing board members; and

(c) Review and approve the orientation programs of each public university and the Kentucky Community and Technical College System for their governing board members to ensure that all programs and information adhere to this subsection;

(26) Develop a financial reporting procedure to be used by all state postsecondary education institutions to ensure uniformity of financial information available to state agencies and the public;

(27) Select and appoint a president of the council under KRS 164.013;

(28) Employ consultants and other persons and employees as may be required for the council's operations, functions, and responsibilities;

(29) Promulgate administrative regulations, in accordance with KRS Chapter 13A, governing its powers, duties, and responsibilities as described in this section;

(30) Prepare and present by January 31 of each year an annual status report on postsecondary education in the Commonwealth to the Governor, the Strategic Committee on Postsecondary Education, and the Legislative Research Commission;

(31) Consider the role, function, and capacity of independent institutions of postsecondary education in developing policies to meet the immediate and future needs of the state. When it is found that independent institutions can meet state needs effectively, state resources may be used to contract with or otherwise assist independent institutions in meeting these needs;

(32) Create advisory groups representing the presidents, faculty, nonteaching staff, and students of the public postsecondary education system and the independent colleges and universities;

(33) Develop a statewide policy to promote employee and faculty development in all postsecondary institutions and in state and locally operated secondary area technology centers through the waiver of tuition for college credit coursework in the public postsecondary education system. Any regular full-time employee of a postsecondary public institution or a state or locally operated secondary area technology center may, with prior administrative approval of the course offering institution, take a maximum of six (6) credit hours per term at any public postsecondary institution. The institution shall waive the tuition up to a maximum of six (6) credit hours per term;

(34) Establish a statewide mission for adult education and develop a twenty (20) year strategy, in partnership with the Kentucky Adult Education Program, under the provisions of KRS 164.0203 for raising the knowledge and skills of the state's adult population. The council shall:

(a) Promote coordination of programs and responsibilities linked to the issue of adult education with the Kentucky Adult Education Program and with other agencies and institutions;

(b) Facilitate the development of strategies to increase the knowledge and skills of adults in all counties by promoting the efficient and effective coordination of all available education and training resources;

(c) Lead a statewide public information and marketing campaign to convey the critical nature of Kentucky's adult literacy challenge and to reach adults and employers with practical information about available education and training opportunities;

(d) Establish standards for adult literacy and monitor progress in achieving the

state's adult literacy goals, including existing standards that may have been developed to meet requirements of federal law in conjunction with the Collaborative Center for Literacy Development: Early Childhood through Adulthood; and

(e) Administer the adult education and literacy initiative fund created under KRS 164.041;

(35) Participate with the Kentucky Department of Education, the Kentucky Board of Education, and postsecondary education institutions to ensure that academic content requirements for successful entry into postsecondary education programs are aligned with high school content standards and that students who master the high school academic content standards shall not need remedial courses. The council shall monitor the results on an ongoing basis;

(36) Cooperate with the Kentucky Department of Education and the Education Professional Standards Board in providing information sessions to selected postsecondary education content faculty and teacher educators of the high school academic content standards as required under KRS 158.6453(2)(j);

(37) Cooperate with the Office for Education and Workforce Statistics and ensure the participation of the public institutions as required in KRS 151B.133; and

(38) Exercise any other powers, duties, and responsibilities necessary to carry out the purposes of this chapter. Nothing in this chapter shall be construed to grant the Council on Postsecondary Education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

➔Section 3. KRS 164.131 is amended to read as follows:

(1) (a) The government of the University of Kentucky is vested in a board of trustees appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky.

(b) All ***appointed and elected*** persons ~~[appointed after May 30, 1997,]~~shall be required to attend and complete an orientation ***and education*** program prescribed by the council under KRS 164.020***(25)***, as a condition of their service ***and eligibility for appointment or election to a second term***.

(c) The board shall periodically evaluate the institution's progress in implementing its missions, goals, and objectives to conform to the strategic agenda. Officers and officials shall be held accountable for the status of the institution's progress.

(d) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the council and a finding of fact by the council.

(e) The board shall consist of sixteen (16) members appointed by the Governor, two (2) members of the faculty of the University of Kentucky, one (1) member of the University of Kentucky nonteaching personnel, and one (1) member of the student body of the University of Kentucky. The voting members of the board shall select a chairperson annually.

(2) (a) The terms of the appointed members shall be for six (6) years and until their successors are appointed and qualified; except the initial appointments shall be as follows:

1. Two (2) members shall serve one (1) year terms;
2. Two (2) members shall serve two (2) year terms, one (1) of whom shall be a graduate of the university, selected from a list of three (3) names submitted by the alumni of the university according to rules established by the board of trustees;
3. Three (3) members shall serve three (3) year terms;
4. Three (3) members shall serve four (4) year terms, one (1) of whom shall be a graduate of the university, selected as under subparagraph 2.

of this subsection;

5. Three (3) members shall serve five (5) year terms; and

6. Three (3) members shall serve six (6) year terms, one (1) of whom shall be a graduate of the university, selected as under subparagraph 2. of this subsection.

(b) 1. Three (3) of the appointments shall be graduates of the university and may include one (1) graduate of the institution who resides outside the Commonwealth;

2. Three (3) shall be representative of agricultural interests; and

3. Ten (10) shall be other distinguished citizens representative of the learned professions and may include one (1) who resides outside of Kentucky.

(c) The Governor shall make the appointments so as to reflect proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and to reflect no less than proportional representation of the minority racial composition of the Commonwealth.

(d) Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for the original appointments.

(3) The two (2) University of Kentucky faculty members shall be of the rank of assistant professor or above. They shall be elected by secret ballot by all University of Kentucky faculty members of the rank of assistant professor or above. Faculty members shall serve for terms of three (3) years and until their successors are elected and qualified. Faculty members shall be eligible for reelection, but they shall be ineligible to continue to serve as members of the board of trustees if they cease to be members of the faculty of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original elections.

(4) The nonteaching personnel member shall be any full-time staff member, excluding

the president, vice-presidents, academic deans, and academic department chairpersons. The staff member shall represent all nonteaching university employees including but not limited to building facilities and clerical personnel. The staff member shall be elected by secret ballot by the nonteaching employees. The staff member shall serve a term of three (3) years and until a successor is elected and qualified. The staff member shall be eligible for reelection, but a staff member who ceases being an employee of the university shall not be eligible to continue to serve as a member of the board. Elections to fill vacancies shall be for the unexpired term and shall be held in the same manner as provided for the original election.

(5) The student member shall be the president of the student body of the university during the appropriate academic year and may be an out-of-state resident if applicable. If the student member does not maintain his position as student body president or his status as a full-time student at any time during that academic year, a special election shall be held to select a full-time student. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.

(6) The number of student and employee trustees of the University of Kentucky elected to the board shall not exceed four (4).

(7) Unless specifically approved by the board of trustees under the provisions of KRS 164.367, no member of the administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with exception of compensation to the two (2) faculty members, and the one (1) nonteaching personnel member.

(8) New appointees of the board shall not serve more than two (2) consecutive terms. Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full consecutive terms.

➔Section 4. KRS 164.321 is amended to read as follows:

(1) Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, Kentucky State University, Northern Kentucky University, and the Kentucky Community and Technical College System shall each be governed by a board of regents appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky.

(a) Each board of the comprehensive universities shall consist of eight (8) members appointed by the Governor, one (1) member of the teaching faculty, one (1) member of the university nonteaching personnel, and one (1) member of the student body of the respective university or college. The members of the board shall select a chairperson annually.

(b) The board of the Kentucky Community and Technical College System shall consist of eight (8) members appointed by the Governor, two (2) members of the teaching faculty, two (2) members of the nonteaching personnel, and two (2) members of the student body.

1. No more than three (3) appointed members of the board shall reside in any one (1) judicial district of the Kentucky Supreme Court as of the date of the appointment.

2. A change in residency of a gubernatorial appointee after the date of appointment shall not affect the appointee's ability to serve or eligibility for reappointment, except an appointee who assumes residency outside the fifty (50) United States shall become immediately ineligible to serve. The Council on Postsecondary Education shall notify the appointee of his or her ineligibility to serve.

3. In making initial appointments, the Governor shall act so as to provide equal representation of the two (2) sexes. In filling vacancies, the Governor shall act so as to provide, inasmuch as possible, equal

representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex.

(2) The terms of appointed members shall be for six (6) years and until their successors are appointed and qualified, except the initial appointments to the board of regents for the Kentucky Community and Technical College System shall be as follows:

(a) One (1) member shall serve a one (1) year term;

(b) One (1) member shall serve a two (2) year term;

(c) Two (2) members shall serve three (3) year terms;

(d) One (1) member shall serve a four (4) year term;

(e) One (1) member shall serve a five (5) year term; and

(f) Two (2) members shall serve six (6) year terms.

New appointees of a board of regents shall not serve for more than two (2) consecutive terms. Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full consecutive terms.

(3) The gubernatorial appointments may include one (1) graduate of the respective institution who resides outside the Commonwealth. Not more than two (2) appointed members of any board shall be residents of one (1) county. The appointments shall reflect the proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration. Membership on the board shall reflect no less than proportional representation of the minority racial composition of the Commonwealth. Membership on the board shall not be incompatible with any state office. A change in residency after the date of appointment shall not affect a member's ability to serve nor shall it prevent a member's eligibility for reappointment, except a member who assumes residency

outside the fifty (50) United States shall become immediately ineligible to serve. The Council on Postsecondary Education shall notify the appointee of his or her ineligibility to serve.

(4) Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.

(5) Each member of the board shall serve for the term for which the member is appointed and until a successor is appointed and qualified.

(6) (a) The faculty member of a comprehensive university shall be a teaching or research member of the faculty of his or her respective university of the rank of assistant professor or above. The faculty member shall be elected by secret ballot by all faculty members of his or her university of the rank of instructor, assistant professor, or above. The faculty member shall serve for a term of three (3) years and until his successor is elected and qualified. The faculty member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being a member of the teaching staff of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.

(b) The faculty members of the Kentucky Community and Technical College System shall be represented by one (1) faculty member elected from the community colleges and one (1) faculty member elected from the technical institutions to serve three (3) year terms and until their successors are named. The faculty representative of each branch shall be elected by means of a process established by the board. The faculty members may be reelected but shall not serve more than two (2) consecutive terms. A faculty member shall be ineligible to continue to serve as a member of the board if he or she ceases to be a member of the faculty at one (1) of the institutions within the system.

Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.

(7) (a) The nonteaching personnel member in a comprehensive university shall be any full-time staff member excluding the president, vice presidents, academic deans, and academic department chairpersons. He or she shall represent all nonteaching university employees including, but not limited to, building facilities and clerical personnel. The member shall be elected by secret ballot by the nonteaching employees. The nonteaching personnel member shall serve a term of three (3) years and until a successor is elected and qualified. The nonteaching personnel member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being an employee of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.

(b) The nonteaching personnel members in the Kentucky Community and Technical College System shall be any full-time staff member excluding a president, chancellor, vice president, academic dean, academic department chair, or other administrator. They shall represent all nonteaching employees in their respective branch institutions including, but not limited to, support and clerical personnel. One (1) member shall be a representative from the community colleges and one (1) member shall be a representative from the technical institutions. They shall serve three (3) year terms and until their successors are named. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member. The nonteaching personnel members of each branch shall be elected by means of a process established by the board. A nonteaching personnel member may be reelected

but shall not serve more than two (2) consecutive terms. A nonteaching employee shall be ineligible to continue to serve as a member of the board if that employee ceases to be a nonteaching employee at one (1) of the institutions within the system. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.

(8) (a) The student member on a comprehensive university board shall be the president of the student body of the university during the appropriate academic year and may be an out-of-state resident if applicable. If the student member does not maintain his or her position as student body president or status as a full-time student at any time during that academic year, a special election shall be held to select a full-time student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.

(b) Two (2) full-time student members shall be elected to the board of regents for the Kentucky Community and Technical College System. One (1) shall represent students of the community colleges and one (1) shall represent the technical institutions. The student members shall be elected by means of a process established by the board. The student members shall serve one (1) year terms beginning with the first meeting of the fiscal year that contains the academic year. If the student member does not maintain his or her status as a full-time student, a special election shall be held to fill the vacancy. The two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.

(9) All ***appointed and elected*** persons ~~[appointed after May 30, 1997,]~~shall be required to attend and complete an orientation ***and education*** program prescribed by the council under KRS 164.020***(25)***, as a condition of their service ***and eligibility for appointment or election to a second term***.

(10) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the Council on Postsecondary Education and a finding of fact by the council.

➔Section 5. KRS 164.821 is amended to read as follows:

(1) The government of the University of Louisville is vested in a board of trustees appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The board shall consist of seventeen (17) members appointed by the Governor; one (1) member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; a member of the permanent staff of the University of Louisville who shall be the chief executive of the staff senate; and a student member who shall be the president of the student body during the appropriate academic year.

(a) All ***appointed and elected*** persons ~~[appointed after May 30, 1997,]~~shall be required to attend and complete an orientation ***and education*** program prescribed by the council under KRS 164.020***(25),*** as a condition of their service ***and eligibility for appointment or election to a second term***.

(b) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the Council on Postsecondary Education and a finding of fact by the council.

(c) New appointees to the board shall not serve more than two (2) consecutive terms. Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full consecutive terms.

(2) If the student member does not maintain his position as student body president or his status as a full-time student at any time during that academic year a special election shall be held to select a full-time student member. The student member

shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.

(3) The faculty member, staff member, and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring for this reason shall be filled for the remainder of the respective terms in the same manner. The seventeen (17) citizen members of the board shall annually elect one (1) of their number to serve as chairperson of the board.

(4) The gubernatorial appointments shall serve a term of six (6) years and until their successors are appointed and qualified, except the initial terms shall be as follows:

(a) Two (2) members shall serve one (1) year terms;

(b) Three (3) members shall serve two (2) year terms;

(c) Three (3) members shall serve three (3) year terms, one (1) of whom shall be a graduate of the university, selected from a list of three (3) names submitted by the alumni of the university in the manner and according to rules prescribed by the board of trustees;

(d) Three (3) members shall serve four (4) year terms;

(e) Three (3) members shall serve five (5) year terms; and

(f) Three (3) members shall serve six (6) year terms, one (1) of whom shall be a graduate of the university, selected as under paragraph (c) of this subsection.

(5) The Governor shall make his at-large appointments so as to divide the citizen representation upon the board to reflect proportional representation of the two (2) leading political parties in the Commonwealth based on the state's voter registration and shall reflect no less than proportional representation of the minority racial composition of the Commonwealth. The membership may include one (1) graduate of the institution who resides outside the Commonwealth, but he shall not be reimbursed for out-of-state travel.

(6) Vacancies among the citizen members of the board occurring by death, resignation, or any other cause shall be filled by appointments made by the Governor for the expiration of the term, subject to the qualifications set forth in this section.

(7) Unless specifically approved by the board of trustees under the provisions of KRS 164.367, no member of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty, staff, and student members.

➔Section 6. KRS 158.6453 is amended to read as follows:

(1) As used in this section:

(a) "Accelerated learning" means an organized way of helping students meet individual academic goals by providing direct instruction to eliminate student performance deficiencies or enable students to move more quickly through course requirements and pursue higher level skill development;

(b) "Constructed-response items" or "performance-based items" means individual test items that require the student to create an answer rather than select a response and may include fill-in-the-blank, short-answer, extended-answer, open-response, and writing-on-demand formats;

(c) "Criterion-referenced test" means a test that is aligned with defined academic content standards and measures an individual student's level of performance against the standards;

(d) "End-of-course examination" means the same as defined in KRS 158.860;

(e) "Formative assessment" means a process used by teachers and students during instruction to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes. Formative assessments may include the use of commercial assessments, classroom observations, teacher-designed classroom tests and assessments, and other processes and

assignments to gain information about individual student learning;

(f) "Interim assessments" means assessments that are given periodically throughout the year to provide diagnostic information and to show individual student performance against content standards;

(g) "National norm-referenced test" means a type of test interpretation in which the performance of student scores are reported by comparing performance to how other students in a national sample performed;

(h) "Program audit" means a form of program review that is a systematic method of analyzing components of an instructional program, and areas for improvement that is conducted as a result of a program review that indicates a more in-depth process of analysis and assistance is needed;

(i) "Program review" means a systematic method of analyzing components of an instructional program, including instructional practices, aligned and enacted curriculum, student work samples, formative and summative assessments, professional development and support services, and administrative support and monitoring;

(j) "Summative assessment" means an assessment given at the end of the school year, semester, or other period of time to evaluate students' performance against content standards within a unit of instruction or a course; and

(k) "Writing" means a purposeful act of thinking and expression that uses language to explore ideas and communicate meaning to others. Writing is a complex, multifaceted act of communication.

(2) (a) Within thirty (30) days of March 25, 2009, the Kentucky Department of Education in collaboration with the Council on Postsecondary Education shall plan and implement a comprehensive process for revising the academic content standards in reading, language arts including writing, mathematics, science, social studies, arts and humanities, and practical living skills and

career studies. The revision process shall include a graduated timetable to ensure that all revisions are completed to allow as much time as possible for teachers to adjust their instruction before new assessments are administered.

(b) The revisions to the content standards shall:

1. Focus on critical knowledge, skills, and capacities needed for success in the global economy;
2. Result in fewer but more in-depth standards to facilitate mastery learning;
3. Communicate expectations more clearly and concisely to teachers, parents, students, and citizens;
4. Be based on evidence-based research;
5. Consider international benchmarks; and
6. Ensure that the standards are aligned from elementary to high school to postsecondary education so that students can be successful at each education level.

(c) The revision process, jointly organized by the commissioner of education and the president of the Council on Postsecondary Education, shall engage practicing teachers from elementary and secondary education in discussions and negotiations with content faculty and staff from postsecondary education institutions. The process shall also include business and industry professionals who are actively engaged in career fields that depend on the various content areas, and others as deemed appropriate by the commissioner and the president.

(d) During the revision process, the department shall consider standards that have been adopted by national content advisory groups and professional education consortia.

(e) Using a variety of strategies and technologies, the proposed revisions to the

academic content standards shall be widely disseminated throughout the state to elementary, secondary, and postsecondary education faculty and administrators, parents, citizens, private professionals in the content areas, and others for comment and recommendations. The results of the revision process shall ensure that the specifications in paragraph (b) of this subsection are met.

(f) The commissioner of education and the president of the Council on Postsecondary Education shall ensure that the revised academic standards that are recommended to the Kentucky Board of Education for approval are aligned with postsecondary education course and assessment standards for the gateway areas of reading and mathematics. The council shall also review the proposed academic standards in all other content areas and provide written recommendations as needed to ensure those areas are aligned with postsecondary education requirements.

(g) 1. The Kentucky Board of Education shall consider for approval the revisions to academic content standards for a content area as they are completed.

2. The Department of Education shall disseminate the academic content standards to the schools and teacher preparation programs no later than thirty (30) days after approval by the state board.

3. All academic content standards revisions shall be completed and approved by the state board no later than December 15, 2010, and disseminated by the Department of Education to elementary and secondary schools, postsecondary education faculty in the respective content areas, and to all teacher preparation programs no later than January 15, 2011.

(h) The Department of Education shall provide or facilitate statewide training sessions for existing teachers and administrators on how to:

1. Integrate the revised content standards into classroom instruction;

2. Better integrate performance assessment of students within their instructional practices; and

3. Help all students use higher-order thinking and communication skills.

(i) The Education Professional Standards Board in cooperation with the Kentucky Board of Education and the Council on Postsecondary Education shall coordinate information and training sessions for faculty and staff in all of the teacher preparation programs in the use of the revised academic content standards. The Education Professional Standards Board shall ensure that each teacher preparation program includes use of the academic standards in the pre-service education programs and that all teacher interns after March 25, 2009, will have experience planning classroom instruction based on the revised standards.

(j) The Council on Postsecondary Education in cooperation with the Kentucky Department of Education and the postsecondary education institutions in the state shall coordinate information sessions regarding the academic content standards for faculty who teach in the various content areas.

(3) (a) The Kentucky Board of Education shall be responsible for creating and implementing a balanced statewide assessment program that measures the students', schools', and districts' achievement of the goals set forth in KRS 158.645 and 158.6451, to ensure compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, and to ensure school accountability.

(b) Using the revised academic standards developed pursuant to subsection (2) of this section, the board shall revise the annual statewide assessment program for implementation in the 2011-2012 academic year.

(c) The board shall seek the advice of the Office of Education Accountability; the

School Curriculum, Assessment, and Accountability Council; the Education Assessment and Accountability Review Subcommittee, and the National Technical Advisory Panel on Assessment and Accountability in the development of the assessment program. The statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.

(4) (a) The assessment program to be implemented in the 2011-2012 academic year shall be composed of annual student assessments and state and local program reviews and audits in selected content areas.

(b) The state student assessments may include formative and summative tests that:

1. Measure individual student achievement in the academic core content areas of language, reading, English, mathematics, science, and social studies at designated grades;
2. Provide teachers and parents a valid and reliable comprehensive analysis of skills mastered by individual students;
3. Provide diagnostic information that identifies strengths and academic deficiencies of individual students in the content areas;
4. Provide comparisons with national norms for mathematics, reading, social studies, and science and, where available, comparisons to other states;
5. Provide information to teachers that can enable them to improve instruction for current and future students;
6. Provide longitudinal profiles for students; and
7. Ensure school and district accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451, except the statewide

assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.

(c) The state and local program reviews and audits shall provide annual feedback to each school relating to selected programs and serve as indicators of the quality of educational experiences available to students. Program reviews and audits shall provide recommendations for improving program components in order to better teach and assess students within these programs. Program reviews shall ensure school and district accountability for student achievement of the capacities set forth in KRS 158.645 and the goals set forth in KRS 158.6451.

(5) The state student assessments to be implemented in the 2011-2012 academic year shall include the following components:

(a) Elementary and middle grades requirements are:

1. A criterion-referenced test in mathematics and reading in grades three (3) through eight (8) that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards, augmented with a customized or commercially available norm-referenced test to provide national profiles;

2. A criterion-referenced test in science and social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards, augmented with a customized or commercially available norm-referenced test to provide national profiles to be administered one (1) time within the elementary and middle grades, respectively;

3. An on-demand assessment of student writing to be administered one (1) time within the elementary grades and two (2) times within the middle

grades;

4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the elementary and the middle grades, respectively; and

5. A high school readiness examination to assess English, reading, mathematics, and science in grade eight (8) as provided in subsection (11) of this section; except the readiness examination may be moved to grade nine (9) by the Kentucky Board of Education based on compelling evidence that moving the test would be in the best interests of Kentucky students;

(b) High school requirements are:

1. A criterion-referenced test in mathematics, reading, and science that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards that are not covered in the assessment under subparagraph 6. of this paragraph to be administered one (1) time within the high school grades;

2. A criterion-referenced test in social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards, augmented with a customized or commercially available norm-referenced test to provide national profiles and to be administered one (1) time within the high school grades;

3. An on-demand assessment of student writing to be administered two (2) times within the high school grades;

4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the high school grades;

5. A college readiness examination to assess English, reading,

mathematics, and science in grade ten (10) as provided in subsection (11) of this section; and

6. ***A college admissions***~~[The ACT]~~ examination to assess English, reading, mathematics, and science in grade eleven (11) as provided in subsection (11) of this section;

(c) The Kentucky Board of Education shall add any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. secs. 6301 et seq., or its successor, as determined by the United States Department of Education;

(d) The criterion-referenced components required in this subsection shall be composed of constructed response items and multiple choice items and the national norm-referenced components shall be composed of multiple choice items;

(e) The Kentucky Board of Education may incorporate end-of-course examinations into the assessment program to be used in lieu of requirements for criterion-referenced tests required under paragraph (b) of this subsection; and

(f) The results of the assessment program developed under this subsection shall be used to determine appropriate instructional modifications for all students in order for students to make continuous progress, including that needed by advanced learners.

(6) Beginning in the 2011-2012 academic year, each school district shall administer the statewide student assessment during the last fourteen (14) days of school in the district's instructional calendar. Testing shall be limited to no more than five (5) days. The Kentucky Board of Education shall promulgate administrative regulations outlining the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal

assessment requirements.

(7) Beginning in the 2011-2012 academic year, the Kentucky assessment program shall include program reviews and program audits for arts and humanities, practical living skills and career studies, and the writing programs. The results of the program reviews and audits of arts and humanities, practical living skills and career studies, and writing required under this subsection shall be included in the accountability system as required by KRS 158.6455.

(a) Arts and humanities.

1. The Kentucky Department of Education shall provide guidelines for arts and humanities programs and for integration of these within the curriculum to all schools.

2. The Kentucky Board of Education shall establish criteria to use in the program review and audit processes, and the procedures recommended for local district and department program reviews and program audits as defined in subsection (1)(h) and (i) of this section. The department shall distribute the criteria and procedures for program reviews and audits to all schools and teacher preparation programs.

3. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.

4. Each school-based decision making council shall analyze the findings from program reviews for its school and determine how it will address program recommendations to improve the program for students.

(b) Practical living skills and career studies.

1. The Kentucky Department of Education shall provide guidelines for

practical living skills and career studies and integration of these within the curriculum to all schools and teacher preparation programs.

2. The Kentucky Board of Education shall establish criteria to use in the program review and audit processes, and the procedures recommended for local district and department program reviews and program audits as defined in subsection (1)(h) and (i) of this section. The department shall distribute the criteria and procedures for program reviews and audits to all schools and teacher preparation programs.

3. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.

4. Each school-based decision making council shall analyze the findings from programs reviews for its school and determine how it will address program recommendations to improve the program for students.

(c) Writing.

1. The Kentucky Department of Education shall provide guidelines for an effective writing program and establish criteria to use in the program review and program audit process as defined in subsection (1)(h) and (i) of this section. The department shall distribute the guidelines and criteria for program reviews within the curriculum to all schools and teacher preparation programs.

2. Each school-based decision making council or, if there is no school council, a committee appointed by the principal, shall adopt policies that determine the writing program for its school and submit it to the Department of Education for review and comment. The writing program

shall incorporate a variety of language resources, technological tools, and multiple opportunities for students to develop complex communication skills for a variety of purposes.

3. Writing portfolios, consisting of samples of individual student work that represent the interests and growth of the student over time, shall be a required part of any writing program in primary through grade twelve (12). Portfolios shall be part of the required criteria for the program review and audit process relating to the writing program under this paragraph. Individual student scores on portfolios shall not be included in the accountability system.

4. A writing portfolio shall be maintained for each student and follow each student from grade to grade and to any school in which the student may enroll.

5. A school's policies for the writing program shall address the use of the portfolio for determining a student's performance in:

   a. Communication;

   b. Grading procedures and feedback to students regarding their writing and communication skills;

   c. The responsibility for review of the portfolios and feedback to students; and

   d. Other policies to improve the quality of an individual student's writing and communications skills.

6. Each local district shall do an annual program review and the Department of Education shall conduct a program review of every school's program within a two (2) year period. The frequency of program audits shall be determined by the Department of Education in compliance with the requirements established by the state board.

The Department of Education shall ensure that all schools and districts understand how the results of the program reviews and audits of arts and humanities, practical living skills and career studies, and writing are included in the accountability system under KRS 158.6455 and shall provide assistance to schools to improve the quality of the programs under this subsection.

(8) Local school districts may select and use commercial interim or formative assessments or develop and use their own formative assessments to provide data on how well their students are growing toward mastery of Kentucky academic core content. Nothing in this section precludes teachers from using ongoing teacher-developed formative processes.

(9) Beginning with the 2010-2011 school year, each school that enrolls primary students shall use diagnostic assessments and prompts that measure readiness in reading and mathematics for its primary students as determined by the school to be developmentally appropriate. The schools may use commercial products, use products and procedures developed by the district, or develop their own diagnostic procedures. The results shall be used to inform the teachers and parents or guardians of each student's skill level.

(10) In revising the state assessment program for implementation in 2011-2012 academic year, the state board shall ensure that a technically sound longitudinal comparison of the assessment results for the same students shall be made available.

(11) The following provisions shall apply to the assessment requirements for middle and high schools:

(a) The assessment program shall include:

1. A high school readiness examination to assess English, reading, mathematics, and science in grade eight (8);

2. A college readiness examination to assess English, reading, mathematics, and science in grade ten (10);

3. ***A***~~[The ACT]~~ college admissions~~[and placement]~~ examination to assess English, reading, mathematics, and science, to be taken by all students in grade eleven (11); and

4. Any other component necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. sec. 6301 et seq., as determined by the United States Department of Education;

(b) 1. A student whose scores on the high school readiness examination administered in grade eight (8) or as determined by the Kentucky Board of Education under subsection (5) of this section indicate a high degree of readiness for high school shall be counseled to enroll in accelerated courses; and

2. A student whose scores on the college readiness examination administered in grade ten (10) or the~~[ACT]~~ college admissions~~[and placement]~~ examination administered in grade eleven (11) indicate a high degree of readiness for college shall be counseled to enroll in ~~[accelerated courses, with an emphasis on]~~Advanced Placement classes;

(c) The cost of the initial ***college admissions***~~[ACT]~~ examination administered to students in grade eleven (11) shall be paid for by the Kentucky Department of Education. The costs of additional ***college admissions***~~[ACT]~~ examinations shall be the responsibility of the student;

(d) If funds are available, the Kentucky Department of Education shall provide ***a college admissions examination***~~[an ACT]~~ preparation program to all public high school juniors. The department may contract for necessary services; and

(e) The components of the middle and high school assessment program set forth in paragraph (a) of this subsection shall be administered in lieu of a customized or commercially available norm-referenced test under subsection (5)(a) and (b) of this section.

(12) Students in grades ten (10), eleven (11), and twelve (12) may take the WorkKeys assessments from ACT, Inc. in reading for information, locating information, and applied mathematics.

(a) The costs of the initial WorkKeys assessments shall be paid by the Kentucky Department of Education if funds are available for this purpose. The cost of additional WorkKeys assessments shall be the responsibility of the student.

(b) A student whose scores on the WorkKeys assessments indicate that additional assistance is required in reading for information, locating information, or applied mathematics shall have intervention strategies for accelerated learning incorporated into his or her learning plan.

(c) A student meeting the WorkKeys threshold established by the Department of Workforce Investment shall be issued the appropriate Kentucky employability certificate.

(13) Accommodations provided~~[by ACT, Inc.]~~ to a student with a disability taking the ***college admissions*** assessments under subsection (11)(a)3. of this section shall consist of:

(a) Accommodations provided in a manner allowed by ***the college admissions assessment provider***~~[ACT, Inc.]~~ when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in paragraph (b) of this subsection; or

(b) Accommodations provided in a manner allowed by a student's individualized education program as defined in KRS 158.281 for a student whose disability precludes valid assessment of his or her academic abilities using the accommodations provided under paragraph (a) of this subsection when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.

(14) The assessments under subsections (11) and (12) of this section shall be known as

the "Kentucky Work and College Readiness Examination" or "Readiness Examination."

(15) Kentucky teachers shall have a significant role in the design of the assessments. The assessments shall be designed to:

(a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application. The assessment shall measure the core content for assessment used by the Department of Education during the 1997-98 school year until the 2011-2012 academic year. The revised academic content standards developed as required by subsection (2) of this section shall be used in the revised assessment program for implementation in the 2011-2012 academic year as required by subsection (3) of this section. Any future revisions to the core content for assessment shall be developed through a public process involving parents; educators at the elementary, secondary, and postsecondary education levels; professional education advocacy groups and organizations; and business and civic leaders and shall be distributed to all public schools;

(b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable; and

(c) Minimize the time spent by teachers and students on assessment.

(16) (a) Through the fall of 2011, results from the state assessment under this section shall be reported to the school districts and schools no later than one hundred fifty (150) days following the first day the assessment can be administered.

(b) Beginning in the fall of 2012, the results from assessment under subsections (3) and (5) of this section shall be reported to the school districts and schools no later than seventy-five (75) days following the first day the assessment can be administered.

(17) The Department of Education shall gather information to establish the validity of

the assessment and accountability program. It shall develop a biennial plan for validation studies that shall include but not be limited to the consistency of student results across multiple measures, the congruence of school scores with documented improvements in instructional practice and the school learning environment, and the potential for all scores to yield fair, consistent, and accurate student performance level and school accountability decisions. Validation activities shall take place in a timely manner and shall include a review of the accuracy of scores assigned to students and schools, as well as of the testing materials. The plan shall be submitted to the Commission by July 1 of the first year of each biennium. A summary of the findings shall be submitted to the Legislative Research Commission by September 1 of the second year of the biennium.

(18) The Department of Education and the state board shall have the responsibility of assisting local school districts and schools in developing and using continuous assessment strategies needed to assure student progress. The continuous assessment shall provide diagnostic information to improve instruction to meet the needs of individual students.

(19) No later than sixty (60) days after March 25, 2009, the state board shall revise the Administration Code for Kentucky's Assessment Program to include prohibitions of inappropriate test preparation activities by school district employees charged with test administration and oversight, including but not limited to the issue of teachers being required to do test practice in lieu of regular classroom instruction and test practice outside the normal work day. The revisions shall include disciplinary sanctions that may be taken toward a school or individuals.

(20) The Kentucky Board of Education, after the Department of Education has received advice from the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, shall promulgate an administrative

regulation under KRS Chapter 13A to establish the components of a reporting structure for assessments administered under this section. The reporting structure shall include the following components:

(a) A school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:

1. Student academic achievement, including the results from each of the assessments administered under this section;

2. For Advanced Placement and International Baccalaureate, the courses offered, the number of students enrolled, completing, and taking the examination for each course, and the percentage of examinees receiving a score of three (3) or better on AP examinations or a score of five (5) or better on IB examinations. The data shall be disaggregated by gender, race, students with disabilities, and economic status. This data shall be included in the report card beginning with the 2009-2010 academic year;

3. Nonacademic achievement, including the school's attendance, retention, graduation rates, and student transition to adult life; and

4. School learning environment, including measures of parental involvement;

(b) An individual student report to parents for each student in grades three (3) through eight (8) summarizing the student's skills in reading and mathematics. The school's staff shall develop a plan for accelerated learning for any student with identified deficiencies or strengths;

(c) An individual report for each student who takes a high school or college

readiness examination administered under subsection (11)(a) of this section that:

1. Provides the student's test scores;

2. Provides a judgment regarding whether or not a student has met, exceeded, or failed to meet the expectations for each standard assessed; and

3. Is designed to assist students, parents, and teachers to identify, assess, and remedy academic deficiencies prior to high school graduation; and

(d) A student's scores on the ***college admissions***~~[ACT]~~ examination or WorkKeys assessments administered under subsections (11) and (12) of this section and the ***college admissions***~~[ACT]~~ examination under ***subsection (5) of Section 7 of this Act***~~[KRS 158.6459(5)]~~ shall be recorded on his or her official high school transcript.

(21) The Kentucky Board of Education shall conduct periodic alignment studies that compare the norm-referenced tests required under subsection (5) of this section with the standards in the different content areas to determine how well the norm-referenced tests align and adequately measure the depth of knowledge and breadth of Kentucky's academic content standards. Based on its findings from the studies, the board may decrease the number of required criterion-referenced items required under subsection (5) of this section.

➔Section 7. KRS 158.6459 is amended to read as follows:

(1) A high school student whose scores on the high school readiness examination administered in grade eight (8), on the college readiness examination administered in grade ten (10), or on the WorkKeys indicate that additional assistance or advanced work is required in English, reading, or mathematics shall have intervention strategies for accelerated learning incorporated into his or her learning plan.

(2) A high school student whose score on the ***college admissions***~~[ACT]~~ examination under ***subsection***~~[KRS 158.6453]~~ (11)(a)3. ***of Section 6 of this Act*** in English, reading, or mathematics is below the systemwide standard established by the Council on Postsecondary Education for entry into a credit-bearing course at a public postsecondary institution without placement in a remedial course or an entry-level course with supplementary academic support shall be provided the opportunity to participate in accelerated learning designed to address his or her identified academic deficiencies prior to high school graduation.

(3) A high school, in collaboration with its school district, shall develop and implement accelerated learning that:

(a) Allows a student's learning plan to be individualized to meet the student's academic needs based on an assessment of test results and consultation among parents, teachers, and the student; and

(b) May include changes in a student's class schedule.

(4) The Kentucky Department of Education, the Council on Postsecondary Education, and public postsecondary institutions shall offer support and technical assistance to schools and school districts in the development of accelerated learning.

(5) A student who participates in accelerated learning under this section shall be permitted to take the ***college admissions***~~[ACT]~~ examination a second time prior to high school graduation at the expense of the Kentucky Department of Education. The cost of any subsequent administrations of the achievement test shall be the responsibility of the student.

➔Section 8. KRS 164.7874 is amended to read as follows:

As used in KRS 164.7871 to 164.7885:

(1) "Academic term" means a semester or other time period specified in an administrative regulation promulgated by the authority;

(2) "Academic year" means a period consisting of at least the minimum school term, as

defined in KRS 158.070;

(3) "ACT score" means the composite score achieved on the American College Test at a national test site on a national test date or the ***college admissions examination*** ~~[ACT exam]~~ administered statewide under ***subsection*** ~~[KRS 158.6453]~~(11)(a)3. ***of Section 6 of this Act if the exam is the ACT***, or an equivalent score, as determined by the authority, on the SAT administered by the College Board, Inc.;

(4) "Authority" means the Kentucky Higher Education Assistance Authority;

(5) "Award period" means the fall and spring consecutive academic terms within one (1) academic year;

(6) "Council" means the Council on Postsecondary Education created under KRS 164.011;

(7) "Eligible high school student" means any person who:

(a) Is a citizen, national, or permanent resident of the United States and Kentucky resident;

(b) Was enrolled after July 1, 1998:

1. In a Kentucky high school for at least one hundred forty (140) days of the minimum school term unless exempted by the authority's executive director upon documentation of extreme hardship, while meeting the KEES curriculum requirements, and was enrolled in a Kentucky high school at the end of the academic year;

2. In a Kentucky high school for the fall academic term of the senior year and who:

a. Was enrolled during the entire academic term;

b. Completed the high school's graduation requirements during the fall academic term; and

c. Was not enrolled in a secondary school during any other academic

term of that academic year; or

3. In the Gatton Academy of Mathematics and Science in Kentucky or the Craft Academy for Excellence in Science and Mathematics while meeting the Kentucky educational excellence scholarship curriculum requirements;

(c) Has a grade point average of 2.5 or above at the end of any academic year beginning after July 1, 1998, or at the end of the fall academic term for a student eligible under paragraph (b) 2. of this subsection; and

(d) Is not a convicted felon;

(8) "Eligible postsecondary student" means a citizen, national, or permanent resident of the United States and Kentucky resident, as determined by the participating institution in accordance with criteria established by the council for the purposes of admission and tuition assessment, who:

(a) Earned a KEES award;

(b) Has the required postsecondary GPA and credit hours required under KRS 164.7881;

(c) Has remaining semesters of eligibility under KRS 164.7881;

(d) Is enrolled in a participating institution as a part-time or full-time student; and

(e) Is not a convicted felon;

(9) "Full-time student" means a student enrolled in a postsecondary program of study that meets the full-time student requirements of the participating institution in which the student is enrolled;

(10) "Grade point average" or "GPA" means the grade point average earned by an eligible student and reported by the high school or participating institution in which the student was enrolled based on a scale of 4.0 or its equivalent if the high school or participating institution that the student attends does not use the 4.0 grade scale;

(11) "High school" means any Kentucky public high school, the Gatton Academy of

Mathematics and Science in Kentucky, the Craft Academy for Excellence in Science and Mathematics, and any private, parochial, or church school located in Kentucky that has been certified by the Kentucky Board of Education as voluntarily complying with curriculum, certification, and textbook standards established by the Kentucky Board of Education under KRS 156.160;

(12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship provided under KRS 164.7871 to 164.7885;

(13) "KEES award" means:

(a) For an eligible high school student, the sum of the KEES base amount for each academic year of high school plus any KEES supplemental amount, as adjusted pursuant to KRS 164.7881; and

(b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental amount as adjusted pursuant to KRS 164.7881;

(14) "KEES award maximum" means the sum of the KEES base amount earned in each academic year of high school plus any KEES supplemental amount earned;

(15) "KEES base amount" or "base amount" means the amount earned by an eligible high school student based on the student's GPA pursuant to KRS 164.7879;

(16) "KEES curriculum" means five (5) courses of study, except for students who meet the criteria of subsection (7)(b)2. of this section, in an academic year as determined in accordance with an administrative regulation promulgated by the authority;

(17) "KEES supplemental amount" means the amount earned by an eligible student based on the student's ACT score pursuant to KRS 164.7879;

(18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational excellence scholarship trust fund;

(19) "On track to graduate" means the number of cumulative credit hours earned as compared to the number of hours determined by the postsecondary education institution as necessary to complete a bachelor's degree by the end of eight (8)

academic terms or ten (10) academic terms if a student is enrolled in an undergraduate program that requires five (5) years of study;

(20) "Participating institution" means an "institution" as defined in KRS 164.001 that actively participates in the federal Pell Grant program, executes a contract with the authority on terms the authority deems necessary or appropriate for the administration of its programs, and:

(a) 1. Is publicly operated;

2. Is licensed by the Commonwealth of Kentucky and has operated for at least ten (10) years, offers an associate or baccalaureate degree program of study not comprised solely of sectarian instruction, and admits as regular students only high school graduates or recipients of a General Educational Development (GED) diploma or students transferring from another accredited degree granting institution; or

3. Is designated by the authority as an approved out-of-state institution that offers a degree program in a field of study that is not offered at any institution in the Commonwealth; and

(b) Continues to commit financial resources to student financial assistance programs; and

(21) "Part-time student" means a student enrolled in a postsecondary program of study who does not meet the full-time student requirements of the participating institution in which the student is enrolled and who is enrolled for at least six (6) credit hours, or the equivalent for an institution that does not use credit hours.

➔Section 9. KRS 164.821 is amended to read as follows:

(1) The government of the University of Louisville is vested in a board of trustees appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The board shall consist of seventeen (17) members appointed by the Governor; one (1) member of the teaching faculty of the University of Louisville

who shall be the chief executive of the ranking unit of faculty government; a member of the permanent staff of the University of Louisville who shall be the chief executive of the staff senate; and a student member who shall be the president of the student body during the appropriate academic year.

(a) All persons appointed after May 30, 1997, shall be required to attend and complete an orientation program prescribed by the council under KRS 164.020 as a condition of their service.

(b) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the Council on Postsecondary Education and a finding of fact by the council.

(c) New appointees to the board shall not serve more than two (2) consecutive terms. Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full consecutive terms.

(2) If the student member does not maintain his position as student body president or his status as a full-time student at any time during that academic year a special election shall be held to select a full-time student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.

(3) The faculty member, staff member, and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring for this reason shall be filled for the remainder of the respective terms in the same manner. The ***voting***~~[seventeen (17) citizen]~~ members of the board shall ***select a chairperson*** annually~~[elect one (1) of their number to serve as chairperson of the board]~~.

(4) The gubernatorial appointments shall serve a term of six (6) years and until their

successors are appointed and qualified, except the initial terms shall be as follows:

(a) Two (2) members shall serve one (1) year terms;

(b) Three (3) members shall serve two (2) year terms;

(c) Three (3) members shall serve three (3) year terms, one (1) of whom shall be a graduate of the university, selected from a list of three (3) names submitted by the alumni of the university in the manner and according to rules prescribed by the board of trustees;

(d) Three (3) members shall serve four (4) year terms;

(e) Three (3) members shall serve five (5) year terms; and

(f) Three (3) members shall serve six (6) year terms, one (1) of whom shall be a graduate of the university, selected as under paragraph (c) of this subsection.

(5) The Governor shall make his at-large appointments so as to divide the citizen representation upon the board to reflect proportional representation of the two (2) leading political parties in the Commonwealth based on the state's voter registration and shall reflect no less than proportional representation of the minority racial composition of the Commonwealth. The membership may include one (1) graduate of the institution who resides outside the Commonwealth, but he shall not be reimbursed for out-of-state travel.

(6) Vacancies among the citizen members of the board occurring by death, resignation, or any other cause shall be filled by appointments made by the Governor for the expiration of the term, subject to the qualifications set forth in this section.

(7) Unless specifically approved by the board of trustees under the provisions of KRS 164.367, no member of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty, staff, and student members.

Speaker-House of Representatives

President of Senate

Attest: _____
Chief Clerk of House of Representatives

Approved _____
Governor

Date 27 APRIL 2016