

**WHEREAS**, it is the obligation and charge of public servants to provide the citizens of this Commonwealth with an efficient, effective, and economical government structure; and

**WHEREAS**, the education of Kentucky's children and the preparation of its students for the workforce are paramount to the future success and prosperity of the state; and

**WHEREAS**, the proper alignment of Kentucky's educational boards and councils is essential to coordinating policy and efforts aimed at increasing student achievement and enhancing the career readiness of our students; and

**WHEREAS**, the reorganization of multiple education boards and councils will serve to promote greater economy, efficiency, and improved administration as well as better alignment to the new legislation; and

**WHEREAS**, the provisions of this Executive Order will streamline governmental operations and enhance the provision of services to the citizens of the Commonwealth of Kentucky; and

**WHEREAS**, the Commonwealth of Kentucky is committed to the educational success, health and welfare of its children:

**NOW, THEREFORE**, I, Matthew G. Bevin, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Kentucky Constitution, Sections 69 and 81, and KRS 12.028 and 12.029, and otherwise, do hereby Order and Direct the following to take effect immediately:

#### **Council on Postsecondary Education**

- I.** The Council on Postsecondary Education as created by KRS 164.011 is hereby altered.
- II.** All appointments, except those for the student and faculty members, shall be made in accordance with KRS 164.011(2). The faculty appointment shall be made consistent with KRS 164.011(3) and the student appointment shall be made consistent with KRS 164.011(4), except that neither member shall be subject to restrictions based upon race, sex, geography, or political affiliation.
- III.** The president of the Council on Postsecondary Education shall serve as executive secretary and attend all meetings. Upon Council request and approval, the president shall designate or appoint staff to facilitate his or her duties as executive secretary and act as ombudsman for the members.

#### **Kentucky Board of Education**

- IV.** The Kentucky Board of Education as created by KRS 156.029 is hereby altered.
- V.** Of the persons appointed to the Board of Education, at least one (1) member shall be a parent

of a public school child at the time of appointment, at least three (3) members shall possess a minimum five (5) years of work experience in the field of education, at least one (1) of whom must be a former K-12 public school educator in Kentucky, and at least two (2) members shall possess a minimum five (5) years of leadership experience in business, one (1) of whom must have a background as an entrepreneur.

- VI. The Secretary of Education and Workforce Development shall serve with the president of the Council on Postsecondary Education as an ex officio non-voting member.
- VII. The Commissioner of Education shall serve as executive secretary of the board and shall attend all meetings. Subject to Board review, the Commissioner may designate or appoint staff to facilitate his or her duties as executive secretary and act as ombudsman to the members.

### **Education Professional Standards Board**

- VIII. The Education Professional Standards Board as created by KRS 161.028 is hereby abolished.
- IX. The Education Professional Standards Board ("EPSB") is hereby created and shall consist of twenty-one (21) voting members appointed by the Governor and confirmed by the Senate as follows:
  - 1. One (1) high school educator;
  - 2. One (1) middle school educator;
  - 3. One (1) elementary school educator;
  - 4. One (1) arts or humanities educator;
  - 5. One (1) school principal;
  - 6. One (1) school counselor or psychologist;
  - 7. One (1) career and technical education professional;
  - 8. One (1) gifted and talented educator;
  - 9. One (1) exceptional/special needs educator;
  - 10. One (1) computer science educator;
  - 11. One (1) traditional science educator;
  - 12. One (1) mathematics educator;
  - 13. One (1) private postsecondary faculty member or administrator who trains educators;
  - 14. One (1) public postsecondary faculty member or administrator who trains educators;
  - 15. Six (6) parent or private sector members with workforce experience;
  - 16. One (1) superintendent or district administrator; and
- X. The president of the Council on Postsecondary Education, or his or her designee, and the Secretary of the Education and Workforce Development Cabinet, or his or her designee, will serve as non-voting ex-officio members of the EPSB.
- XI. The Commissioner of Education shall serve as executive secretary of the EPSB and shall attend all meetings. Subject to Board review, the Commissioner may designate or appoint staff to facilitate his or her duties as executive secretary and act as ombudsman to the members.

**XII.** The Governor shall select the Chairperson and Vice Chairperson of the Board to serve until the first regular meeting of Fiscal Year 2020-2021, after which the Board may elect a Chairperson and Vice Chairperson.

**School Curriculum, Assessment and Accountability Council**

**XIII.** The School Curriculum, Assessment and Accountability Council as created by KRS 158.6452 is hereby abolished.

**XIV.** The School Curriculum, Assessment and Accountability Council is hereby created to study, audit, review, and make recommendations concerning Kentucky's system of academic standards, assessing learning, identifying academic competencies and deficiencies of students, holding schools accountable for learning, and assisting schools to improve their performance.

**XV.** The Council shall advise the Kentucky Board of Education and Legislative Research Commission on issues related to academic expectations, core content for assessment, statewide accountability programs, recognition of high performing schools, imposition of sanctions, and assistance for schools to improve performance under KRS 158.6453, 158.6455, 158.782 and 158.805.

**XVI.** The Council shall consist of fifteen (15) voting members appointed by the Governor as follows:

1. One (1) school principal or administrator;
2. One (1) superintendent or district administrator;
3. One (1) school district assessment coordinator;
4. One (1) arts, literature, social studies or humanities educator;
5. One (1) gifted and talented educator;
6. One (1) exceptional education educator;
7. One (1) science, technology, engineering, or mathematics educator;
8. One (1) educator representing career and technical programs;
9. One (1) postsecondary education member with expertise in assessment;
10. One (1) member experienced in early childhood education; and
11. Five (5) parent or private sector members with workforce experience, including at least one (1) with private sector workforce experience, one (1) with education policy experience, one (1) with audit assessment or statistical analysis experience, and (1) with a child or children attending public school at the time of appointment.

**XVII.** The Council shall be administratively attached to the Department of Education and provided with suitable staff and resources to conduct its work. Subject to Council review, the Commissioner of Education may designate or appoint an executive secretary to act as ombudsman for the members.

**XVIII.** As permitted by law, the Council is authorized to request data from all state or local government agencies within the Commonwealth deemed necessary to fulfill its mission,

including any entity which derives a substantial portion of its funding from public sources.

**State Advisory Council for Exceptional Children**

**XIX.** The State Advisory Panel for Exceptional Children as created by Executive Order 1995-1295 and altered by Executive Order 2017-364 is hereby abolished.

**XX.** The State Advisory Council for Exceptional Children is hereby created and shall consist of up to twenty-one (21) voting members appointed by the Governor, the majority of whom shall be persons with disabilities or parents of children with disabilities ages birth through 26. The Governor shall appoint members that meet the qualifications set forth at 34 CFR 300.168.

1. Two (2) individuals with disabilities or exceptional needs;
2. Two (2) parents of an exceptional child;
3. Two (2) special education teachers;
4. One (1) higher education member who trains and prepares special education teachers;
5. One (1) private sector administrator of programs for exceptional children;
6. One (1) local education administrator of programs for exceptional children, who shall also be experienced with the McKinney-Vento Homeless Assistance Act;
7. One (1) child welfare agency member responsible for foster care;
8. At least one (1) representative of state juvenile or adult correction agencies involved in the delivery of services to disabled children;
9. One (1) state education official who carries out activities associated with the McKinney-Vento Homeless Assistance Act;
10. At least one (1) state agency member involved in the financing or delivery of services to children with disabilities;
11. One (1) member of vocational, community or business organizations concerned with the provision of services to disabled children;
12. At least one (1) representative of private schools or charter schools; and
13. Up to six (6) additional members meeting the requirements of the Individuals with Disabilities Act (IDEA) as articulated in 20 USC 1412.

**XXI.** The State Advisory Council for Exceptional Children shall have the following duties:

1. Advise the General Assembly, Department of Education, Board of Education, Education Professional Standards Board, and School Curriculum and Accountability Council of unmet needs and desired program changes related to the education of children with disabilities, including proposed corrective action plans and personnel development needs;
2. Review and comment on rules or regulations proposed by the Commonwealth relating to the education of children with disabilities and the procedures for distribution of funds under Part B of Public Law 101-476;
3. Review and comment on written findings of fact and decisions from due process hearings, including reports issued by federal and state authorities relating to exceptional children;

4. Advise the General Assembly, Department of Education, Justice and Safety Cabinet and other public agencies on eligible students with disabilities in state and local prisons;
5. Provide opportunities for public input through public hearings or during general meetings.

**XXII.** The Council shall be administratively attached to the Department of Education and provided with suitable staff and resources to conduct its work. Subject to Council review, the Commissioner of Education may designate or appoint an executive secretary to act as ombudsman for the members.

### **Read-to-Achieve Council**

**XXIII.** The Reading Diagnostic and Intervention Grant Steering Committee as created by KRS 158.794 is hereby abolished.

**XXIV.** The Read-to-Achieve Council ("RTA") is hereby created to oversee and implement the reading diagnostic and intervention fund created by KRS 158.792 as well as to advise the General Assembly and Board of Education on critical student reading and literacy issues.

**XXV.** The RTA shall consist of thirteen (13) voting members. Members shall be appointed by the Governor:

1. Four (4) parents or members at-large;
2. One (1) elementary school teacher;
3. One (1) postsecondary educator who trains and prepares elementary reading teachers;
4. One (1) elementary special education teacher;
5. One (1) elementary gifted and talented teacher;
6. One (1) speech-language pathologist;
7. One (1) elementary librarian or certified media specialist;
8. One (1) elementary reading intervention teacher;
9. One (1) teacher with experience assisting children who are deaf or hearing-impaired;
10. One (1) private sector member with reading intervention experience.

**XXVI.** The RTA shall be administratively attached to the Department of Education and provided with suitable staff and resources to conduct its work. Subject to Council review, the Commissioner of Education may designate or appoint an executive secretary to act as ombudsman for the members.

### **Committee for Mathematics Achievement**

**XXVII.** The State Committee for Mathematics Achievement as created in KRS 158.842 is hereby abolished.

**XXVIII.** The Committee for Mathematics Achievement ("CMA") is hereby created for the purpose of

advising the Department of Education on issues relating to improving student achievement in mathematics in all grade levels.

**XXIX.** The CMA shall consist of thirteen (13) voting members appointed by the Governor.

1. Four (4) parents or members at-large;
2. One (1) elementary math teacher;
3. One (1) middle school math teacher;
4. One (1) high school math teacher;
5. One (1) math instructional specialist or administrator;
6. One (1) postsecondary education member who trains and prepares mathematics teachers;
7. One (1) special education teacher;
8. One (1) gifted and talented teacher;
9. One (1) mathematics intervention teacher;
10. One (1) computer science teacher with mathematics emphasis.

**XXX.** The CMA shall be administratively attached to the Department of Education and provided with suitable staff and resources to conduct its work. Subject to Committee review, the Commissioner of Education may designate or appoint an executive secretary to act as ombudsman for the members.

### **The Gifted and Talented Education Advisory Council**

**XXXI.** The State Advisory Council for Gifted and Talented Education as created by KRS 158.648 is hereby abolished.

**XXXII.** The Gifted and Talented Education Advisory Council ("GTE") is hereby created for the purpose of advising both the Department of Education and Board of Education on issues relating to the provision of educational services for gifted and talented students in the Commonwealth.

**XXXIII.** The GTE shall consist of thirteen (13) voting members appointed by the Governor.:

1. Five (5) parents or members at-large;
2. One (1) elementary school teacher;
3. One (1) middle or high school teacher;
4. One (1) special education teacher;
5. One (1) gifted and talented teacher;
6. One (1) speech-language pathologist;
7. One (1) school counselor;
8. One (1) higher education member with a background in gifted and talented education;  
and
9. One (1) gifted and talented coordinator or administrator.

**XXXIV.** The GTE shall be administratively attached to the Department of Education and provided with suitable staff and resources to conduct its work. Subject to Council review, the Commissioner of Education may designate or appoint an executive secretary to act as ombudsman for the members.

### **Early Childhood Advisory Council**

**XXXV.** The Early Childhood Advisory Council as created by KRS 200.700 is hereby abolished.

**XXXVI.** The Early Childhood Advisory Council is hereby created and shall serve as the State Advisory Council for Early Childhood Education and Care as envisioned under USC 42, Title 42, Chapter 105 (II), 9837(b)(1)(A)(i) of the Head Start Act.

**XXXVII.** The council shall consist of sixteen (16) members appointed by the Governor as follows:

1. One (1) representative of the state agency responsible for child care;
2. One (1) representative of the lead state educational agency;
3. One (1) representative of local educational agencies;
4. One (1) representative of institutions of higher education;
5. One (1) representative of local early childhood education services;
6. One (1) representative from local migrant, seasonal or Indian Head Start programs;
7. One (1) representative of the Kentucky Head Start Collaboration;
8. One (1) representative of the state agency responsible for programs under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);
9. One (1) representative of the state agency responsible for health or mental health care;
10. One (1) representative of a critical early childhood education or policy initiative;
11. One (1) representative of private sector early childhood education services or programs; and
12. Four (4) parents or members at-large with knowledge of early childhood education.
13. The Secretary of the Education and Workforce Development Cabinet, or designee.

**XXXVIII.** The Executive Director of the Early Childhood Advisory Council shall also serve as a member of the Council.

**XXXIX.** One (1) member of the Senate designated by the President of the Senate and one (1) member of the House of Representatives designated by the Speaker of the House of Representatives may serve as non-voting advisors to the Council.

**XL.** The Executive Director of the Early Childhood Advisory Council shall serve as executive secretary of the council and attend all meetings.

### **General Provisions**

- XXI.** All appointees serving on the boards and councils hereto shall serve for the remainder of their terms as they existed immediately prior to the effective date of this Order.
- XXII.** If not otherwise provided for specifically in this Executive Order, members of the boards and councils hereto shall serve for three (3) year terms, but no more than two (2) consecutive terms, and if required, be submitted for Senate confirmation in accordance with KRS 11.160.
- XXIII.** When making appointments, the Governor shall strive for broad geographic, racial, political, and gender diversity among members. Further, appointees may serve as simultaneous members on other state boards, commissions or councils as long as no constitutional incompatibility exists.
- XXIV.** During the final regular meeting in each fiscal year the boards and councils hereto shall elect by majority vote a chairperson and vice-chairperson, as well as designate members to serve on other boards, councils and committees as needed. New chairpersons and officers may begin presiding immediately.
- XXV.** The boards and councils hereto shall meet at least two (2) times annually at places and dates to be determined by resolution of the respective boards and councils.
- XXVI.** Except for ex-officio members, any appointees to the boards and councils hereto who miss three (3) consecutive meetings may be removed by the Governor and replaced for the remainder of the term according to law.
- XXVII.** During the final regular meeting in each fiscal year the boards and councils hereto shall review and update any internal policies and procedures as necessary. However, no policy or procedure shall be construed to prevent any member from full participation rights or from serving as chairpersons or officers, nor be contrary to public law or proper rules of order and conduct.
- XXVIII.** Meetings of the boards and councils contained herein may be convened by the chairperson, or upon written request of four (4) voting members. A quorum greater than half the total number of voting members shall be present to conduct business.
- XXIX.** All board and council members, including non-voting advisors, shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. Public employee members shall serve without remuneration, but may attend meetings and perform other board or council business without loss of income or benefits. Any state agency, school district, public university or political subdivision of the Commonwealth that is required to hire a substitute for a member who is absent from his or her place of employment while performing board or council business shall be reimbursed for the actual amount of any costs incurred if a written request for reimbursement is submitted to the appropriate board or council within thirty (30) days from the date of absence.
- L.** A vacancy on any board or council shall be filled in the same manner as the original appointment upon official written notification of vacancy to the Governor. Members whose terms have expired may continue to serve until reappointed, removed or replaced, unless such

member's role has been abolished or altered. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he or she was appointed, shall no longer be eligible to serve in that position and shall be deemed removed without notice.

- LI.** Unless otherwise stated, all duties, powers, functions, rights, responsibilities, records, equipment, obligations, staff, and supporting budgets of the boards and councils hereto as set forth in relevant provisions of law and statute as they existed immediately prior to the filing of this Order are hereby transferred to the respective board or council created by this Executive Order. Further, all other provisions of law that apply to the boards and councils hereto shall remain in full force and effect.

This Order shall be effective as of June 27, 2019.

Received and filed in the Secretary of State's Office on July 1, 2019.