

## CHAPTER 35

( HB 307 )

AN ACT relating to proactive postsecondary admission.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
  - (a) *"Council" means the Council on Postsecondary Education; and*
  - (b) *"Department" means the Kentucky Department of Education.*
- (2) *There is hereby established a proactive postsecondary admissions program to:*
  - (a) *Notify high school students of eligibility for prospective admission to a public postsecondary education institution; and*
  - (b) *Provide instructions to high school students on how to access the common online application to apply for full admission to public postsecondary education institutions in Kentucky.*
- (3) *No later than July 1, 2027, each public postsecondary education institution shall:*
  - (a) *Establish a minimum academic qualification for prospective admission to the institution through the proactive postsecondary admissions program that exclusively includes:*
    1. *A minimum grade point average; or*
    2. *A combination of a minimum grade point average and minimum score on a nationally recognized college readiness examination accepted by the institution; and*
  - (b) *Implement a common online application approved by the council for the purpose of evaluating the admission of full-time, first-year students.*
- (4) *Each public school district shall:*
  - (a) *Annually invite each student enrolled in a public high school to participate in the proactive postsecondary admissions program and select a preferred communication method for program correspondence; and*
  - (b) *No later than July 1 each year, notify the department of each high school student that has agreed to participate in the proactive postsecondary admissions program and his or her preferred communication method.*
- (5) (a) *On or before September 1, the department shall annually provide the following information to each public postsecondary education institution for each student who is enrolled at a Kentucky public high school or a certified nonpublic high school and who has not been opted out of sharing directory information in accordance with 34 C. F. R. sec. 99.37:*
  1. *Name;*
  2. *Address;*
  3. *Enrolled school district;*
  4. *Grade level;*
  5. *Phone number; and*
  6. *Email address.*
- (b) *On or before September 1, the department shall annually provide the directory information required by paragraph (a) of this subsection to each public postsecondary education institution for each student that is enrolled at a Kentucky public high school or certified nonpublic high school who has agreed to participate in the proactive postsecondary admissions program, and shall also include the student's:*

1. *Cumulative unweighted grade point average;*
  2. *Highest score on a nationally recognized college readiness examination approved by the council;*
  3. *If applicable, status as a graduate of the Kentucky Governor's Scholars Program, Governor's School for the Arts, or Governor's School for Entrepreneurs; and*
  4. *Preferred communication method.*
- (6) (a) *Beginning in 2028, each public postsecondary education institution shall utilize data provided by the council pursuant to subsection (5) of this section to send to each eligible high school student that meets or exceeds the minimum qualification for prospective admission to the institution a personalized prospective admissions notification that provides:*
1. *Notice of the recipient student's eligibility for prospective admission;*
  2. *Instructions for the recipient student to access the common online application to apply for full admission to the institution;*
  3. *Instructions for the recipient student to access state financial aid and scholarship or grant opportunities;*
  4. *Information on the cost of attending the institution and the workforce outcomes of students, including a link to the information reported in accordance with KRS 164.0284; and*
  5. *Notice of institutional aid opportunities.*
- (b) *A personalized prospective admission notification sent pursuant to paragraph (a) of this subsection shall not constitute an offer or guarantee of admission to a public postsecondary education institution.*
- (7) *Each public postsecondary education institution shall retain the right to perform a comprehensive review of all admissions applications internally. An institution shall not be required to grant acceptance or priority consideration to any student that applies to the institution, regardless of whether:*
- (a) *The application was submitted through the proactive postsecondary admissions program established by this section; or*
  - (b) *An applicant meets or exceeds the minimum qualification for prospective admission to the institution established pursuant to subsection (3)(a) of this section.*
- (8) *The council shall collaborate with the public postsecondary education institutions to:*
- (a) *Promote and evaluate the proactive postsecondary admissions program and discuss best practices for proactive admission notifications; and*
  - (b) *Report annually on the program's effectiveness to the Legislative Research Commission for referral to the appropriate Interim Joint Committee on Education.*
- (9) *The department shall collaborate with local school districts to:*
- (a) *Maximize student participation in the proactive postsecondary admissions program; and*
  - (b) *Submit an annual report to the Legislative Research Commission for referral to the appropriate Interim Joint Committee on Education on the proactive postsecondary admissions program that includes:*
    1. *The percentage of students at each school and school district that agreed to participate in the proactive postsecondary admissions program;*
    2. *The methods utilized by a school or school district to invite students to participate in the proactive postsecondary admissions program and the effectiveness of each method; and*
    3. *Perceived barriers to student participation in the proactive postsecondary admissions program.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

- (1) *On or before September 1 of each year, the Kentucky Department of Education shall submit to the Kentucky Center for Statistics a compiled list of all high school students who most recently completed their junior year that includes each student's:*

- (a) *Name;*
  - (b) *Date of birth;*
  - (c) *Address;*
  - (d) *For students enrolled in a public school district:*
    - 1. *Enrolled school district; and*
    - 2. *School identification number;*
  - (e) *Last four (4) digits of his or her Social Security number;*
  - (f) *Cumulative unweighted grade point average; and*
  - (g) *Highest score on a nationally recognized college readiness examination approved by the Council on Postsecondary Education that is in the possession of the department.*
- (2) *The Kentucky Center for Statistics, in collaboration with the Kentucky Department of Education and the Council on Postsecondary Education, shall annually publish data on academic and workforce outcomes of each cohort reported to the center in accordance with Section 1 of this Act, including the cohort's college-going rates, postsecondary credential attainment, and employment and wage outcomes. The Kentucky Center for Statistics shall not include any personally identifiable information for individuals included within each cohort as part of the published data.*

➔Section 3. 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) (a) 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, except that the Kentucky Community and Technical College System may assess a mandatory student fee not to exceed eight dollars (\$8) per credit hour to be used exclusively for debt service on amounts not to exceed seventy-five percent (75%) of the total projects cost of the Kentucky Community and Technical College System agency bond projects included in 2014 Ky. Acts ch. 117, Part II, J., 11.

- (b) The Kentucky Community and Technical College System mandatory fee established in this subsection shall only be used for debt service on agency bond projects.
  - (c) Any fee established as provided by this subsection shall cease to be assessed upon the retirement of the project bonds for which it services debt.
  - (d) Prior to the issuance of any bonds, the Kentucky Community and Technical College System shall certify in writing to the secretary of the Finance and Administration Cabinet that sufficient funds have been raised to meet the local match equivalent to twenty-five percent (25%) of the total project cost;
- (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. 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) (a) 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 not approve a new degree, certificate, or diploma program that includes a requirement for a course or training of which the primary purpose is to indoctrinate participants with a discriminatory concept.
- (b) 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;
  - (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; and
  - (e) Alignment with KRS 164.2895, including the elimination of any program that includes a requirement for a course or training of which the primary purpose is to indoctrinate participants with a discriminatory concept;
- (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) 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;
- (20) 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;
- (21) 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;
- (22) 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;
- (23) Monitor and transmit a report on compliance with KRS 164.351 to the director of the Legislative Research Commission for distribution to the Interim Joint Committee on Families and Children;
- (24) (a) Develop in cooperation with each public university and the Kentucky Community and Technical College System 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 but is not limited to 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 and priorities, institutional policies and procedures, board fiduciary responsibilities, legal considerations including open records and open meetings requirements, ethical considerations arising from board membership, and the board member removal and replacement provisions of KRS 63.080;
  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;
- (25) 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;
  - (26) Select and appoint a president of the council under KRS 164.013;
  - (27) Employ consultants and other persons and employees as may be required for the council's operations, functions, and responsibilities;
  - (28) Promulgate administrative regulations, in accordance with KRS Chapter 13A, governing its powers, duties, and responsibilities as described in this section;
  - (29) 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;
  - (30) 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;
  - (31) Create advisory groups representing the presidents, faculty, nonteaching staff, and students of the public postsecondary education system and the independent colleges and universities;
  - (32) Develop a statewide policy to promote employee and faculty development 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 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. The employee shall complete the Free Application for Federal Student Aid to determine the level of need and eligibility for state and federal financial aid programs. The amount of tuition waived shall not exceed the cost of tuition at the institution less any state or federal grants received, which shall be credited first to the student's tuition;
  - (33) 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;
  - (34) 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)(1);
  - (35) Cooperate with the Office of the Kentucky Center for Statistics and ensure the participation of the public institutions as required in KRS 151B.133;
  - (36) Pursuant to KRS 63.080, review written notices from the Governor or from a board of trustees or board of regents concerning removal of a board member or the entire appointed membership of a board, investigate the member or board and the conduct alleged to support removal, and make written recommendations to the Governor and the Legislative Research Commission as to whether the member or board should be removed;{  
~~and~~}

- (37) (a) *Establish a common online application to be used by prospective students applying to public postsecondary institutions pursuant to Section 1 of this Act; and*
- (b) *Maintain a website for students to apply to Kentucky public postsecondary institutions through the common application implemented pursuant to subsection (3)(b) of Section 1 of this Act. The website shall embed or link to the information required to be published pursuant to KRS 164.0284; 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 4. On or before November 1, 2027, each public postsecondary education institution shall provide the Council on Postsecondary Education the institution's form that will be used to create student's personalized prospective admissions notification described in Section 1 of this Act. The council shall review each form to ensure compliance with Section 1 of this Act and offer suggestions to an institution to improve the effectiveness of the institution's participation in the proactive postsecondary admissions program.

→Section 5. (1) In 2027, the Kentucky Higher Education Assistance Authority communication notifying students of their eligibility for Kentucky educational excellence scholarships shall begin including a single link, QR code, or web address, provided by the Council on Postsecondary Education, that provides students access to the common online application required by Section 1 of this Act.

(2) The Kentucky Higher Education Assistance Authority shall consult with the Kentucky Department of Education to evaluate the feasibility and effectiveness of sending the communication notifying students of their eligibility for Kentucky educational excellence scholarships electronically.

→Section 6. This Act may be cited as the My Kentucky Future Act.

**Signed by Governor April 7, 2026.**