

COUNCIL ON POSTSECONDARY EDUCATION
(As Amended at ARRS, August 11, 2020)

13 KAR 1:050. Licensed out-of-state college's eligibility for Kentucky tuition grant.

RELATES TO: KRS 164.020(37), 164.785, 164.945, 164.946, 164.947, 164.992

STATUTORY AUTHORITY: KRS 164.785(7)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.785(7)(c) requires the Council on Postsecondary Education to promulgate an administrative regulation to implement the requirement that, beginning with the 2011-2012 academic year, programs or campuses of any out-of-state postsecondary education college that is licensed by the Council on Postsecondary Education to operate in Kentucky and whose institutional programs are not composed solely of sectarian instruction, but in which accreditation by the Southern Association of Colleges and Schools is not an option, be reviewed and approved by the Council on Postsecondary Education based on accreditation criteria that mirrors Southern Association of Colleges and Schools accreditation criteria in order to qualify as an eligible institution in which a student may enroll and receive a Kentucky tuition grant.

Section 1. Definitions. (1) "Accredited" means the approval of an accrediting agency.

(2) "Accrediting agency" means a national or regional agency which evaluates colleges and is recognized by the United States Department of Education, the Council on Higher Education Accreditation, or the Council on Postsecondary Education.

(3) "Agent" means any person employed by a college to act as a solicitor, broker, or independent contractor to procure students for the college by solicitation in any form made at any place other than the main campus of the college.

(4) "College" is defined by KRS 164.945(1).

(5) "Degree" is defined by KRS 164.945(2).

(6) ~~["Diploma" is defined by KRS 164.946(3).~~

~~(7)~~ "Out-of-state college" means a college that is chartered, organized, or has its principal location outside of Kentucky.

~~(7)~~~~(8)~~ "President" means the president of the Council on Postsecondary Education.

~~(8)~~~~(9)~~ "Regional accrediting association" is defined by KRS 164.740(18).

Section 2. General Requirements. (1) If an out-of-state college licensed by the Council on Postsecondary Education is seeking to qualify as an eligible institution in which a student may enroll and receive a Kentucky tuition grant, and if accreditation by the Southern Association of Colleges and Schools is not an option for the college, the college shall apply with the Council on Postsecondary Education.

(2)(a) Approval by the Council on Postsecondary Education shall be for the sole purpose of qualifying a Kentucky campus or campuses of a college as an eligible institution in which a Kentucky student may enroll and receive a Kentucky tuition grant, and shall not mean that the college is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Council on Postsecondary Education, or any other agency.

(b) A college shall not represent its status as seeking or being accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Council on Postsecondary Education, or any other agency.

(3)(a) A college seeking eligibility shall submit the "Application for Council on Postsecondary Education Approval for Eligibility Pursuant to 13 KAR 1:050" for each licensed Kentucky program or instructional site to the president.

(b) A college seeking eligibility shall submit a complete and accurate "Application for Council on Postsecondary Education Approval for Eligibility Pursuant to 13 KAR 1:050" by [:

~~1. May 30, 2010 for those colleges seeking eligibility beginning with the 2011-2012 academic year; or~~

~~2.] May 30 of the year prior to the first academic year for which it seeks to be eligible.~~

(4) The college shall pay a nonrefundable fee of \$10,000 [~~\$1,000~~] to the Council on Postsecondary Education with the submission of the application. Review of the application shall not occur until the fee is paid by the college. [~~This fee shall be in addition to any costs associated with a site visit.~~]

(5) The president shall review the application and documentation submitted by the applicant college. [

~~(6) Site visits.~~

~~(a) Within ninety (90) working days of the receipt of a full and complete "Application for Council on Postsecondary Education Approval for Eligibility Pursuant to 13 KAR 1:050" or notification of a substantive change, the president may conduct, or may have conducted, a site visit.~~

~~(b) Personnel conducting a site visit shall possess the expertise appropriate to the type of college to be visited. In selecting personnel, the president shall consider the person's professional experience in higher education, experience conducting site visits at postsecondary education institutions, familiarity with current accreditation requirements of accrediting agencies including the Southern Association of Colleges and Schools, and graduate or professional degree from an accredited institution. The president shall use council staff or contract with external consultants using the state's Request for Proposal (RFP) process.~~

~~(c) The purpose of a site visit shall be to make an assessment of a licensed Kentucky campus or campuses of a college using the standards as established in this administrative regulation.~~

~~(d) The president may conduct, or may have conducted, an announced or unannounced site visit of a licensed college during reasonable business hours to inspect the files, facilities, and equipment as well as conduct interviews to determine the college's eligibility under this administrative regulation.~~

~~(e) Failure to provide full access to the college's files, facilities, and equipment or prevention of interviews shall be grounds for ineligibility.~~

~~(f)1. All costs associated with a site visit and necessary subsequent visits, including travel, meals, lodging, and consultant honoraria shall be paid by the applicant college.~~

~~2. The estimated cost of the site visit shall be paid by the college prior to the site visit, and final settlement regarding actual expenses incurred shall be paid no later than thirty (30) days following the completion of the site visit.~~

~~3. Failure to pay these costs shall result in ineligibility.]~~

Section 3. Integrity of College. (1) The college shall operate with integrity in all matters.

(2) The college shall be responsible for any of its agents and any individual who reports to the president on behalf of a college, either by virtue of his or her office or as delegated by the chief executive officer of the college, in all matters regarding institutional integrity.

(3) Failure to respond appropriately to the president's decisions and requests or to make complete, accurate, and honest disclosure shall be grounds for the president to impose a sanction, including ineligibility under this administrative regulation.

Section 4. Core Requirements. A college applying for approval by the Council on

Postsecondary Education shall meet the standards established in this section.

(1) The college shall have a clearly defined, comprehensive, and published mission specific to the college and appropriate for higher education. The mission shall address teaching and learning, and where, applicable, research and public service.

(2) The college shall:

(a) Have degree-granting authority from its home state authorization agency;

(b) Be licensed by the Council on Postsecondary Education in accordance with 13 KAR 1:020 prior to seeking eligibility under this administrative regulation; and

(c) Be accredited by a regional accrediting association.

(3) The college shall have a governing board of at least five (5) members that:

(a) Is the legal body with specific authority over the college;

(b) Exercises fiduciary oversight of the college;

(c) Ensures that both the presiding officer of the board and a majority of other voting members of the board are free of any contractual, employment, personal, or familial financial interest in the college;

(d) Is not controlled by a minority of board members or by organizations or colleges separate from it; and

(e) Defines and regularly evaluates its responsibilities and expectations.

(4) The college shall have a chief executive officer selected and evaluated by the college's board whose primary responsibility is to the college and has ultimate responsibility for, and exercises appropriate control over, the college's educational, administrative, and fiscal programs and services.

(5) The college shall employ and regularly evaluate administrative and academic officers with appropriate experience and qualifications to lead the college.

(6) The college shall employ an adequate number of full-time faculty members to support the mission and goals of the college.

(7) The college shall engage in ongoing, comprehensive, and integrated research-based planning and evaluation processes that:

(a) Focus on institutional quality and effectiveness; and

(b) Incorporate a systematic review of institutional goals and outcomes consistent with its mission.

(8) The college shall:

(a) Identify, evaluate, and publish goals and outcomes for student achievement appropriate to the college's mission, the nature of the students it serves, and the kinds of programs offered; and

(b) Use multiple measures to document student success.

(9) The college shall identify expected outcomes, assess the extent to which it achieves **those [these]** outcomes, and provide evidence of seeking improvement based on analysis of the results in **[the areas below]**:

(a) Student learning outcomes for each of its educational programs;

(b) Student learning outcomes for collegiate-level general education competencies of its undergraduate degree programs; and

(c) Academic and student services that support student success.

(10) The college shall have educational programs that embody a coherent course of study, are compatible with the stated mission and goals of the college, and are based on fields of study appropriate to higher education.

(11) The college shall require the successful completion of a general education component at the undergraduate level that:

(a) Is based on a coherent rationale;

(b) Is a substantial component of each undergraduate degree program; and

(c) Ensures breadth of knowledge by having at least one (1) course from each of the following areas: humanities and fine arts, social and behavioral sciences, and natural science and mathematics, and the courses do not narrowly focus on skills, techniques, and procedures specific to a particular occupation or profession.

(12) The college shall:

(a) Publish, implement, and disseminate academic policies that adhere to principles of good education practice and that accurately represent the programs and services of the college;

(b) Make available to students and the public current academic calendars, grading policies, cost of attendance, and refund policies;

(c) Ensure the availability of archived official catalogs with relevant information for course and degree requirements; and

(d) Publish and implement policies on the authority of faculty in academic and governance matters, and places primary responsibility for the content, quality, and effectiveness of the curriculum with its faculty.

(13) The college shall:

(a) Publish admissions policies consistent with its mission;

(b) Have recruitment materials and presentations that accurately represent the practices, policies, and accreditation status of the college; and

(c) Ensure that independent contractors or agents used for recruiting purposes and for admission activities are governed by the same principles and policies as institutional employees.

(14) The institution **shall publish** policies for evaluating, awarding, and accepting credit not originating from the institution **that ensure [-The institution ensures]:**

(a) The academic quality of any credit or coursework recorded on its transcript;

(b) An approval process with oversight by persons academically qualified to make the necessary judgments; and

(c) The credit awarded is comparable to a designated credit experience and is consistent with the institution's mission.

(15) The college shall:

(a) Provide adequate and appropriate library and learning and information resources, services, and support for its mission;

(b) Ensure an adequate number of professional and other staff with appropriate education or **experience [experiences]** in library or other learning or information resources to accomplish the mission of the college; and

(c) Provide **students and** faculty with access and user privileges to its library services, and access to regular and timely instruction in the use of the library and other learning or information resources.

(16) The college shall:

(a) Provide appropriate academic and student support programs, services, and activities consistent with its mission;

(b) Publish appropriate and clear procedures for addressing written student complaints, demonstrate that it follows the procedures when resolving **student complaints [them]**, and **maintain [maintains]** a record of **its** student complaints; and

(c) Provide information and guidance to help student borrowers understand how to manage their debt and repay their loans.

(17) The college shall have sound financial resources and a demonstrated, stable financial base to support the mission of the college and the scope of its programs and services.

(18) The college shall provide **[the following financial statements]:**

(a) An institutional audit for the most recent fiscal year prepared by an independent certified public accountant or appropriate governmental auditing agency employing the appropriate audit guide;

(b) A statement of financial position of unrestricted net assets, exclusive of plant assets **and** [ad] plant-related **debt [debit]**, which represents the change in unrestricted net assets attributable to operations for the most recent year; and

(c) An annual budget that is preceded by sound planning, is subject to sound fiscal procedures, and is approved by the governing board.

(19) The college shall:

(a) Be in compliance with its program responsibilities under Title IV of the most recent Higher Education Act as amended; and

(b) Audit financial aid programs as required by federal and state regulation.

(20) The college shall ensure adequate physical facilities and resources that appropriately serve the needs of the college's educational programs, support services, and other missions-related activities and take steps to provide a healthy, safe, and secure environment for all members of the campus community.[

~~Section 4. Core Requirements. A college applying for approval by the Council on Postsecondary Education shall meet the requirements established in this section.~~

~~(1) Degree-granting authority. The college shall be licensed by the Council on Postsecondary Education in accordance with 13 KAR 1:020 prior to seeking eligibility under this administrative regulation.~~

~~(2) Accreditation. The college shall be accredited by a regional accrediting agency.~~

~~(3) Governing board.~~

~~(a) The college shall have a governing board of at least five (5) members which shall be the legal body with specific authority over the college.~~

~~(b) The board shall be an active policy-making body for the college and shall ultimately be responsible for ensuring that the financial resources of the college are adequate to provide a sound educational program.~~

~~(c) Except as provided in paragraph (e) of this subsection, the board shall not be controlled by a minority of board members or by organizations or interests separate from it.~~

~~(d) Both the presiding officer of the board and a majority of other voting members of the board shall be free of any contractual, employment, or personal or familial financial interest in the college.~~

~~(e) A military college authorized and operated by the federal government to award degrees shall have a public board on which both the presiding officer and a majority of the other members are neither civilian employees of the military nor active or retired military.~~

~~1. The board shall have broad and significant influence upon the college's programs and operations, play an active role in policy-making, and ensure that the financial resources of the college are used to provide a sound educational program.~~

~~2. The board shall not be controlled by a minority of board members or by organizations or interests separate from the board except as specified by the authorizing legislation.~~

~~(4) Chief executive officer. The college shall have a chief executive officer whose primary responsibility is to the college and who is not the presiding officer of the board.~~

~~(5) Institutional mission. The college shall have a clearly defined, comprehensive, and published mission statement that is specific to the college and appropriate for higher education. The mission shall address teaching and learning and, if applicable, research and public service.~~

~~(6) Institutional effectiveness. The college shall engage in ongoing, integrated, and~~

~~institution-wide research-based planning and evaluation processes that:~~

~~(a) Incorporate a systematic review of institutional mission, goals, and outcomes;~~

~~(b) Result in continuing improvement in institutional quality; and~~

~~(c) Demonstrate the college is effectively accomplishing its mission.~~

~~(7) Continuous operation. The college shall be in operation and shall have students enrolled in degree programs.~~

~~(8) Program length.~~

~~(a) The college shall offer one or more degree programs based on:~~

~~1. At least sixty (60) semester credit hours or the equivalent at the associate level;~~

~~2. At least 120 semester credit hours or the equivalent at the baccalaureate level; or~~

~~3. At least thirty (30) semester credit hours or the equivalent at the post-baccalaureate, graduate, or professional level.~~

~~(b) If a college uses a unit other than semester credit hours, the college shall provide an explanation for the equivalency.~~

~~(c) The college shall provide a justification for all degrees that include fewer than the required number of semester credit hours or its equivalent unit.~~

~~(9) Program content. The college shall offer degree programs that embody a coherent course of study that shall be compatible with its stated mission and shall be based upon fields of study appropriate to higher education.~~

~~(10) General education.~~

~~(a) In each undergraduate degree program, the college shall require the successful completion of a general education component at the collegiate level that is a substantial component of each undergraduate degree and ensures breadth of knowledge.~~

~~(b) The component shall constitute a minimum of:~~

~~1. Fifteen (15) semester hours or the equivalent for degree completion in associate programs; or~~

~~2. Thirty (30) semester hours or the equivalent for degree completion in baccalaureate programs.~~

~~(c) These credit hours shall be drawn from and include at least one (1) course from each of the following areas:~~

~~1. Humanities and fine arts;~~

~~2. Social and behavioral sciences; and~~

~~3. Natural science and mathematics.~~

~~(d) The courses shall not narrowly focus on those skills, techniques, and procedures specific to a particular occupation or profession.~~

~~(e) The college shall provide a justification if it allows for fewer than the required number of semester credit hours or its equivalent unit of general education courses.~~

~~(11) Course work for degrees.~~

~~(a) The college shall provide instruction for all course work required for at least one (1) degree program at each level at which it awards degrees.~~

~~(b) If the college does not provide instruction for all course work and makes arrangements for some instruction to be provided by other accredited colleges or entities through contracts or consortia, or uses some other alternative approach to meeting this requirement, the arrangement or alternative approach shall be approved by the president.~~

~~(c) For either subsection (10)(a) or (b) of this section, the college shall demonstrate that it controls all aspects of its educational program.~~

~~(12) Faculty.~~

~~(a) The number of full-time faculty members shall be adequate to support the mission of the college and to ensure the quality and integrity of its academic programs.~~

~~(b) Upon application for eligibility, a college shall demonstrate that it meets the required faculty qualifications pursuant to Section 4(7) of this administrative regulation.~~

~~(13) Learning resources and services.~~

~~(a) The college, through ownership or formal agreements, shall provide and support student and faculty access and user privileges to adequate library collections and services and to other learning and information resources consistent with the degrees offered.~~

~~(b) Collections, resources, and services shall be sufficient to support all its educational, research, and public service programs.~~

~~(14) Student support services. The college shall provide student support programs, services, and activities consistent with its mission that promote student learning and enhance the development of its students.~~

~~(15) Financial resources.~~

~~(a) The college shall have a sound financial base and demonstrated financial stability to support the mission of the college and the scope of its programs and services.~~

~~(b) The college shall provide the following financial statements:~~

~~1. An institutional audit;~~

~~2. Written institutional management letter for the most recent fiscal year prepared by an independent certified public accountant;~~

~~3. A statement of financial position of unrestricted net assets, exclusive of plant assets and plant-related debt, which represents the change in unrestricted net assets attributable to operations for the most recent year; and~~

~~4. An annual budget that shall be preceded by sound planning, subject to sound fiscal procedures, and approved by the governing board.~~

~~(16) Physical resources. The college shall have physical resources to support the mission of the college and the scope of its programs and services in terms of size, fireproof quality, and conditions of all existing buildings and all buildings under construction.~~

~~Section 5. Comprehensive Standards. A college applying for approval by the Council on Postsecondary Education shall meet the standards established in this section.~~

~~(1) Institutional Mission. The college's mission statement shall:~~

~~(a) Be current and comprehensive;~~

~~(b) Accurately guide the college's operations;~~

~~(c) Be periodically reviewed and updated;~~

~~(d) Be approved by the governing board; and~~

~~(e) Be communicated to the college's constituencies.~~

~~(2) Governance and administration.~~

~~(a) The governing board of the college shall be responsible for the selection and the periodic evaluation of the chief executive officer.~~

~~(b) Governing board control. The legal authority and operating control of the college shall be clearly defined for the following areas within the college's governance structure:~~

~~1. College's mission;~~

~~2. Fiscal stability of the college;~~

~~3. Collegial policy, including policies concerning related and affiliated corporate entities and all auxiliary services; and~~

~~4. Related foundations for athletics, research, or other areas and other corporate entities whose primary purpose is to support the college and its programs.~~

~~(c) Board conflict of interest. The board shall have a policy addressing conflict of interest for its members.~~

~~(d) Board dismissal. The governing board shall have a policy whereby members can be~~

dismissed only for appropriate reasons and by a fair process.

~~(e) Board and administration distinction. There shall be a clear and appropriate distinction, in writing and practice, between the policy-making functions of the governing board and the responsibility of the administration and faculty to administer and implement policy.~~

~~(f) Organizational structure. The college shall have a clearly defined and published organizational structure that delineates responsibility for the administration of policies.~~

~~(g) Qualified administrative and academic officers. The college shall have qualified administrative and academic officers with the experience, competence, and capacity to lead the college.~~

~~(h) Faculty and staff appointment. The college shall define and publish policies regarding appointment and employment of faculty and staff.~~

~~(i) Administrative staff evaluations. The college shall evaluate the effectiveness of its administrators on a periodic basis.~~

~~(j) Control of Intercollegiate athletics. The college's chief executive officer shall have ultimate responsibility for, and exercise appropriate administrative and fiscal control over, the college's intercollegiate athletics program.~~

~~(k) Fundraising activities. The college's chief executive officer shall control the college's fund-raising activities exclusive of institution-related foundations that are independent and separately incorporated.~~

~~(l) Institution-related foundations.~~

~~1. Any institution-related foundation not controlled by the college shall have a contractual or other formal agreement that accurately describes the relationship between the college and the foundation, and describes any liability associated with that relationship.~~

~~2. The college shall ensure that the relationship is consistent with its mission.~~

~~(m) Intellectual property rights.~~

~~1. The college's policies shall be clear concerning ownership of materials, compensation, copyright issues, and the use of revenue derived from the creation and production of all intellectual property.~~

~~2. These policies shall apply to students, faculty, and staff.~~

~~(3) Institutional effectiveness. The college shall identify expected outcomes, assess the extent to which it achieves these outcomes, and provide evidence of improvement based on analysis of the results in each of the following areas:~~

~~(a) Educational programs, to include student learning outcomes;~~

~~(b) Administrative support services;~~

~~(c) Educational support services;~~

~~(d) Research within its educational mission, if appropriate; and~~

~~(e) Community and public service within its educational mission, if appropriate.~~

~~(4) All educational programs. For all educational programs including on-campus, off-campus, and distance learning programs and course work, the college shall meet the standards established in this subsection.~~

~~(a) Academic program approval. The college shall demonstrate that each educational program, including all on campus, off-campus, and distance learning programs and course work, for which academic credit is awarded, is approved by the faculty and the administration.~~

~~(b) Continuing education and service programs. The college's continuing education, outreach, and service programs shall be consistent with the college's mission.~~

~~(c) Admissions policies. The college shall publish admissions policies that are consistent with its mission.~~

~~(d) Acceptance of academic credit.~~

~~1. The college shall have a defined and published policy for evaluating, awarding, and~~

~~accepting credit for transfer, experiential learning, advanced placement, and professional certificates that is consistent with its mission and ensures that course work and learning outcomes are at the collegiate level and comparable to the college's own degree programs.~~

~~2. The college shall assume responsibility for the academic quality of any course work or credit recorded on a transcript of the college.~~

~~(e) Academic policies.~~

~~1. The college shall publish academic policies that adhere to principles of good educational practice.~~

~~2. The college's academic policies shall be disseminated to students, faculty, and other interested parties through publications that accurately represent the programs and services of the college.~~

~~(f) Practices for awarding credit. The college shall employ practices for determining the amount and level of credit awarded for courses, regardless of format or mode of delivery.~~

~~(g) Consortial relationships and contractual agreements. The college shall:~~

~~1. Ensure the quality of educational programs and courses offered through consortial relationships or contractual agreements;~~

~~2. Ensure ongoing compliance with the comprehensive requirements; and~~

~~3. Evaluate the consortial relationship and agreement against the purpose of the college.~~

~~(h) Noncredit to credit. The college shall award academic credit for course work taken on a noncredit basis only if there is documentation that the noncredit course work is equivalent to a designated credit experience.~~

~~(i) Academic support services. The college shall provide academic support services for its faculty and students, including:~~

~~1. Resource centers;~~

~~2. Tutoring;~~

~~3. Academic advising;~~

~~4. Counseling;~~

~~5. Disability services;~~

~~6. Library services;~~

~~7. Laboratories;~~

~~8. Information technology; and~~

~~9. Mentoring.~~

~~(j) Responsibility for curriculum. The college shall place primary responsibility for the content, quality, and effectiveness of the curriculum with its faculty.~~

~~(k) Academic program coordination.~~

~~1. For each major in a degree program, the college shall assign responsibility for program coordination, as well as for curriculum development and review, to persons academically qualified in the field who hold degree credentials or other qualifications appropriate to the degree offered.~~

~~2. In those degree programs for which the college does not identify a major, this requirement shall apply to a curricular area or concentration.~~

~~(l) Technology use.~~

~~1. The college's use of technology shall enhance student learning and shall be appropriate for meeting the objectives of its programs.~~

~~2. Students shall have access to and training in the use of technology.~~

~~(5) Undergraduate educational programs.~~

~~(a) College-level competencies. The college shall identify college-level general education competencies and the extent to which graduates have attained them.~~

~~(b) Institutional credits for a degree.~~

~~1. At least twenty-five (25) percent of the credit hours required for the degree shall be earned through instruction offered by the college awarding the degree.~~

~~2. In the case of undergraduate degree programs offered through joint, cooperative, or consortia arrangements, the student shall earn at least twenty five (25) percent of the credits required for the degree through instruction offered by the participating colleges.~~

~~(c) Undergraduate program requirements.~~

~~1. The college shall define and publish requirements for its undergraduate programs, including its general education components.~~

~~2. These requirements shall display a clear rationale, design, and goals of each program, with courses designed as introductions to the major, required courses, electives, and capstone courses.~~

~~(d) Terminal degrees of faculty. At least twenty-five (25) percent of the discipline course hours in each major at the baccalaureate level shall be taught by faculty members holding the terminal degree, the earned doctorate, in the discipline, or the equivalent of the terminal degree.~~

~~(6) Graduate and postbaccalaureate professional educational programs.~~

~~(a) Postbaccalaureate program rigor. The college's post-baccalaureate professional degree programs, including master's and doctoral degree programs, shall be progressively more advanced in academic content than its undergraduate programs.~~

~~(b) Graduate curriculum. The college shall structure its graduate curricula to include knowledge of the literature of the discipline and to ensure ongoing student engagement in research and appropriate professional practice and training experiences.~~

~~(c) Institutional credits for a degree.~~

~~1. The majority of credits toward a graduate or a post-baccalaureate professional degree shall be earned through instruction offered by the college awarding the degree.~~

~~2. In the case of graduate and postbaccalaureate professional degree programs offered through joint, cooperative, or consorcial arrangements, the student shall earn a majority of credits through instruction offered by the participating colleges.~~

~~(d) Postbaccalaureate program requirements.~~

~~1. The college shall define and publish requirements for its graduate and postbaccalaureate professional programs.~~

~~2. These requirements shall display a clear rationale, design, and goals of each program, with courses designed as introductions to the major, required courses, electives, and capstone courses.~~

~~(7) Faculty.~~

~~(a) Faculty competence.~~

~~1. The college shall employ faculty members qualified to accomplish the mission and goals of the college.~~

~~2. When determining acceptable qualifications of its faculty, a college shall give primary consideration to the highest earned degree in the discipline.~~

~~3. The college shall consider competence, effectiveness, and capacity, including, as appropriate, undergraduate and graduate degrees, related work experiences in the field, professional licensure and certifications, honors and awards, continuous documented excellence in teaching, or other demonstrated competencies and achievements that contribute to effective teaching and student learning outcomes.~~

~~4. For all cases, the college shall be responsible for justifying and documenting the qualifications of its faculty.~~

~~(b) Faculty evaluation. The college shall regularly evaluate the effectiveness of each faculty member in accord with published criteria, regardless of contractual or tenured status.~~

~~(c) Faculty development. The college shall provide ongoing professional development of faculty as teachers, scholars, and practitioners.~~

~~(d) Academic freedom. The college shall ensure adequate procedures for safeguarding and protecting academic freedom.~~

~~(e) Faculty role in governance. The college shall publish policies on the responsibility and authority of faculty in academic and governance matters.~~

~~(8) Library and other learning resources.~~

~~(a) Learning and information resources. The college shall provide facilities and learning and information resources that are appropriate to support its teaching, research, and service mission.~~

~~(b) Instruction of library use. The college shall ensure that users have access to regular and timely instruction in the use of the library and other learning and information resources.~~

~~(c) Qualified staff. The college shall provide a sufficient number of qualified staff with appropriate education or experiences in library and other learning and information resources to accomplish the mission of the college.~~

~~(9) Student affairs and services.~~

~~(a) Student rights. The college shall publish a clear and appropriate statement of student rights and responsibilities and shall disseminate the statement to the campus community.~~

~~(b) Student records. The college shall protect the security, confidentiality, and integrity of student records and maintain special security measures to protect and back-up data.~~

~~(c) Qualified staff. The college shall employ qualified personnel to ensure the quality and effectiveness of its student affairs programs.~~

~~(10) Financial resources.~~

~~(a) Financial stability. The college's recent financial history shall demonstrate financial stability.~~

~~(b) Submission of financial statements.~~

~~1. The college shall provide financial profile information on an annual basis.~~

~~2. All information shall be presented accurately and appropriately and shall represent the total operation of the college.~~

~~(c) Financial aid audits. The college shall audit financial aid programs as required by federal and state regulations.~~

~~(d) Control of finances. The college shall exercise appropriate control over all its financial resources by maintaining accurate and up-to-date records of:~~

~~1. Policies related to purchasing, expenditures, and investments;~~

~~2. Physical inventory;~~

~~3. Internal audit reports;~~

~~4. Risk management reports related to financial and physical resources; and~~

~~5. Evidence of qualifications and job descriptions of the institution's fiscal officer and business office staff.~~

~~(e) Control of sponsored research and external funds. The college shall maintain financial control over externally funded and sponsored research and programs.~~

~~(11) Physical resources.~~

~~(a) Control of physical resources. The college shall exercise control over all its physical resources.~~

~~(b) Institutional environment. The college shall take reasonable steps to provide a healthy, safe, and secure environment for all members of the campus community.~~

~~(c) Physical facilities. The college shall operate and maintain physical facilities, both on and off campus, that appropriately serve the needs of the college's educational programs, support services, and other mission-related activities.~~

~~(12) Compliance with federal requirements.~~

~~(a) Student achievement. The college shall evaluate success with respect to student achievement including, as appropriate, consideration of course completion, state licensing examinations, and job placement rates.~~

~~(b) Program curriculum. The college's curriculum shall be directly related and appropriate to the purpose and goals of the college and the diplomas, certificates, or degrees awarded.~~

~~(c) Publication of policies. The college shall make available to students and the public current academic calendars, grading policies, and refund policies.~~

~~(d) Student complaints. The college shall have adequate procedures for addressing written student complaints and shall be responsible for demonstrating that it follows those procedures when resolving student complaints.~~

~~(e) Recruitment materials. Recruitment materials and presentations shall accurately represent the college's practices and policies.~~

~~(f) Title IV program responsibilities. The college shall be in compliance with its program responsibilities under Title IV of the 1998 Higher Education Amendments, 20 U.S.C. 1070 and 34 C.F.R. Part 668.]~~

Section 5 [6]. Action on Application. Within six (6) months of the submission of an "Application for Council on Postsecondary Education Approval for Eligibility Pursuant to 13 KAR 1:050" [if a site visit is not conducted, or within ninety (90) working days of the completion of a site visit,] the president shall do one (1) of the following:

(1) Approve the applicant college for status as an eligible institution in which a student may enroll and receive a Kentucky tuition grant for ten (10) years;

(2) Deny the applicant college for status as an eligible institution; or

(3) Notify the applicant college of deficiencies which shall be corrected before approval is granted.

Section 6. Renewal. (1) **Beginning with the 2022-2023 academic year**, a college approved by the Council for eligibility ~~[beginning with the 2022-2023 academic year]~~ for ten (10) years shall seek renewal of eligibility by submitting the "Application for Council on Postsecondary Education Approval for Eligibility Pursuant to 13 KAR 1:050" by May 30 of the year prior to its eligibility expiration, and shall pay a nonrefundable fee of \$10,000 to the Council on Postsecondary Education with the submission of the application. Review of the application shall not occur until the fee is paid by the college.

(2) A college that was previously approved by the Council for eligibility beginning with the 2011-2012 academic year shall seek renewal of eligibility by submitting the "Application for Council on Postsecondary Education Approval for Eligibility Pursuant to 13 KAR 1:050" by May 30, 2021 in order to seek eligibility beyond the month and day of its initial eligibility for 2022, and shall pay a nonrefundable fee of \$10,000 to the Council on Postsecondary Education with the submission of the application. Review of the application shall not occur until the fee is paid by the college.

Section 7. Substantive Change. (1) Approval pursuant to this administrative regulation shall be specific to a licensed college and based on conditions existing at the time of the most recent evaluation and shall not be transferable to other colleges or entities.

(2) An approved college shall notify the president within thirty (30) days of action by an accrediting agency that results in the college being placed on probationary status, a college losing accreditation, or a college being denied accreditation.

(3) The president shall be responsible for evaluating all substantive changes to assess the

impact of the change on the college's compliance with this administrative regulation. [~~The president may conduct, or may have conducted, a site visit in accordance with Section 2(6) of this administrative regulation.~~]

(4) A college's failure to comply with this section shall be grounds for ineligibility under this administrative regulation.

(5) If a college is unclear as to whether a change is substantive in nature, the college shall contact the Council on Postsecondary Education in writing for consultation.

(6) A substantive change shall include **[the following]**:

(a) Action by an accrediting agency that results in the college being placed on probationary status, a college losing accreditation, or a college being denied accreditation;[

~~(b) Initiating distance learning;]~~

(b) ~~[(e)]~~ Initiating a merger or consolidation;

(c) ~~[(d)]~~ Altering significantly the educational mission of the college;

(d) ~~[(e)]~~ Relocating a licensed Kentucky instructional site or principal location of the college;

(e) ~~[(f)]~~ Changing the college's governance, ownership, control, or legal status;

(f) ~~[(g)]~~ Changing the name of the college;

(g) ~~[(h)]~~ Altering significantly the length of a program;[

~~(i) Initiating degree completion programs;]~~

(h) ~~[(j)]~~ Adding a new instructional site or program licensed in accordance with 13 KAR 1:020;

(i) ~~[(k)]~~ Denial, suspension, or revocation of licensure by the Council on Postsecondary Education pursuant to 13 KAR 1:020; or

(j) ~~[(l)]~~ Closing the college, a Kentucky licensed instructional site, or a Kentucky licensed program and initiating teach out agreements.

(7) Within six (6) months of notification by the college of a substantive change [~~if a site visit is not conducted, or within ninety (90) working days of the completion of a site visit,~~] the president shall do one (1) of the following:

(a) Approve the substantive change and continue approval under this administrative regulation without changing the approval period;

(b) Deny the substantive change and require that the college abandon and not proceed with the substantive change or else lose approval under this administrative regulation;

(c) Notify the college of deficiencies which shall be corrected before the substantive change is approved, and suspend or revoke approval under this administrative regulation; or

(d) Suspend or revoke approval under this administrative regulation.

Section 8. Site Visits. (1) The president may conduct, or may have conducted, an announced or unannounced site visit of a licensed college during reasonable business hours to inspect the files, facilities, and equipment as well as conduct interviews to determine the college's eligibility under this administrative regulation.

(2) Failure to provide full access to the college's files, facilities, and equipment or prevention of interviews shall be grounds for ineligibility.

(3) All costs associated with a site visit and necessary subsequent visits, including travel, meals, lodging, and consultant honoraria shall be paid by the applicant college.

(4) The estimated cost of the site visit shall be paid by the college prior to the site visit, and final settlement regarding actual expenses incurred shall be paid no later than thirty (30) days following the completion of the site visit.

(5) Failure to pay these costs shall result in ineligibility.

Section 9. ~~[8.]~~ Hearings and Appeals. (1) **If the president has determined that there are**

sufficient grounds for ineligibility under this administrative regulation, he or she [The president] may, for cause, require the chief administrative officer, or other officers, of a college to appear for a hearing, consistent with the provisions of KRS Chapter 13B, in order to determine the facts ~~**[if the president has determined that there are sufficient grounds for ineligibility under this administrative regulation]**~~.

(2) The **chief administrative** officer, or other officers, of the college may be accompanied at the hearing by counsel of their own choosing and at their expense.

(3) Within thirty (30) working days after a hearing is held, the president shall reach a determination and shall issue findings, in writing, to the Council and to the chief **administrative [executive]** officer of the college.

(4) A college may appeal the actions of the president regarding a college's ineligibility under this administrative regulation according to the following procedure:

(a) A college shall notify the president of the intent to appeal an action within fourteen (14) days of the receipt of the letter notifying the college of the action taken;

(b) The president shall request that the Office of Administrative Hearings appoint a hearing officer who shall conduct an administrative hearing consistent with the provisions of KRS Chapter 13B;

(c) The appeal shall be presented in writing no later than sixty (60) days following the receipt of notification of intent to appeal;

(d) The appeals officer shall review findings of fact, consider testimony, draw conclusions, and formulate a recommendation consistent with the facts and this administrative regulation;

(e) Within fourteen (14) days, the report of the appeals officer shall be forwarded to the college and to the president of the Council on Postsecondary Education; and

(f) Within thirty (30) working days of receipt of the report of the appeals officer, the president shall approve or not approve the college.

Section 10. ~~[9.]~~ Incorporation by Reference. (1) "Application for Council on Postsecondary Education Approval for Eligibility Pursuant to 13 KAR 1:050", May 2020 ~~[November 2009]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Council on Postsecondary Education, 100 Airport Road, 2nd Floor, [4024 Capital Center Drive, Suite 320,] Frankfort, Kentucky 40601.

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