

1 AN ACT relating to postsecondary education benefits.

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

3 ➔Section 1. KRS 164.515 is amended to read as follows:

- 4 (1) The spouse, regardless of age, and any child, stepchild, or orphan, under the age of  
5 twenty-six (26), of a permanently and totally disabled member of the Kentucky  
6 National Guard or Reserve Component injured while on state active duty, active  
7 duty for training, or inactive duty training, or a permanently and totally disabled war  
8 veteran, or a ~~one hundred percent (100%)~~ service-connected disabled veteran ***with***  
9 ***a disability evaluation of seventy percent (70%) or greater*** regardless of wartime  
10 service, or prisoner of war or member of the Armed Services declared missing in  
11 action shall not be required to pay any matriculation or tuition fees upon his  
12 admission to any state-supported institution of higher education or to any state-  
13 supported vocational training school for a period not in excess of forty-five (45)  
14 months in order to obtain a diploma, nor in excess of the lesser number of months  
15 required for a certificate of completion.
- 16 (2) To be entitled to benefits under this section the parent or stepparent of the child  
17 claiming benefits if living must be rated permanently and totally disabled for  
18 pension purposes or ***seventy percent (70%)*** ~~one hundred percent (100%)~~ disabled  
19 ***or greater*** for compensation purposes by the United States Department of Veterans  
20 Affairs or the Department of Defense. If the veteran is deceased, the claim to  
21 benefits is to be based on the rating held by the veteran at the time of death or if a  
22 prisoner of war or missing in action, must have been declared as such by the  
23 Department of Defense. Members of the Kentucky National Guard must be rated  
24 permanently ~~and totally~~ disabled ***at a level of seventy percent (70%) or greater*** as  
25 provided in KRS Chapter 342. The parent's, stepparent's, or spouse's service and  
26 rating must be evidenced by certification from the records of the Kentucky  
27 Department of Military Affairs, United States Department of Veterans Affairs, or

1 the Department of Defense of the United States.

2 (3) The parent-child relationship must be shown by birth certificate, legal adoption  
3 papers, marriage certificate, or other documentary evidence. A stepchild must be a  
4 member of the veteran's household. The spousal relationship must be shown by a  
5 marriage certificate or other documentary evidence.

6 (4) To entitle a spouse, child, stepchild, or orphan to benefit under this section the  
7 disabled member of the National Guard or Reserve Component veteran living or  
8 deceased must have served on state active duty, active duty for training, or inactive  
9 duty training or active duty with the Armed Forces of the United States, and his  
10 discharge must have been under honorable conditions. He must be a resident or, if  
11 deceased, have been a resident of the Commonwealth of Kentucky.

12 (5) No provision of this section shall serve to deny these benefits to an eligible spouse,  
13 child, stepchild, or orphan, who enlists, or who fulfills a military obligation, in the  
14 Armed Forces of the United States and is discharged under honorable conditions;  
15 the period of time spent in the military service to be compensated by like time,  
16 beyond the age of twenty-six (26) years if required, but not in excess of the period  
17 of enrollment as set forth in subsection (1) of this section.

18 (6) The marriage of an eligible child, stepchild, or orphan, shall not serve to deny full  
19 entitlement to the benefits provided in this section.

20 **(7) The student shall complete the Free Application for Federal Student Aid to**  
21 **determine the level of need and eligibility for state and federal financial aid**  
22 **programs. The amount of tuition waived shall not exceed the cost of tuition and**  
23 **mandatory fees at the institution less any state or federal grants received, which**  
24 **shall be credited first to the student's tuition and fees.**

25 ➔Section 2. KRS 164.284 is amended to read as follows:

26 (1) When any person sixty-five (65) years of age or older, who is a resident of the  
27 Commonwealth, is admitted and enrolls as a student in any state-supported

1 institution of higher learning in this Commonwealth, the board of trustees of the  
2 institution or other appropriate institution officials shall waive all tuition charges  
3 and fees for such student, except as provided in subsection (2) of this section. **The**  
4 **student shall complete the Free Application for Federal Student Aid to determine**  
5 **the level of need and eligibility for state and federal financial aid programs. The**  
6 **amount of the waiver shall not exceed the cost of tuition and mandatory fees at**  
7 **the institution less any state or federal grants received, which shall be credited**  
8 **first to the student's tuition and fees.**

9 (2) In the event that classes are full or the granting of free admission requires additional  
10 units, the institution may deny admission under this section.

11 ➔Section 3. KRS 164.2841 is amended to read as follows:

12 (1) (a) Any person whose parent or any nonmarried widow or widower whose spouse  
13 was a resident of the Commonwealth of Kentucky upon becoming a law  
14 enforcement officer, firefighter, or volunteer firefighter and who was killed  
15 while in active service or training for active service or who died as a result of  
16 a service-connected disability shall not be required to pay any matriculation or  
17 tuition fee upon admission to any state-supported university, community  
18 college, or vocational training institution. The provisions of this subsection  
19 shall apply to any firefighter or volunteer firefighter who is killed or dies  
20 under the conditions covered in this subsection on July 1, 1989, or thereafter.

21 (b) In order to obtain the benefits conferred by paragraph (a) of this subsection,  
22 the parent-child relationship shall be shown by birth certificate, adoption  
23 papers, or other documentary evidence. The spousal relationship shall be  
24 shown by a marriage certificate or other documentary evidence. The parent's  
25 or spouse's service and the cause of death shall be evidenced by certification  
26 from the records of the Kentucky Justice and Public Safety Cabinet, the  
27 appropriate city or county law enforcement agency which employed the

1           deceased, the administrative agency for the fire department or fire protection  
2           district recognized for funding under KRS 95A.262, or the administrative  
3           agency having jurisdiction over any paid firefighters of all counties and cities  
4           of all classes.

5       (2)   (a)   Any person whose parent or any nonmarried widow or widower whose spouse  
6           was an employee participating in a state-administered retirement system, and  
7           not otherwise covered by subsection (1) of this section, and who died as a  
8           result of a duty-related injury as described in KRS 61.621 shall not be  
9           required to pay any matriculation or tuition fee upon admission to any state-  
10          supported university, community college, or vocational training institution.

11       (b)   In order to obtain the benefits conferred by paragraph (a) of this subsection,  
12          the parent-child relationship shall be shown by birth certificate, adoption  
13          papers, or other documentary evidence. The spousal relationship shall be  
14          shown by a marriage certificate or other documentary evidence. The parent's  
15          or spouse's service and the cause of death shall be evidenced by certification  
16          from the records of the employing agency or the appropriate retirement  
17          system.

18       (3)   *The student shall complete the Free Application for Federal Student Aid to*  
19          *determine the level of need and eligibility for state and federal financial aid*  
20          *programs. The amount of tuition waived shall not exceed the cost of tuition and*  
21          *mandatory fees at the institution less any state or federal grants received, which*  
22          *shall be credited first to the student's tuition and fees.* ~~If one so admitted to a state-~~  
23          ~~supported university, community college, or vocational training institution under the~~  
24          ~~provisions of this section shall have obtained a cash scholarship paid or payable to~~  
25          ~~the institution, from whatever source, the amount of the scholarship shall be applied~~  
26          ~~to the credit of the applicant in the payment of incidental expenses of his attendance~~  
27          ~~at the institution, and any balance, if the terms of the scholarship permit, shall be~~

1       ~~returned to the applicant.]~~

2       ➔Section 4. KRS 164.2842 is amended to read as follows:

- 3       (1) (a) The spouse, regardless of age, and any child of a permanently and totally  
4           disabled law enforcement officer, firefighter, or volunteer firefighter injured  
5           while in active service or in training for active service, who is over the age of  
6           seventeen (17) and under the age of twenty-three (23) shall not be required to  
7           pay any matriculation or tuition fee upon his admission to any state-supported  
8           university, community college, or vocational training institution for a period  
9           not in excess of thirty-six (36) months in order to obtain a diploma, nor in  
10          excess of the lesser number of months required for a certificate of completion.
- 11       (b) For the spouse or child to be entitled to benefits under this section, the  
12          disabled law enforcement officer, firefighter, or volunteer firefighter shall be  
13          rated permanently and totally disabled for pension purposes or one hundred  
14          percent (100%) disabled for compensation purposes by the Kentucky Justice  
15          and Public Safety Cabinet, the appropriate city or county law enforcement  
16          agency which employed the disabled, the administrative agency for the fire  
17          department or fire protection district recognized for funding under KRS  
18          95A.262, or the administrative agency having jurisdiction over any paid  
19          firefighters of all counties and cities of all classes, or if deceased, the claim to  
20          benefits is to be based on the rating held by the law enforcement officer,  
21          firefighter, or volunteer firefighter at the time of death. The parent's or  
22          spouse's service and rating shall be evidenced by certification from the records  
23          of the Kentucky Justice and Public Safety Cabinet, the appropriate local law  
24          enforcement agency, the administrative agency for the fire department or fire  
25          protection district recognized for funding under KRS 95A.262, or the  
26          administrative agency having jurisdiction over any paid firefighters of all  
27          counties and cities of all classes.

- 1 (c) In the absence of certification of permanent and total disability by the  
2 Kentucky Department of Workers' Claims, the Kentucky Justice and Public  
3 Safety Cabinet, the appropriate local law enforcement agency, the  
4 administrative agency for the fire department or fire protection district  
5 recognized for funding under KRS 95A.262, or the administrative agency  
6 having jurisdiction over any paid firefighters of all counties and cities of all  
7 classes, medical evidence showing permanent and total disability or the  
8 existence of permanent and total disability for a period of at least thirty (30)  
9 days immediately prior to death may be accepted, if this evidence is signed by  
10 a physician licensed to practice or an official of an accredited medical  
11 hospital.
- 12 (d) The parent-child relationship shall be shown by birth certificate, legal  
13 adoption papers, or other documentary evidence. The spousal relationship  
14 shall be shown by a marriage certificate or other documentary evidence.
- 15 (e) To entitle a spouse or child to benefits under this section the disabled law  
16 enforcement officer, firefighter, or volunteer firefighter shall have been a  
17 resident of the Commonwealth of Kentucky upon becoming a law  
18 enforcement officer, firefighter, or volunteer firefighter.
- 19 (2) (a) The spouse, regardless of age, and any child of a person who was an employee  
20 participating in a state-administered retirement system and not otherwise  
21 covered by subsection (1) of this section and who was disabled as a result of a  
22 duty-related injury as described in KRS 61.621, who is over the age of  
23 seventeen (17) and under the age of twenty-three (23) shall not be required to  
24 pay any matriculation or tuition fee upon his admission to any state-supported  
25 university, community college, or vocational training institution for a period  
26 not in excess of thirty-six (36) months in order to obtain a diploma, nor in  
27 excess of the lesser number of months required for a certificate of completion.

1 (b) The parent-child relationship shall be shown by birth certificate, legal  
2 adoption papers, or other documentary evidence. The spousal relationship  
3 shall be shown by a marriage certificate or other documentary evidence.

4 (3) The marriage of an eligible child shall not serve to deny full entitlement to the  
5 benefits provided in this section.

6 **(4) The student shall complete the Free Application for Federal Student Aid to**  
7 **determine the level of need and eligibility for state and federal financial aid**  
8 **programs. The amount of tuition waived shall not exceed the cost of tuition and**  
9 **mandatory fees at the institution less any state or federal grants received, which**  
10 **shall be credited first to the student's tuition and fees.**

11 ➔Section 5. KRS 164.2847 is amended to read as follows:

12 (1) Tuition and mandatory student fees for any undergraduate program of any Kentucky  
13 public postsecondary institution, including all four (4) year universities and colleges  
14 and institutions of the Kentucky Community and Technical College System, shall  
15 be waived for a Kentucky foster or adopted child who is a full-time or part-time  
16 student if the student meets all entrance requirements and maintains academic  
17 eligibility while enrolled at the postsecondary institution, and if:

18 (a) The student's family receives state-funded adoption assistance under KRS  
19 199.555;

20 (b) The student is currently committed to the Cabinet for Health and Family  
21 Services under KRS 610.010(5) and placed in a family foster home or is  
22 placed in accordance with KRS 605.090(3);

23 (c) The student is in an independent living program and the placement is funded  
24 by the Cabinet for Health and Family Services;

25 (d) The student who is an adopted child was in the permanent legal custody of  
26 and placed for adoption by the Cabinet for Health and Family Services. A  
27 student who meets the eligibility criteria of this paragraph and lives outside of

1 Kentucky at the time of application to a Kentucky postsecondary institution  
2 may apply for the waiver up to the amount of tuition for a Kentucky resident;  
3 or

4 (e) The Cabinet for Health and Family Services was the student's legal custodian  
5 on his or her eighteenth birthday.

6 (2) Tuition and mandatory student fees for any undergraduate program of any Kentucky  
7 public postsecondary institution, including all four (4) year universities and colleges  
8 and institutions of the Kentucky Community and Technical College System, shall  
9 be waived for a Department of Juvenile Justice foster child who is a full-time or  
10 part-time student if the student meets all entrance requirements and maintains  
11 academic eligibility while enrolled at the postsecondary institution and obtains a  
12 recommendation for participation from an official from the Department of Juvenile  
13 Justice, and if:

14 (a) The student has not been sentenced to the Department of Juvenile Justice  
15 under KRS Chapter 640;

16 (b) The student has been committed to the Department of Juvenile Justice for a  
17 period of at least twelve (12) months;

18 (c) The student is in an independent living program and placement is funded by  
19 the Department of Juvenile Justice;

20 (d) The parental rights of the student's biological parents have been terminated; or

21 (e) The student was committed to the Cabinet for Health and Family Services  
22 prior to a commitment to the Department of Juvenile Justice.

23 (3) Upon request of the postsecondary institution, the Cabinet for Health and Family  
24 Services shall confirm the eligibility status under subsection (1) of this section and  
25 the Department of Juvenile Justice shall confirm the eligibility status and  
26 recommendations under subsection (2) of this section of the student seeking to  
27 participate in the waiver program. Release of this information shall not constitute a



1 breach of confidentiality required by KRS 199.570, 610.320, or 620.050.

2 (4) The student shall complete the Free Application for Federal Student Aid to  
3 determine the level of need and eligibility for state and federal financial aid  
4 programs. **The amount of tuition waived shall not exceed the cost of tuition and**  
5 **mandatory fees at the institution less any state or federal grants received, which**  
6 **shall be credited first to the student's tuition and fees.** ~~[If the sum of the tuition~~  
7 ~~waiver plus other student financial assistance, except loans and the work study~~  
8 ~~program under 42 U.S.C. secs. 2751-2756b, from all sources exceeds the student's~~  
9 ~~total cost of attendance, as defined in 20 U.S.C. sec. 1087I, the tuition waiver shall~~  
10 ~~be reduced by the amount exceeding the total cost of attendance.]~~

11 (5) The student shall be eligible for the tuition waiver:

12 (a) For entrance to the institution for a period of no more than four (4) years after  
13 the date of graduation from high school; and

14 (b) For a period of five (5) years after first admittance to any Kentucky institution  
15 if satisfactory progress is achieved or maintained, except when extended in  
16 accordance with subsection (6) of this section.

17 (6) The expiration of a student's five (5) year eligibility under subsection (5)(b) of this  
18 section shall be extended upon a determination by the institution that the student  
19 was unable to enroll for or complete an academic term due to serving:

20 (a) On active duty status in the United States Armed Forces;

21 (b) As an officer in the Commissioned Corps of the United States Public Health  
22 Service; or

23 (c) On active service in the Peace Corps Act or the Americorps.

24 The original expiration date shall be extended by the total number of years during  
25 which the student was on active duty status. The number of months served on active  
26 duty status shall be rounded up to the next higher year to determine the maximum  
27 length of eligibility extension allowed.

1 (7) The Council on Postsecondary Education shall report nonidentifying data on  
2 graduation rates of students participating in the tuition waiver program by  
3 November 30 each year to the Legislative Research Commission.

4 (8) Nothing in this section shall be construed to:

5 (a) Guarantee acceptance of or entrance into any postsecondary institution for a  
6 foster or adopted child;

7 (b) Limit the participation of a foster or adopted student in any other program of  
8 financial assistance for postsecondary education;

9 (c) Require any postsecondary institution to waive costs or fees relating to room  
10 and board; or

11 (d) Restrict any postsecondary institution, the Department of Juvenile Justice, or  
12 the Cabinet for Health and Family Services from accessing other sources of  
13 financial assistance, except loans, that may be available to a foster or adopted  
14 student.

15 ➔Section 6. KRS 164.507 is amended to read as follows:

16 (1) The nonremarried spouse, regardless of age, and any child, stepchild, or orphan,  
17 under the age of twenty-six (26), of a deceased veteran shall not be required to pay  
18 any matriculation or tuition fees upon admission to any state-supported university,  
19 junior college, or vocational training institute for a period not in excess of forty-five  
20 (45) months in order to obtain a diploma, nor in excess of the lesser number of  
21 months required for a certificate of completion, if the deceased parent or spouse:

22 (a) 1. Served in the Armed Forces of the United States during a national  
23 emergency, was declared by Congress, or actions of the United Nations;  
24 or

25 2. Died while on active duty in the Armed Forces of the United States  
26 regardless of wartime service; or

27 3. Died as a result of a service-connected disability acquired while on

1 active duty with the Armed Forces of the United States regardless of  
2 wartime service; and

- 3 (b) 1. Was a resident of the Commonwealth of Kentucky at the time of death;  
4 or  
5 2. Was married to a resident of Kentucky at the time of death; and  
6 3. If discharged, was under honorable conditions.

7 (2) In order to obtain the benefits conferred by subsection (1), the parent-child  
8 relationship must be shown by birth certificate, adoption papers, marriage  
9 certificate, or other documentary evidence. A stepchild must have been a member of  
10 the veteran's household at the time of the veteran's death. The spousal relationship  
11 must be shown by a marriage certificate or other documentary evidence. The  
12 parent's or spouse's service and the cause of death must be evidenced by  
13 certification from the records of the Kentucky Department of Military Affairs, the  
14 United States Department of Veterans Affairs Records, or the Department of  
15 Defense of the United States. ~~In the event one so admitted to a state-supported  
16 university, junior college, or vocational training institution under this section shall  
17 have obtained a cash scholarship paid or payable to the institution, from whatever  
18 source, the amount of the scholarship shall be applied to the credit of the applicant  
19 in the payment of incidental expenses of attendance at the institution, and any  
20 balance, if the terms of the scholarship permit, shall be returned to the applicant.]~~

21 **(3) The student shall complete the Free Application for Federal Student Aid to**  
22 **determine the level of need and eligibility for state and federal financial aid**  
23 **programs. The amount of tuition waived shall not exceed the cost of tuition and**  
24 **mandatory fees at the institution less any state or federal grants received, which**  
25 **shall be credited first to the student's tuition and fees.**

26 ➔Section 7. KRS 164.020 is amended to read as follows:

27 The Council on Postsecondary Education in Kentucky shall:

- 1 (1) Develop and implement the strategic agenda with the advice and counsel of the  
2 Strategic Committee on Postsecondary Education. The council shall provide for and  
3 direct the planning process and subsequent strategic implementation plans based on  
4 the strategic agenda as provided in KRS 164.0203;
- 5 (2) Revise the strategic agenda and strategic implementation plan with the advice and  
6 counsel of the committee as set forth in KRS 164.004;
- 7 (3) Develop a system of public accountability related to the strategic agenda by  
8 evaluating the performance and effectiveness of the state's postsecondary system.  
9 The council shall prepare a report in conjunction with the accountability reporting  
10 described in KRS 164.095, which shall be submitted to the committee, the  
11 Governor, and the General Assembly by December 1 annually. This report shall  
12 include a description of contributions by postsecondary institutions to the quality of  
13 elementary and secondary education in the Commonwealth;
- 14 (4) Review, revise, and approve the missions of the state's universities and the  
15 Kentucky Community and Technical College System. The Council on  
16 Postsecondary Education shall have the final authority to determine the compliance  
17 of postsecondary institutions with their academic, service, and research missions;
- 18 (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively  
19 provide for an integrated system of postsecondary education. The council shall  
20 guard against inappropriate and unnecessary conflict and duplication by promoting  
21 transferability of credits and easy access of information among institutions;
- 22 (6) Engage in analyses and research to determine the overall needs of postsecondary  
23 education and adult education in the Commonwealth;
- 24 (7) Develop plans that may be required by federal legislation. The council shall for all  
25 purposes of federal legislation relating to planning be considered the "single state  
26 agency" as that term may be used in federal legislation. When federal legislation  
27 requires additional representation on any "single state agency," the Council on

- 1 Postsecondary Education shall establish advisory groups necessary to satisfy federal  
2 legislative or regulatory guidelines;
- 3 (8) Determine tuition and approve the minimum qualifications for admission to the  
4 state postsecondary educational system. In defining residency, the council shall  
5 classify a student as having Kentucky residency if the student met the residency  
6 requirements at the beginning of his or her last year in high school and enters a  
7 Kentucky postsecondary education institution within two (2) years of high school  
8 graduation. In determining the tuition for non-Kentucky residents, the council shall  
9 consider the fees required of Kentucky students by institutions in adjoining states,  
10 the resident fees charged by other states, the total actual per student cost of training  
11 in the institutions for which the fees are being determined, and the ratios of  
12 Kentucky students to non-Kentucky students comprising the enrollments of the  
13 respective institutions, and other factors the council may in its sole discretion deem  
14 pertinent;
- 15 (9) Devise, establish, and periodically review and revise policies to be used in making  
16 recommendations to the Governor for consideration in developing  
17 recommendations to the General Assembly for appropriations to the universities,  
18 the Kentucky Community and Technical College System, and to support strategies  
19 for persons to maintain necessary levels of literacy throughout their lifetimes  
20 including but not limited to appropriations to the Kentucky Adult Education  
21 Program. The council has sole discretion, with advice of the Strategic Committee on  
22 Postsecondary Education and the executive officers of the postsecondary education  
23 system, to devise policies that provide for allocation of funds among the universities  
24 and the Kentucky Community and Technical College System;
- 25 (10) Lead and provide staff support for the biennial budget process as provided under  
26 KRS Chapter 48, in cooperation with the committee;
- 27 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all

1 capital construction projects covered by KRS 45.750(1)(f), including real  
2 property acquisitions, and regardless of the source of funding for projects or  
3 acquisitions. Approval of capital projects and real property acquisitions shall  
4 be on a basis consistent with the strategic agenda and the mission of the  
5 respective universities and the Kentucky Community and Technical College  
6 System.

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

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

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

23 (14) Establish course credit, transfer, and degree components as required in KRS  
24 164.2951;

25 (15) Define and approve the offering of all postsecondary education technical, associate,  
26 baccalaureate, graduate, and professional degree, certificate, or diploma programs in  
27 the public postsecondary education institutions. The council shall expedite wherever

- 1 possible the approval of requests from the Kentucky Community and Technical  
2 College System board of regents relating to new certificate, diploma, technical, or  
3 associate degree programs of a vocational-technical and occupational nature.  
4 Without the consent of the General Assembly, the council shall not abolish or limit  
5 the total enrollment of the general program offered at any community college to  
6 meet the goal of reasonable access throughout the Commonwealth to a two (2) year  
7 course of general studies designed for transfer to a baccalaureate program. This  
8 does not restrict or limit the authority of the council, as set forth in this section, to  
9 eliminate or make changes in individual programs within that general program;
- 10 (16) Eliminate, in its discretion, existing programs or make any changes in existing  
11 academic programs at the state's postsecondary educational institutions, taking into  
12 consideration these criteria:
- 13 (a) Consistency with the institution's mission and the strategic agenda;
  - 14 (b) Alignment with the priorities in the strategic implementation plan for  
15 achieving the strategic agenda;
  - 16 (c) Elimination of unnecessary duplication of programs within and among  
17 institutions; and
  - 18 (d) Efforts to create cooperative programs with other institutions through  
19 traditional means, or by use of distance learning technology and electronic  
20 resources, to achieve effective and efficient program delivery;
- 21 (17) Ensure the governing board and faculty of all postsecondary education institutions  
22 are committed to providing instruction free of discrimination against students who  
23 hold political views and opinions contrary to those of the governing board and  
24 faculty;
- 25 (18) Review proposals and make recommendations to the Governor regarding the  
26 establishment of new public community colleges, technical institutions, and new  
27 four (4) year colleges;

- 1 (19) Postpone the approval of any new program at a state postsecondary educational  
2 institution, unless the institution has met its equal educational opportunity goals, as  
3 established by the council. In accordance with administrative regulations  
4 promulgated by the council, those institutions not meeting the goals shall be able to  
5 obtain a temporary waiver, if the institution has made substantial progress toward  
6 meeting its equal educational opportunity goals;
- 7 (20) Ensure the coordination, transferability, and connectivity of technology among  
8 postsecondary institutions in the Commonwealth including the development and  
9 implementation of a technology plan as a component of the strategic agenda;
- 10 (21) Approve the teacher education programs in the public institutions that comply with  
11 standards established by the Education Professional Standards Board pursuant to  
12 KRS 161.028;
- 13 (22) Constitute the representative agency of the Commonwealth in all matters of  
14 postsecondary education of a general and statewide nature which are not otherwise  
15 delegated to one (1) or more institutions of postsecondary learning. The  
16 responsibility may be exercised through appropriate contractual relationships with  
17 individuals or agencies located within or without the Commonwealth. The authority  
18 includes but is not limited to contractual arrangements for programs of research,  
19 specialized training, and cultural enrichment;
- 20 (23) Maintain procedures for the approval of a designated receiver to provide for the  
21 maintenance of student records of the public institutions of higher education and the  
22 colleges as defined in KRS 164.945, and institutions operating pursuant to KRS  
23 165A.310 which offer collegiate level courses for academic credit, which cease to  
24 operate. Procedures shall include assurances that, upon proper request, subject to  
25 federal and state laws and regulations, copies of student records shall be made  
26 available within a reasonable length of time for a minimum fee;
- 27 (24) Monitor and transmit a report on compliance with KRS 164.351 to the director of



1 the Legislative Research Commission for distribution to the Health and Welfare  
2 Committee;

3 (25) (a) Develop in cooperation with each public university and the Kentucky  
4 Community and Technical College System a comprehensive orientation and  
5 education program for new members of the council and the governing boards  
6 and continuing education opportunities for all council and board members.  
7 For new members of the council and institutional governing boards, the  
8 council shall:

- 9 1. Ensure that the orientation and education program comprises six (6)  
10 hours of instruction time and includes but is not limited to information  
11 concerning the roles of the council and governing board members, the  
12 strategic agenda and the strategic implementation plan, and the  
13 respective institution's mission, budget and finances, strategic plans and  
14 priorities, institutional policies and procedures, board fiduciary  
15 responsibilities, legal considerations including open records and open  
16 meetings requirements, ethical considerations arising from board  
17 membership, and the board member removal and replacement provisions  
18 of KRS 63.080;
- 19 2. Establish delivery methods by which the orientation and education  
20 program can be completed in person or electronically by new members  
21 within one (1) year of their appointment or election;
- 22 3. Provide an annual report to the Governor and Legislative Research  
23 Commission of those new board members who do not complete the  
24 required orientation and education program; and
- 25 4. Invite governing board members of private colleges and universities  
26 licensed by the Council on Postsecondary Education to participate in the  
27 orientation and education program described in this subsection;

- 1 (b) Offer, in cooperation with the public universities and the Kentucky  
2 Community and Technical College System, continuing education  
3 opportunities for all council and governing board members; and
- 4 (c) Review and approve the orientation programs of each public university and  
5 the Kentucky Community and Technical College System for their governing  
6 board members to ensure that all programs and information adhere to this  
7 subsection;
- 8 (26) Develop a financial reporting procedure to be used by all state postsecondary  
9 education institutions to ensure uniformity of financial information available to state  
10 agencies and the public;
- 11 (27) Select and appoint a president of the council under KRS 164.013;
- 12 (28) Employ consultants and other persons and employees as may be required for the  
13 council's operations, functions, and responsibilities;
- 14 (29) Promulgate administrative regulations, in accordance with KRS Chapter 13A,  
15 governing its powers, duties, and responsibilities as described in this section;
- 16 (30) Prepare and present by January 31 of each year an annual status report on  
17 postsecondary education in the Commonwealth to the Governor, the Strategic  
18 Committee on Postsecondary Education, and the Legislative Research Commission;
- 19 (31) Consider the role, function, and capacity of independent institutions of  
20 postsecondary education in developing policies to meet the immediate and future  
21 needs of the state. When it is found that independent institutions can meet state  
22 needs effectively, state resources may be used to contract with or otherwise assist  
23 independent institutions in meeting these needs;
- 24 (32) Create advisory groups representing the presidents, faculty, nonteaching staff, and  
25 students of the public postsecondary education system and the independent colleges  
26 and universities;
- 27 ~~[(33) Develop a statewide policy to promote employee and faculty development in all~~

1 ~~postsecondary institutions and in state and locally operated secondary area~~  
2 ~~technology centers through the waiver of tuition for college credit coursework in the~~  
3 ~~public postsecondary education system. Any regular full-time employee of a~~  
4 ~~postsecondary public institution or a state or locally operated secondary area~~  
5 ~~technology center may, with prior administrative approval of the course offering~~  
6 ~~institution, take a maximum of six (6) credit hours per term at any public~~  
7 ~~postsecondary institution. The institution shall waive the tuition up to a maximum~~  
8 ~~of six (6) credit hours per term;]~~

9 (33)~~[(34)]~~ Establish a statewide mission for adult education and develop a twenty (20)  
10 year strategy, in partnership with the Kentucky Adult Education Program, under the  
11 provisions of KRS 164.0203 for raising the knowledge and skills of the state's adult  
12 population. The council shall:

- 13 (a) Promote coordination of programs and responsibilities linked to the issue of  
14 adult education with the Kentucky Adult Education Program and with other  
15 agencies and institutions;
- 16 (b) Facilitate the development of strategies to increase the knowledge and skills  
17 of adults in all counties by promoting the efficient and effective coordination  
18 of all available education and training resources;
- 19 (c) Lead a statewide public information and marketing campaign to convey the  
20 critical nature of Kentucky's adult literacy challenge and to reach adults and  
21 employers with practical information about available education and training  
22 opportunities;
- 23 (d) Establish standards for adult literacy and monitor progress in achieving the  
24 state's adult literacy goals, including existing standards that may have been  
25 developed to meet requirements of federal law in conjunction with the  
26 Collaborative Center for Literacy Development: Early Childhood through  
27 Adulthood; and

1 (e) Administer the adult education and literacy initiative fund created under KRS  
2 164.041;

3 ~~(34)~~~~(35)~~ Participate with the Kentucky Department of Education, the Kentucky Board  
4 of Education, and postsecondary education institutions to ensure that academic  
5 content requirements for successful entry into postsecondary education programs  
6 are aligned with high school content standards and that students who master the  
7 high school academic content standards shall not need remedial courses. The  
8 council shall monitor the results on an ongoing basis;

9 ~~(35)~~~~(36)~~ Cooperate with the Kentucky Department of Education and the Education  
10 Professional Standards Board in providing information sessions to selected  
11 postsecondary education content faculty and teacher educators of the high school  
12 academic content standards as required under KRS 158.6453(2)(1);

13 ~~(36)~~~~(37)~~ Cooperate with the Office for Education and Workforce Statistics and ensure  
14 the participation of the public institutions as required in KRS 151B.133;

15 ~~(37)~~~~(38)~~ Pursuant to KRS 63.080, review written notices from the Governor or from a  
16 board of trustees or board of regents concerning removal of a board member or the  
17 entire appointed membership of a board, investigate the member or board and the  
18 conduct alleged to support removal, and make written recommendations to the  
19 Governor and the Legislative Research Commission as to whether the member or  
20 board should be removed; and

21 ~~(38)~~~~(39)~~ Exercise any other powers, duties, and responsibilities necessary to carry out  
22 the purposes of this chapter. Nothing in this chapter shall be construed to grant the  
23 Council on Postsecondary Education authority to disestablish or eliminate any  
24 college of law which became a part of the state system of higher education through  
25 merger with a state college.