

1 AN ACT relating to reorganization.

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

3 ➔Section 1. KRS 164.004 is repealed, reenacted, and amended to read as follows:

- 4 (1) The Strategic Committee on Higher~~[Postsecondary]~~ Education is hereby created  
5 and established. The committee shall be composed of ***the chairs of the governing***  
6 ***board of each institution in the postsecondary education system and the chairs of***  
7 ***the Council on Postsecondary Education and the Kentucky Higher Education***  
8 ***Assistance Authority. The chairs of the Kentucky Board of Education and the***  
9 ***Kentucky Authority for Educational Television shall be nonvoting*** members~~[~~  
10 ~~appointed by the Council on Postsecondary Education, the Governor, and the~~  
11 ~~General Assembly. The council's representatives shall consist of the chair of the~~  
12 ~~council, the president of the council, and five (5) members of the council designated~~  
13 ~~by the chair. The Governor's representatives shall consist of the Governor and six~~  
14 ~~(6) persons designated by the Governor. The General Assembly's representatives~~  
15 ~~shall consist of the President of the Senate, the Speaker of the House of~~  
16 ~~Representatives, the Majority and Minority Floor Leaders of both chambers of the~~  
17 ~~General Assembly, the minority caucus chair of each chamber, a member appointed~~  
18 ~~by the President of the Senate, a member appointed by the Speaker of the House of~~  
19 ~~Representatives, a member appointed by the Minority Floor Leader of the Senate, a~~  
20 ~~member appointed by the Minority Floor Leader of the House of Representatives,~~  
21 ~~and the chair of the Committee on Appropriations and Revenue of each chamber].~~  
22 (2) ***Each chair may designate a citizen member of his or her respective board as a***  
23 ***proxy to serve in his or her absence.*** The chair of the council shall serve as chair of  
24 the committee. ***The members shall annually elect a vice chair to act in the***  
25 ***absence of the chair.*** The committee shall meet at least semiannually~~[quarterly]~~  
26 and at other times upon the written call of the chair or of ***any three (3) voting***  
27 ***members***~~[majorities of any two (2) of the three (3) groups that compose the~~

1 ~~committee~~.

2 (3) ~~[Nonlegislative]~~ Members of the committee shall serve without compensation but  
3 shall be reimbursed for their actual and necessary expenses, as set forth in KRS  
4 12.070(5).~~[ Committee members who are Kentucky legislators shall be~~  
5 ~~compensated for attendance at committee meetings from the legislative branch~~  
6 ~~budget bill and as set forth in KRS 6.190.]~~

7 (4) The committee shall serve as a forum for the~~[ council and the elected leadership of~~  
8 ~~the Commonwealth to]~~ exchange *of ideas, initiatives, and best practices related to*  
9 *the Commonwealth's*~~[ about the future of]~~ postsecondary education *system*~~[ in~~  
10 ~~Kentucky]~~.

11 (5) The council shall periodically review its strategic implementation plan for the  
12 strategic agenda under KRS 164.0203 and advise the committee of the actions  
13 necessary to meet the goals established in KRS 164.003(2). The committee~~[elected~~  
14 ~~leaders]~~ shall review and comment on the strategic agenda and the timetable for  
15 implementation.

16 (6) The Governor shall advise the committee about the financial condition of the  
17 Commonwealth and the probable funds the executive branch intends to recommend  
18 to the General Assembly to be appropriated for postsecondary education.

19 (7) ~~[The legislative members shall react to the comments of the council and the~~  
20 ~~Governor.~~

21 ~~(8)~~ The council shall advise the committee about its opinion of how the postsecondary  
22 education funds projected to be available should be allocated based on priorities and  
23 projected resources. Nothing in this section shall be construed to infringe upon the  
24 Governor's duty under KRS 48.100 to recommend appropriations to the General  
25 Assembly or upon the General Assembly's power to make final appropriations in  
26 the enacted budget.

27 ~~(8)~~~~(9)~~ The committee shall have the advisory authority not explicitly prohibited by

1 law that is necessary to carry out and effectuate its advisory functions, duties, and  
2 responsibilities, including the following:

- 3 (a) Receive reports from the council on the development and implementation of  
4 the long-term strategic agenda, including biennial budget requests for  
5 postsecondary education and any subsequent and related budget requests;
- 6 (b) Review the council's proposed objectives and benchmarks for the next fiscal  
7 biennium for furthering the Commonwealth's achievement of the goals set out  
8 in KRS 164.003(2);
- 9 (c) Consider and advise the council on the general budget parameters regarding  
10 development of the postsecondary budget for the next fiscal biennium;
- 11 (d) Review biennial budget requests from the council for the next fiscal biennium  
12 including base funding, increases in base funding, and funding for a strategic  
13 investment and incentive funding program, including criteria to be used in  
14 allocating these funds to institutions; **and**
- 15 (e) Receive from the council, at least annually and on a more frequent basis if  
16 requested by the committee, accountability reports, budget information, and  
17 other information the committee deems proper[; ~~and~~
- 18 ~~(f) Serve as the search committee for the review and consideration of candidates~~  
19 ~~to be presented to the council for the initial appointment to the position of~~  
20 ~~president of the Council on Postsecondary Education. Each group of the~~  
21 ~~committee shall have one (1) vote on the search committee. The vote of each~~  
22 ~~group shall be determined by a majority of the members of that group].~~

23 **(9) The committee shall be attached to the Council on Postsecondary Education for**  
24 **administrative purposes and be provided suitable staff and resources by the**  
25 **council to conduct its work.**

26 ➔Section 2. KRS 164.001 is amended to read as follows:

27 As used in this chapter, unless the context requires otherwise:

- 1 (1) "Administrator" means the chief executive officer of the institution;
- 2 (2) "Adult basic education" means instruction in mathematics, science, social studies,  
3 reading, language arts, and related areas to enable individuals to better function in  
4 society;
- 5 (3) "Benchmarks" means objective measures developed where applicable or practical  
6 by the Council on Postsecondary Education to judge the performance of the  
7 postsecondary education system and progress toward the goals as stated in KRS  
8 164.003(2);
- 9 (4) "Board" or "governing board" means the board of trustees for the University of  
10 Kentucky or the University of Louisville, the board of regents for a comprehensive  
11 university, or the board of regents for the Kentucky Community and Technical  
12 College System;
- 13 (5) "Board of regents" means the governing board of each comprehensive university  
14 and the Kentucky Community and Technical College System;
- 15 (6) "Committee" means the Strategic Committee on Higher~~Postsecondary~~ Education  
16 created in KRS 164.004;
- 17 (7) "Comprehensive university" means the following public institutions: Eastern  
18 Kentucky University, Kentucky State University, Morehead State University,  
19 Murray State University, Northern Kentucky University, and Western Kentucky  
20 University;
- 21 (8) "Council" means the Council on Postsecondary Education created in KRS 164.011;
- 22 (9) "Customized training" means training in specific academic areas, work processes, or  
23 technical skills that are designed to serve a specific industry or industries to upgrade  
24 worker skills;
- 25 (10) "Goals" means the six (6) goals specified in KRS 164.003(2);
- 26 (11) "Independent institution" means a nonpublic postsecondary education institution in  
27 Kentucky whose instruction is not solely sectarian in nature, is accredited by a

1 regional accrediting association recognized by the United States Department of  
2 Education, and is licensed by the Council on Postsecondary Education;

3 (12) "Institution" means a university, college, community college, health technology  
4 center, vocational-technical school, technical institute, technical college, technology  
5 center, or the Kentucky Community and Technical College System;

6 (13) "Kentucky Community and Technical College System" means the system composed  
7 of public community and technical colleges, including those postsecondary  
8 institutions operated by the former Cabinet for Workforce Development and those  
9 community colleges in the University of Kentucky Community College System on  
10 May 30, 1997.

11 The system also includes institutions created by the board of regents for the  
12 Kentucky Community and Technical College System and approved by the General  
13 Assembly;

14 (14) "Literacy" means an individual's ability to read, write, and speak in English and  
15 compute and solve problems at levels of proficiency necessary to function on the  
16 job and in society to achieve one's goals and develop one's knowledge and potential;

17 (15) "Lower division academic course" means any academic course offered for college  
18 or university credit that is designated as a freshman or sophomore level academic  
19 course;

20 (16) "Nonteaching personnel" means any employee who is a full-time staff member,  
21 excluding a president, chancellor, vice president, academic dean, academic  
22 department chair, or administrator;

23 (17) "Postsecondary education system" means the following public institutions:  
24 University of Kentucky, University of Louisville, Eastern Kentucky University,  
25 Kentucky State University, Morehead State University, Murray State University,  
26 Northern Kentucky University, Western Kentucky University, and the Kentucky  
27 Community and Technical College System;

- 1 (18) "P-16 council" or "council of partners" means a local or state council that is  
2 composed of educators from public and private preschools, elementary, secondary,  
3 and postsecondary education institutions, local board of education members, and  
4 may include community and business representatives that have voluntarily  
5 organized themselves for the purpose of improving the alignment and quality of the  
6 education continuum from preschool through postsecondary education as well as  
7 student achievement at all levels;
- 8 (19) "Public" means operated with state support;
- 9 (20) "Relative" means a person's father, mother, brother, sister, husband, wife, son,  
10 daughter, aunt, uncle, son-in-law, or daughter-in-law;
- 11 (21) "Remedial education" means any program, course, or activity that is designed  
12 specifically for students who have basic deficiencies in reading, written or oral  
13 communication, mathematics, study skills, or other skills necessary to do beginning  
14 postsecondary work as defined by the institution;
- 15 (22) "Standardized degree program" means a program, approved by the Council on  
16 Postsecondary Education, that consists of specific competencies, curriculum, and  
17 performance requirements regardless of the providing institution;
- 18 (23) "Strategic agenda" means the state strategic postsecondary education agenda  
19 described in KRS 164.0203;
- 20 (24) "Technical institution" means an educational institution that offers certificates,  
21 diplomas, or technical degrees in technical or occupational-related programs,  
22 including a facility called a vocational-technical school, technical institute, health  
23 technology center, technology center, technical college, or similar designation; and
- 24 (25) "Learning outcomes" means the knowledge, skills, and abilities that students have  
25 attained as a result of their involvement in a particular set of educational  
26 experiences.
- 27 ➔Section 3. KRS 164.013 is amended to read as follows:

- 1 (1) The Council on Postsecondary Education shall set the qualifications for the position  
2 of president of the council.~~[ Except for the first president appointed under~~  
3 ~~subsection (2) of this section.]~~ The council may employ a search firm and conduct a  
4 nationwide search for candidates. Any search firm employed by the council shall  
5 consider, interview, and propose three (3) or more candidates for the position of  
6 president. The council may seek additional names from the search firm or from  
7 other sources.
- 8 (2) ~~[In the selection of candidates for the first president of the Council on~~  
9 ~~Postsecondary Education, the Strategic Committee on Postsecondary Education~~  
10 ~~shall serve as a search committee, employing a search firm for assistance. The~~  
11 ~~committee shall recommend three (3) candidates to be considered by the council~~  
12 ~~and shall repeat this process until it finds a satisfactory person to appoint as the first~~  
13 ~~president of the council.]~~
- 14 (3) ~~]~~The president shall possess an excellent academic and administrative background,  
15 have strong communication skills, have significant experience and an established  
16 reputation as a professional in the field of postsecondary education, and shall not  
17 express, demonstrate, or appear to have an institutional or regional bias in his or her  
18 actions.
- 19 ~~(3)~~~~[(4)]~~ The president shall be the primary advocate for postsecondary education and  
20 advisor to the Governor and the General Assembly on matters of postsecondary  
21 education in Kentucky. As the primary advocate for postsecondary education, the  
22 president shall work closely with the committee and the elected leadership of the  
23 Commonwealth to ensure that they are fully informed about postsecondary  
24 education issues and that the council fully understands the goals for postsecondary  
25 education that the General Assembly has established in KRS 164.003(2).
- 26 ~~(4)~~~~[(5)]~~ The president may design and develop for review by the council new  
27 statewide initiatives in accordance with the strategic agenda.

1 ~~(5)~~~~(6)~~ (a) The council shall set the salary of the president at an amount no greater  
2 than the salary the president was receiving on January 1, 2012.

3 (b) The salary of the president shall be exempt from state employee salary  
4 limitations as set forth in KRS 64.640.

5 ~~(6)~~~~(7)~~ The president shall be accorded a contract to serve for a term not to exceed  
6 five (5) years, which is renewable at the pleasure of the council.

7 ~~(7)~~~~(8)~~ The president shall determine the staffing positions and organizational  
8 structure necessary to carry out the responsibilities of the council and may employ  
9 staff. All personnel positions of the Council on Higher Education, as of May 30,  
10 1997, with the exception of the position of executive director, shall be transferred to  
11 the Council on Postsecondary Education. All personnel shall be transferred at the  
12 same salary and benefit levels. Notwithstanding the provisions of KRS 11A.040,  
13 any person employed by the Council on Higher Education prior to May 30, 1997,  
14 may accept immediate employment with any governmental entity or any  
15 postsecondary education organization or institution in the Commonwealth and may  
16 carry out the employment duties assigned by that entity, organization, or institution.

17 ~~(8)~~~~(9)~~ The president shall be responsible for the day-to-day operations of the council  
18 and shall report and submit annual reports on the strategic implementation plan of  
19 the strategic agenda, carry out policy and program directives of the council, prepare  
20 and submit to the council for its approval the proposed budget of the council, and  
21 perform all other duties and responsibilities assigned by state law.

22 ~~(9)~~~~(10)~~ With approval of the council, the president may enter into agreements with  
23 any state agency or political subdivision of the state, any state postsecondary  
24 education institution, or any other person or entity to enlist staff assistance to  
25 implement the duties and responsibilities under KRS 164.020.

26 ~~(10)~~~~(11)~~ The president shall be reimbursed for all actual and necessary expenses  
27 incurred in the performance of all assigned duties and responsibilities.



1           ➔Section 4. KRS 164.020 is amended to read as follows:

2   The Council on Postsecondary Education in Kentucky shall:

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

1 agency" as that term may be used in federal legislation. When federal legislation  
2 requires additional representation on any "single state agency," the Council on  
3 Postsecondary Education shall establish advisory groups necessary to satisfy federal  
4 legislative or regulatory guidelines;

5 (8) (a) Determine tuition and approve the minimum qualifications for admission to  
6 the state postsecondary educational system. In defining residency, the council  
7 shall classify a student as having Kentucky residency if the student met the  
8 residency requirements at the beginning of his or her last year in high school  
9 and enters a Kentucky postsecondary education institution within two (2)  
10 years of high school graduation. In determining the tuition for non-Kentucky  
11 residents, the council shall consider the fees required of Kentucky students by  
12 institutions in adjoining states, the resident fees charged by other states, the  
13 total actual per student cost of training in the institutions for which the fees  
14 are being determined, and the ratios of Kentucky students to non-Kentucky  
15 students comprising the enrollments of the respective institutions, and other  
16 factors the council may in its sole discretion deem pertinent, except that the  
17 Kentucky Community and Technical College System may assess a mandatory  
18 student fee not to exceed eight dollars (\$8) per credit hour to be used  
19 exclusively for debt service on amounts not to exceed seventy-five percent  
20 (75%) of the total projects cost of the Kentucky Community and Technical  
21 College System agency bond projects included in 2014 Ky. Acts ch. 117, Part  
22 II, J., 11.

23 (b) The Kentucky Community and Technical College System mandatory fee  
24 established in this subsection shall only be used for debt service on agency  
25 bond projects.

26 (c) Any fee established as provided by this subsection shall cease to be assessed  
27 upon the retirement of the project bonds for which it services debt.

- 1 (d) Prior to the issuance of any bonds, the Kentucky Community and Technical  
2 College System shall certify in writing to the secretary of the Finance and  
3 Administration Cabinet that sufficient funds have been raised to meet the local  
4 match equivalent to twenty-five percent (25%) of the total project cost;
- 5 (9) Devise, establish, and periodically review and revise policies to be used in making  
6 recommendations to the Governor for consideration in developing  
7 recommendations to the General Assembly for appropriations to the universities,  
8 the Kentucky Community and Technical College System, and to support strategies  
9 for persons to maintain necessary levels of literacy throughout their lifetimes  
10 including but not limited to appropriations to the Kentucky Adult Education  
11 Program. The council has sole discretion, with advice of the Strategic Committee on  
12 Higher~~[Postsecondary]~~ Education~~[ and the executive officers of the postsecondary~~  
13 ~~education system]~~, to devise policies that provide for allocation of funds among the  
14 universities and the Kentucky Community and Technical College System;
- 15 (10) Lead and provide staff support for the biennial budget process as provided under  
16 KRS Chapter 48, in cooperation with the committee;
- 17 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all  
18 capital construction projects covered by KRS 45.750(1)(f), including real  
19 property acquisitions, and regardless of the source of funding for projects or  
20 acquisitions. Approval of capital projects and real property acquisitions shall  
21 be on a basis consistent with the strategic agenda and the mission of the  
22 respective universities and the Kentucky Community and Technical College  
23 System.
- 24 (b) The organized groups that are establishing community college satellites as  
25 branches of existing community colleges in the counties of Laurel, Leslie, and  
26 Muhlenberg, and that have substantially obtained cash, pledges, real property,  
27 or other commitments to build the satellite at no cost to the Commonwealth,

- 1 other than operating costs that shall be paid as part of the operating budget of  
2 the main community college of which the satellite is a branch, are authorized  
3 to begin construction of the satellite on or after January 1, 1998;
- 4 (12) Require reports from the executive officer of each institution it deems necessary for  
5 the effectual performance of its duties;
- 6 (13) Ensure that the state postsecondary system does not unnecessarily duplicate services  
7 and programs provided by private postsecondary institutions and shall promote  
8 maximum cooperation between the state postsecondary system and private  
9 postsecondary institutions. Receive and consider an annual report prepared by the  
10 Association of Independent Kentucky Colleges and Universities stating the  
11 condition of independent institutions, listing opportunities for more collaboration  
12 between the state and independent institutions and other information as appropriate;
- 13 (14) Establish course credit, transfer, and degree components as required in KRS  
14 164.2951;
- 15 (15) Define and approve the offering of all postsecondary education technical, associate,  
16 baccalaureate, graduate, and professional degree, certificate, or diploma programs in  
17 the public postsecondary education institutions. The council shall expedite wherever  
18 possible the approval of requests from the Kentucky Community and Technical  
19 College System board of regents relating to new certificate, diploma, technical, or  
20 associate degree programs of a vocational-technical and occupational nature.  
21 Without the consent of the General Assembly, the council shall not abolish or limit  
22 the total enrollment of the general program offered at any community college to  
23 meet the goal of reasonable access throughout the Commonwealth to a two (2) year  
24 course of general studies designed for transfer to a baccalaureate program. This  
25 does not restrict or limit the authority of the council, as set forth in this section, to  
26 eliminate or make changes in individual programs within that general program;
- 27 (16) Eliminate, in its discretion, existing programs or make any changes in existing

- 1 academic programs at the state's postsecondary educational institutions, taking into  
2 consideration these criteria:
- 3 (a) Consistency with the institution's mission and the strategic agenda;
  - 4 (b) Alignment with the priorities in the strategic implementation plan for  
5 achieving the strategic agenda;
  - 6 (c) Elimination of unnecessary duplication of programs within and among  
7 institutions; and
  - 8 (d) Efforts to create cooperative programs with other institutions through  
9 traditional means, or by use of distance learning technology and electronic  
10 resources, to achieve effective and efficient program delivery;
- 11 (17) Ensure the governing board and faculty of all postsecondary education institutions  
12 are committed to providing instruction free of discrimination against students who  
13 hold political views and opinions contrary to those of the governing board and  
14 faculty;
- 15 (18) Review proposals and make recommendations to the Governor regarding the  
16 establishment of new public community colleges, technical institutions, and new  
17 four (4) year colleges;
- 18 (19) Postpone the approval of any new program at a state postsecondary educational  
19 institution, unless the institution has met its equal educational opportunity goals, as  
20 established by the council. In accordance with administrative regulations  
21 promulgated by the council, those institutions not meeting the goals shall be able to  
22 obtain a temporary waiver, if the institution has made substantial progress toward  
23 meeting its equal educational opportunity goals;
- 24 (20) Ensure the coordination, transferability, and connectivity of technology among  
25 postsecondary institutions in the Commonwealth including the development and  
26 implementation of a technology plan as a component of the strategic agenda;
- 27 (21) Approve the teacher education programs in the public institutions that comply with

1 standards established by the Education Professional Standards Board pursuant to  
2 KRS 161.028;

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

10 (23) Maintain procedures for the approval of a designated receiver to provide for the  
11 maintenance of student records of the public institutions of higher education and the  
12 colleges as defined in KRS 164.945, and institutions operating pursuant to KRS  
13 165A.310 which offer collegiate level courses for academic credit, which cease to  
14 operate. Procedures shall include assurances that, upon proper request, subject to  
15 federal and state laws and regulations, copies of student records shall be made  
16 available within a reasonable length of time for a minimum fee;

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

20 (25) (a) Develop in cooperation with each public university and the Kentucky  
21 Community and Technical College System a comprehensive orientation and  
22 education program for new members of the council and the governing boards  
23 and continuing education opportunities for all council and board members.  
24 For new members of the council and institutional governing boards, the  
25 council shall:

26 1. Ensure that the orientation and education program comprises six (6)  
27 hours of instruction time and includes but is not limited to information

- 1 concerning the roles of the council and governing board members, the  
2 strategic agenda and the strategic implementation plan, and the  
3 respective institution's mission, budget and finances, strategic plans and  
4 priorities, institutional policies and procedures, board fiduciary  
5 responsibilities, legal considerations including open records and open  
6 meetings requirements, ethical considerations arising from board  
7 membership, and the board member removal and replacement provisions  
8 of KRS 63.080;
- 9 2. Establish delivery methods by which the orientation and education  
10 program can be completed in person or electronically by new members  
11 within one (1) year of their appointment or election;
- 12 3. Provide an annual report to the Governor and Legislative Research  
13 Commission of those new board members who do not complete the  
14 required orientation and education program; and
- 15 4. Invite governing board members of private colleges and universities  
16 licensed by the Council on Postsecondary Education to participate in the  
17 orientation and education program described in this subsection;
- 18 (b) Offer, in cooperation with the public universities and the Kentucky  
19 Community and Technical College System, continuing education  
20 opportunities for all council and governing board members; and
- 21 (c) Review and approve the orientation programs of each public university and  
22 the Kentucky Community and Technical College System for their governing  
23 board members to ensure that all programs and information adhere to this  
24 subsection;
- 25 (26) Develop a financial reporting procedure to be used by all state postsecondary  
26 education institutions to ensure uniformity of financial information available to state  
27 agencies and the public;

- 1 (27) Select and appoint a president of the council under KRS 164.013;
- 2 (28) Employ consultants and other persons and employees as may be required for the  
3 council's operations, functions, and responsibilities;
- 4 (29) Promulgate administrative regulations, in accordance with KRS Chapter 13A,  
5 governing its powers, duties, and responsibilities as described in this section;
- 6 (30) Prepare and present by January 31 of each year an annual status report on  
7 postsecondary education in the Commonwealth to the Governor, the Strategic  
8 Committee on Higher~~Postsecondary~~ Education, and the Legislative Research  
9 Commission;
- 10 (31) Consider the role, function, and capacity of independent institutions of  
11 postsecondary education in developing policies to meet the immediate and future  
12 needs of the state. When it is found that independent institutions can meet state  
13 needs effectively, state resources may be used to contract with or otherwise assist  
14 independent institutions in meeting these needs;
- 15 (32) Create advisory groups representing the presidents, faculty, nonteaching staff, and  
16 students of the public postsecondary education system and the independent colleges  
17 and universities;
- 18 (33) Develop a statewide policy to promote employee and faculty development in state  
19 and locally operated secondary area technology centers through the waiver of tuition  
20 for college credit coursework in the public postsecondary education system. Any  
21 regular full-time employee of a state or locally operated secondary area technology  
22 center may, with prior administrative approval of the course offering institution,  
23 take a maximum of six (6) credit hours per term at any public postsecondary  
24 institution. The institution shall waive the tuition up to a maximum of six (6) credit  
25 hours per term. The employee shall complete the Free Application for Federal  
26 Student Aid to determine the level of need and eligibility for state and federal  
27 financial aid programs. The amount of tuition waived shall not exceed the cost of



1 tuition at the institution less any state or federal grants received, which shall be  
2 credited first to the student's tuition;

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

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

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

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

17 (d) Establish standards for adult literacy and monitor progress in achieving the  
18 state's adult literacy goals, including existing standards that may have been  
19 developed to meet requirements of federal law in conjunction with the  
20 Collaborative Center for Literacy Development: Early Childhood through  
21 Adulthood; and

22 (e) Administer the adult education and literacy initiative fund created under KRS  
23 164.041;

24 (35) Participate with the Kentucky Department of Education, the Kentucky Board of  
25 Education, and postsecondary education institutions to ensure that academic content  
26 requirements for successful entry into postsecondary education programs are  
27 aligned with high school content standards and that students who master the high

1 school academic content standards shall not need remedial courses. The council  
2 shall monitor the results on an ongoing basis;

3 (36) Cooperate with the Kentucky Department of Education and the Education  
4 Professional Standards Board in providing information sessions to selected  
5 postsecondary education content faculty and teacher educators of the high school  
6 academic content standards as required under KRS 158.6453(2)(1);

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

9 (38) Pursuant to KRS 63.080, review written notices from the Governor or from a board  
10 of trustees or board of regents concerning removal of a board member or the entire  
11 appointed membership of a board, investigate the member or board and the conduct  
12 alleged to support removal, and make written recommendations to the Governor and  
13 the Legislative Research Commission as to whether the member or board should be  
14 removed; and

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

20 ➔Section 5. KRS 164A.055 is amended to read as follows:

21 (1) As used in this section:

22 (a) "Board" means the board of directors of the ~~[Kentucky Higher Education~~  
23 ~~Student Loan Corporation acting in the capacity of the board of ]Asset~~  
24 Resolution Corporation; and

25 (b) "Corporation" means the Asset Resolution Corporation created in this section.

26 (2) There is hereby created **and established** an **independent du jure municipal**  
27 **corporation and political subdivision**~~[instrumentality]~~ of the Commonwealth to be

1 known as Asset Resolution Corporation for the purpose of promoting higher  
2 educational opportunities for the citizens of the Commonwealth by providing debt  
3 resolution services for student loan obligations ~~held by the United States~~  
4 ~~Department of Education or other third party entities~~ and any other student service  
5 or education-related activity to the extent such activity is not limited or prohibited  
6 by statute or other governing authority.

7 (3) The corporation shall be attached to the Kentucky Higher Education Student Loan  
8 Corporation for administrative and reporting purposes and shall be governed,  
9 managed, and administered as a separate and distinct instrumentality of the  
10 Commonwealth in accordance with this section.

11 (4) The Kentucky Higher Education Student Loan Corporation and its facilities shall be  
12 used and employed in the administration of the corporation, including but not  
13 limited to the keeping of records and the employment of staff to assist in the  
14 performance of the designated activities of the corporation.

15 (5) The board shall have the power and authority to:

16 (a) Sue and be sued;

17 (b) Promulgate administrative regulations and adopt procedures to implement this  
18 section;

19 (c) Make and enter into contracts necessary for the administration of the  
20 corporation;

21 (d) Adopt a corporate seal and change and amend it from time to time;

22 (e) Make, execute, and effectuate any and all agreements or other documents with  
23 the United States Department of Education, this Commonwealth, any federal  
24 or state agency, or any person, corporation, association, partnership, or other  
25 organization or entity and perform other acts necessary or appropriate for the  
26 effectuation of its rights and duties pursuant to this section;

27 (f) Delegate to the Kentucky Higher Education Student Loan Corporation general

1 supervision and direction over the administrative function of the corporation  
2 and its employees in carrying out the policies, programs, administrative  
3 regulations, and directives of the board;

4 (g) Carry out the duties and obligations of the corporation pursuant to this section,  
5 and to have any and all other powers as may be reasonably necessary for the  
6 effectuation of the purposes of the corporation; ~~and~~

7 (h) Adopt bylaws for the conduct of its business, including the designation of  
8 directors, and prescribe rules, regulations, and policies in connection with the  
9 performance of its functions and duties; ~~and~~

10 **(i) Employ consultants, attorneys, counselors, and such employees as may be**  
11 **required in the judgment of the corporation and to fix and pay their**  
12 **compensation and benefits;**

13 **(j) Provide any service to schools or students related to student education**  
14 **loans, including but not limited to the areas of financial awareness,**  
15 **counseling, default aversion or prevention, servicing, and collecting; and**

16 **(k) Provide support services for postsecondary education and workforce**  
17 **development training and programs to students, families, schools, and**  
18 **training centers.**

19 (6) Board members, except officers or employees of the state, shall receive  
20 compensation for their services in the amount of one hundred dollars (\$100) per day  
21 for attendance at each board meeting and shall be entitled to payment of any  
22 reasonable and necessary expenses actually incurred in discharging their duties  
23 under this section.

24 ➔Section 6. The General Assembly confirms Executive Order 2019-029, dated  
25 January 7, 2019, to the extent it is not otherwise confirmed or superseded by this Act.