

1 AN ACT relating to public postsecondary education institutions.

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

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

4 The Council on Postsecondary Education in Kentucky shall:

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

- 1 (7) Develop plans that may be required by federal legislation. The council shall for all
2 purposes of federal legislation relating to planning be considered the "single state
3 agency" as that term may be used in federal legislation. When federal legislation
4 requires additional representation on any "single state agency," the Council on
5 Postsecondary Education shall establish advisory groups necessary to satisfy federal
6 legislative or regulatory guidelines;
- 7 (8) (a) Determine tuition and mandatory student fees and approve the minimum
8 qualifications for admission to the state postsecondary educational system in
9 accordance with the following:
- 10 1. Tuition and mandatory student fees shall not be increased for any
11 program more than five percent (5%) a year for incoming Kentucky
12 resident students and seven percent (7%) a year for any non-Kentucky
13 resident students without approval from the General Assembly;
 - 14 2. Tuition and mandatory student fees at the University of Louisville, the
15 University of Kentucky, or a comprehensive university shall not be
16 increased for a resident student until the student completes four (4)
17 continuous years of enrollment in a program, graduates from a
18 program, or upon the termination of the student's enrollment in the
19 program, whichever occurs first;
 - 20 3. If a resident student remains enrolled in a program at the University
21 of Louisville, the University of Kentucky, or a comprehensive
22 university after four (4) years, the tuition and mandatory student fees
23 charged to the student for any subsequent term in the program shall
24 not exceed the amount of tuition and mandatory student fees for an
25 incoming resident student in the same program that term;
 - 26 4. An institution shall notify any non-Kentucky resident student or
27 continuing resident student of any increase in tuition or mandatory

1 student fees at least four (4) months prior to the effective date of the
2 increase;

3 5. An increase in tuition and mandatory student fees for any program
4 shall be determined by the council and approved by a governing board
5 no later than the March 1 prior to the start of the school year for
6 which the increase will first apply; and

7 6. For the purposes of this paragraph:

8 a. "Mandatory student fee" means any fee or cost assessed to all
9 students enrolled in an institution or program of study that is not
10 tuition, including but not limited to any student recreation or
11 activity fee, student government fee, student health plan,
12 mandatory meal plan, facility fee, or technology fee; and

13 b. "Program" means an institution's undergraduate program or a
14 specific graduate program. A student shall not be deemed to have
15 switched programs upon switching from one undergraduate
16 major to another.

17 **(b)** In defining residency, the council shall classify a student as having Kentucky
18 residency if the student met the residency requirements at the beginning of his
19 or her last year in high school and enters a Kentucky postsecondary education
20 institution within two (2) years of high school graduation. In determining the
21 tuition for non-Kentucky residents, the council shall consider the fees required
22 of Kentucky students by institutions in adjoining states, the resident fees
23 charged by other states, the total actual per student cost of training in the
24 institutions for which the fees are being determined, and the ratios of
25 Kentucky students to non-Kentucky students comprising the enrollments of
26 the respective institutions, and other factors the council may in its sole
27 discretion deem pertinent, except that the Kentucky Community and

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

6 ~~(c)~~~~(b)~~ The Kentucky Community and Technical College System mandatory fee
7 established in this subsection shall only be used for debt service on agency
8 bond projects.

9 ~~(d)~~~~(e)~~ Any fee established as provided by this subsection shall cease to be
10 assessed upon the retirement of the project bonds for which it services debt.

11 ~~(e)~~~~(d)~~ Prior to the issuance of any bonds, the Kentucky Community and
12 Technical College System shall certify in writing to the secretary of the
13 Finance and Administration Cabinet that sufficient funds have been raised to
14 meet the local match equivalent to twenty-five percent (25%) of the total
15 project cost;

16 (9) Devise, establish, and periodically review and revise policies to be used in making
17 recommendations to the Governor for consideration in developing
18 recommendations to the General Assembly for appropriations to the universities,
19 the Kentucky Community and Technical College System, and to support strategies
20 for persons to maintain necessary levels of literacy throughout their lifetimes. The
21 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
24 universities 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
17 services and programs provided by private postsecondary institutions and shall
18 promote 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
27 in the public postsecondary education institutions. The council shall expedite

1 wherever possible the approval of requests from the Kentucky Community and
2 Technical College System board of regents relating to new certificate, diploma,
3 technical, or associate degree programs of a vocational-technical and occupational
4 nature. Without the consent of the General Assembly, the council shall not abolish
5 or limit the total enrollment of the general program offered at any community
6 college to meet the goal of reasonable access throughout the Commonwealth to a
7 two (2) year course of general studies designed for transfer to a baccalaureate
8 program. This does not restrict or limit the authority of the council, as set forth in
9 this section, to eliminate or make changes in individual programs within that
10 general program;

11 (16) Eliminate, in its discretion, existing programs or make any changes in existing
12 academic programs at the state's postsecondary educational institutions, taking into
13 consideration these criteria:

- 14 (a) Consistency with the institution's mission and the strategic agenda;
- 15 (b) Alignment with the priorities in the strategic implementation plan for
16 achieving the strategic agenda;
- 17 (c) Elimination of unnecessary duplication of programs within and among
18 institutions; and
- 19 (d) Efforts to create cooperative programs with other institutions through
20 traditional means, or by use of distance learning technology and electronic
21 resources, to achieve effective and efficient program delivery;

22 (17) Ensure the governing board and faculty of all postsecondary education institutions
23 are committed to providing instruction free of discrimination against students who
24 hold political views and opinions contrary to those of the governing board and
25 faculty;

26 (18) Review proposals and make recommendations to the Governor regarding the
27 establishment of new public community colleges, technical institutions, and new

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

1 (24) Monitor and transmit a report on compliance with KRS 164.351 to the director of
2 the Legislative Research Commission for distribution to the Interim Joint
3 Committee on Families and Children;

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

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

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

- 1 (33) Develop a statewide policy to promote employee and faculty development in state
2 and locally operated secondary area technology centers through the waiver of
3 tuition for college credit coursework in the public postsecondary education system.
4 Any regular full-time employee of 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. The employee shall complete the Free Application
9 for Federal Student Aid to determine the level of need and eligibility for state and
10 federal financial aid programs. The amount of tuition waived shall not exceed the
11 cost of tuition at the institution less any state or federal grants received, which shall
12 be credited first to the student's tuition;
- 13 (34) Participate with the Kentucky Department of Education, the Kentucky Board of
14 Education, and postsecondary education institutions to ensure that academic content
15 requirements for successful entry into postsecondary education programs are
16 aligned with high school content standards and that students who master the high
17 school academic content standards shall not need remedial courses. The council
18 shall monitor the results on an ongoing basis;
- 19 (35) Cooperate with the Kentucky Department of Education and the Education
20 Professional Standards Board in providing information sessions to selected
21 postsecondary education content faculty and teacher educators of the high school
22 academic content standards as required under KRS 158.6453(2)(1);
- 23 (36) Cooperate with the Office of the Kentucky Center for Statistics and ensure the
24 participation of the public institutions as required in KRS 151B.133;
- 25 (37) Pursuant to KRS 63.080, review written notices from the Governor or from a board
26 of trustees or board of regents concerning removal of a board member or the entire
27 appointed membership of a board, investigate the member or board and the conduct

1 alleged to support removal, and make written recommendations to the Governor
2 and the Legislative Research Commission as to whether the member or board
3 should be removed; and

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

9 ➔Section 2. KRS 164.131 is amended to read as follows:

10 (1) (a) The government of the University of Kentucky is vested in a board of trustees
11 appointed for a term set by law pursuant to Section 23 of the Constitution of
12 Kentucky.

13 (b) All appointed and elected persons shall be required to attend and complete an
14 orientation and education program prescribed by the council under KRS
15 164.020(25), as a condition of their service and eligibility for appointment or
16 election to a second term.

17 (c) The board shall periodically evaluate the institution's progress in
18 implementing its missions, goals, and objectives to conform to the strategic
19 agenda. Officers and officials shall be held accountable for the status of the
20 institution's progress.

21 (d) Board members may be removed by the Governor under the following
22 circumstances:

23 1. For cause, pursuant to KRS 63.080(2); or

24 2. Pursuant to KRS 63.080(3) or (4).

25 (e) The board shall consist of:

26 1. Sixteen (16) members appointed by the Governor;~~;~~

27 2. Two (2) members of the faculty of the University of Kentucky;~~;~~

1 **3.** One (1) member of the University of Kentucky nonteaching
2 personnel;~~;~~ and

3 **4. Three (3) members**~~[one (1) member]~~ of the student body of the
4 University of Kentucky, **selected in accordance with the following:**

5 **a. One (1) shall be the student body president during the**
6 **appropriate academic year;**

7 **b. One (1) shall be the student body vice president during the**
8 **appropriate academic year; and**

9 **c. One (1) shall be a full-time graduate student elected by the**
10 **graduate student body.**~~[The members appointed by the Governor~~
11 ~~shall be subject to confirmation by the Senate.]~~

12 **(f)** The ~~[voting]~~ members of the board **identified in paragraph (e)4. of this**
13 **subsection** shall select a chairperson annually.

14 (2) (a) The terms of the appointed members shall be for six (6) years and until their
15 successors are appointed and qualified, unless a member is removed by the
16 Governor pursuant to KRS 63.080(2), (3), or (4)~~], except the initial~~
17 ~~appointments shall be as follows:~~

18 ~~1. Two (2) members shall serve one (1) year terms;~~

19 ~~2. Two (2) members shall serve two (2) year terms, one (1) of whom shall~~
20 ~~be a graduate of the university, selected from a list of three (3) names~~
21 ~~submitted by the alumni of the university according to rules established~~
22 ~~by the board of trustees;~~

23 ~~3. Three (3) members shall serve three (3) year terms;~~

24 ~~4. Three (3) members shall serve four (4) year terms, one (1) of whom~~
25 ~~shall be a graduate of the university, selected as under subparagraph 2.~~
26 ~~of this subsection;~~

27 ~~5. Three (3) members shall serve five (5) year terms; and~~

1 ~~6. Three (3) members shall serve six (6) year terms, one (1) of whom shall~~
 2 ~~be a graduate of the university, selected as under subparagraph 2. of this~~
 3 ~~subsection].~~

4 (b) 1. Three (3) of the appointments shall be graduates of the university and
 5 may include one (1) graduate of the institution who resides outside the
 6 Commonwealth;

7 2. Three (3) of the appointments shall be representative of agricultural
 8 interests; and

9 3. Ten (10) of the appointments shall be other distinguished citizens
 10 representative of the learned professions and may include one (1) who
 11 resides outside of Kentucky.

12 (c) The Governor shall make the appointments so as to reflect proportional
 13 representation of the two (2) leading political parties of the Commonwealth
 14 based on the state's voter registration and the political affiliation of each
 15 appointee as of December 31 of the year preceding the date of his or her
 16 appointment, and to reflect no less than proportional representation of the
 17 minority racial composition of the Commonwealth based on the total minority
 18 racial population using the most recent census or estimate data from the
 19 United States Census Bureau. If the determination of proportional minority
 20 representation does not result in a whole number of minority members, it shall
 21 be rounded up to the next whole number. A particular political affiliation shall
 22 not be a prerequisite to appointment to the board generally; however, if any
 23 person is appointed to the board that does not represent either of the two (2)
 24 leading political parties of the Commonwealth, the proportional representation
 25 by political affiliation requirement shall be determined and satisfied based on
 26 the total number of members on the board less any members not affiliated
 27 with either of the two (2) leading political parties.

- 1 (d) Appointments to fill vacancies shall be made for the unexpired term in the
2 same manner as provided for the original appointments.
- 3 (3) The two (2) University of Kentucky faculty members shall be of the rank of
4 assistant professor or above. They shall be elected by secret ballot by all University
5 of Kentucky faculty members of the rank of assistant professor or above. Faculty
6 members shall serve for terms of three (3) years and until their successors are
7 elected and qualified. Faculty members shall be eligible for reelection, but they
8 shall be ineligible to continue to serve as members of the board of trustees if they
9 cease to be members of the faculty of the university. Elections to fill vacancies shall
10 be for the unexpired term in the same manner as provided for original elections.
- 11 (4) The nonteaching personnel member shall be any full-time staff member, excluding
12 the president, vice-presidents, academic deans, and academic department
13 chairpersons. The staff member shall represent all nonteaching university
14 employees, including but not limited to building facilities and clerical personnel.
15 The staff member shall be elected by secret ballot by the nonteaching employees.
16 The staff member shall serve a term of three (3) years and until a successor is
17 elected and qualified. The staff member shall be eligible for reelection, but a staff
18 member who ceases being an employee of the university shall not be eligible to
19 continue to serve as a member of the board. Elections to fill vacancies shall be for
20 the unexpired term and shall be held in the same manner as provided for the
21 original election.
- 22 (5) (a) The student members~~[member]~~ shall serve a one (1) year term beginning on
23 July 1 after being elected~~[and sworn in as]~~ to be a student member of the
24 board~~[student body president]~~ and ending on the following June 30.
- 25 (b) If a~~[the]~~ student member does not maintain ~~[the position of student body~~
26 ~~president or]~~ the status of a full-time student at any time during that academic
27 year, a special election shall be held to select a new full-time student member.

1 The newly elected student member shall serve for the remainder of the
2 unexpired term.

3 (6) The number of student and employee trustees of the University of Kentucky elected
4 to the board shall not exceed six (6)~~four (4)~~.

5 (7) Unless specifically approved by the board of trustees under the provisions of KRS
6 164.367, no member of the administrative staff of the university shall be directly or
7 indirectly interested in any contract with the university for the sale of property,
8 materials, supplies, equipment, or services, with exception of compensation to the
9 two (2) faculty members~~[-]~~ and the one (1) nonteaching personnel member.

10 (8) New appointees of the board shall not serve more than two (2) consecutive terms.

11 (9) The inability of the board to hold regular meetings, to elect a chairperson annually,
12 to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an
13 annual evaluation of the president of the university, or to carry out its primary
14 function to periodically evaluate the institution's progress in implementing its
15 mission, goals, and objectives to conform to the strategic agenda shall be cause for
16 the Governor to remove all appointed members of the board and replace the entire
17 appointed membership pursuant to KRS 63.080(4).

18 ➔Section 3. KRS 164.821 is amended to read as follows:

19 (1) (a) The government of the University of Louisville is vested in a board of trustees
20 appointed for a term set by law pursuant to Section 23 of the Constitution of
21 Kentucky. The board shall consist of:

22 1. Ten (10) members appointed by the Governor, at least one (1) of these
23 members~~whom~~ shall be a graduate of the university;

24 2. One (1) member of the teaching faculty of the University of Louisville
25 who shall be the chief executive of the ranking unit of faculty
26 government;

27 3. One (1) member of the permanent staff of the University of Louisville

1 who shall be the chief executive of the staff senate; and

2 4. Three (3)~~one (1)~~ student members selected in accordance with the
3 following:~~member who shall be~~

4 a. One (1) shall be the president of the student body during the
5 appropriate academic year;

6 b. One (1) shall be the executive vice president of the student body
7 during the appropriate academic year; and

8 c. One (1) shall be a full-time graduate student elected by the
9 graduate student body. ~~The members appointed by the Governor~~
10 ~~shall be subject to confirmation by the Senate.~~

11 ~~(b)~~~~(a)~~ All appointed and elected persons shall be required to attend and
12 complete an orientation and education program prescribed by the council
13 under KRS 164.020(25), as a condition of their service and eligibility for
14 appointment or election to a second term.

15 ~~(c)~~~~(b)~~ Board members may be removed by the Governor under the following
16 circumstances:

- 17 1. For cause, pursuant to KRS 63.080(2); or
- 18 2. Pursuant to KRS 63.080(3) or(4).

19 ~~(d)~~~~(c)~~ New appointees to the board shall not serve more than two (2)
20 consecutive terms.

21 (2) (a) The student members~~member~~ shall serve a one (1) year term beginning on
22 July 1 after being elected ~~and sworn in as~~ to be a student member of the
23 board~~student body president~~ and ending on the following June 30.

24 (b) If a~~the~~ student member does not maintain ~~the position of student body~~
25 ~~president or~~ the status of a full-time student at any time during that academic
26 year, a special election shall be held to select a new full-time student member.
27 The newly elected student member shall serve for the remainder of the

1 unexpired term.

2 (3) The faculty member and staff member shall serve one (1) year terms and cease to
3 be eligible for membership on the board of trustees upon termination of their
4 respective relationships with, or leadership positions within, the university, and
5 vacancies occurring for this reason shall be filled for the remainder of the respective
6 terms in the same manner.

7 (4) The gubernatorial appointments shall serve a term of six (6) years and until their
8 successors are appointed and qualified, unless a member is removed by the
9 Governor pursuant to KRS 63.080(2), (3), or (4)~~], except the initial terms shall be as~~
10 ~~follows:~~

11 ~~(a) Two (2) members shall serve one (1) year terms;~~

12 ~~(b) Two (2) members shall serve two (2) year terms;~~

13 ~~(c) Two (2) members shall serve three (3) year terms;~~

14 ~~(d) Two (2) members shall serve four (4) year terms;~~

15 ~~(e) One (1) member shall serve a five (5) year term; and~~

16 ~~(f) One (1) member shall serve a six (6) year term].~~

17 (5) The Governor shall make his or her at-large appointments so as to divide the
18 appointed representation upon the board to reflect:

19 (a) The proportional representation of the two (2) leading political parties in the
20 Commonwealth based on the state's voter registration and the political
21 affiliation of each appointee as of December 31 of the year preceding the date
22 of his or her appointment. A particular political affiliation shall not be a
23 prerequisite to appointment to the board generally; however, if any person is
24 appointed to the board that does not represent either of the two (2) leading
25 political parties of the Commonwealth, the proportional representation by
26 political affiliation requirement shall be determined and satisfied based on the
27 total number of members on the board less any members not affiliated with

1 either of the two (2) leading political parties; and

2 (b) No less than the proportional representation of the minority racial composition
3 of the Commonwealth based on the total minority racial population using the
4 most recent census or estimate data from the United States Census Bureau. If
5 the determination of proportional minority representation does not result in a
6 whole number of minority members, it shall be rounded up to the next whole
7 number.

8 (6) Vacancies among the appointed members of the board occurring by death,
9 resignation, or any other cause, other than expiration of a term, shall be filled by
10 appointments made by the Governor for the remainder of the unexpired term,
11 subject to the qualifications set forth in this section.

12 (7) Unless specifically approved by the board of trustees under the provisions of KRS
13 164.367, no member of the teaching or administrative staff of the university shall be
14 directly or indirectly interested in any contract with the university for the sale of
15 property, materials, supplies, equipment, or services, with the exception of
16 compensation to the faculty, staff, and student members.

17 (8) The inability of the board to hold regular meetings, to elect a chairperson annually,
18 to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an
19 annual evaluation of the president of the university, to carry out its primary function
20 to periodically evaluate the institution's progress in implementing its mission, goals,
21 and objectives to conform to the strategic agenda, or to otherwise perform its duties
22 under KRS 164.830 shall be cause for the Governor to remove all appointed
23 members of the board and replace the entire appointed membership pursuant to
24 KRS 63.080(4).

25 ➔Section 4. KRS 164.321 is amended to read as follows:

26 (1) Eastern Kentucky University, Morehead State University, Murray State University,
27 Western Kentucky University, Kentucky State University, Northern Kentucky

1 University, and the Kentucky Community and Technical College System shall each
2 be governed by a board of regents appointed for a term set by law pursuant to
3 Section 23 of the Constitution of Kentucky.

4 (a) Each board of the comprehensive universities shall consist of:

- 5 1. Eight (8) members appointed by the Governor;[;]
- 6 2. One (1) member of the teaching faculty;[;]
- 7 3. One (1) member of the university nonteaching personnel;[;] and
- 8 4. *Three (3) members*[~~one (1) member~~] of the student body of the
9 respective university or college, *selected in accordance with the*
10 *following*;[;]

11 *a. One (1) shall be the president of the student body during the*
12 *appropriate academic year;*

13 *b. One (1) shall be the vice president of the student body during the*
14 *appropriate academic year; and*

15 *c. One (1) shall be a full-time graduate student elected by the*
16 *graduate student body*[~~The members appointed by the Governor~~
17 ~~shall be subject to confirmation by the Senate].~~

18 (b) The members of the board shall select a chairperson annually.

19 (c)[(b)] The board of the Kentucky Community and Technical College System
20 shall consist of eight (8) members appointed by the Governor, two (2)
21 members of the teaching faculty, two (2) members of the nonteaching
22 personnel, and *four (4)*[~~two (2)~~] members of the student body.[~~The members~~
23 ~~appointed by the Governor shall be subject to confirmation by the Senate.~~]

24 1. No more than three (3) appointed members of the board shall reside in
25 any one (1) judicial district of the Kentucky Supreme Court as of the
26 date of the appointment.

27 2. A change in residency of a gubernatorial appointee after the date of

1 appointment shall not affect the appointee's ability to serve or eligibility
 2 for reappointment, except an appointee who assumes residency outside
 3 the fifty (50) United States shall become immediately ineligible to serve.
 4 The Council on Postsecondary Education shall notify the appointee of
 5 his or her ineligibility to serve.

6 3. In making initial appointments, the Governor shall act so as to provide
 7 equal representation of the two (2) sexes. In filling vacancies, the
 8 Governor shall act so as to provide, inasmuch as possible, equal
 9 representation of the two (2) sexes by appointing a member of the sex
 10 that is the lesser represented at the time of the appointment. If the
 11 remaining membership already has an equal number of males and
 12 females, the Governor may appoint a member of either sex.

13 (2) The terms of appointed members shall be for six (6) years and until their successors
 14 are appointed and qualified, unless a member is removed by the Governor pursuant
 15 to KRS 63.080(2), (3), or (4). ~~[-, except the initial appointments to the board of~~
 16 ~~regents for the Kentucky Community and Technical College System shall be as~~
 17 ~~follows:~~

18 ~~(a) One (1) member shall serve a one (1) year term;~~

19 ~~(b) One (1) member shall serve a two (2) year term;~~

20 ~~(c) Two (2) members shall serve three (3) year terms;~~

21 ~~(d) One (1) member shall serve a four (4) year term;~~

22 ~~(e) One (1) member shall serve a five (5) year term; and~~

23 ~~(f) Two (2) members shall serve six (6) year terms.~~

24 ~~—]New appointees of a board of regents shall not serve for more than two (2)~~
 25 ~~consecutive terms.~~

26 (3) The gubernatorial appointments may include one (1) graduate of the respective
 27 institution who resides outside the Commonwealth. Not more than two (2)

1 appointed members of any board shall be residents of one (1) county. The
2 appointments shall reflect the proportional representation of the two (2) leading
3 political parties of the Commonwealth based on the state's voter registration and the
4 political affiliation of each appointee as of December 31 of the year preceding the
5 date of his or her appointment. A particular political affiliation shall not be a
6 prerequisite to appointment to any board generally; however, if any person is
7 appointed to a board that does not represent either of the two (2) leading political
8 parties of the Commonwealth, the proportional representation by political affiliation
9 requirement shall be determined and satisfied based on the total number of
10 members on the board less any members not affiliated with either of the two (2)
11 leading political parties. Membership on the board shall reflect no less than
12 proportional representation of the minority racial composition of the
13 Commonwealth based on the total minority racial population using the most recent
14 census or estimate data from the United States Census Bureau. If the determination
15 of proportional minority representation does not result in a whole number of
16 minority members, it shall be rounded up to the next whole number. Membership
17 on the board shall not be incompatible with any state office. A change in residency
18 after the date of appointment shall not affect a member's ability to serve nor shall it
19 prevent a member's eligibility for reappointment, except a member who assumes
20 residency outside the fifty (50) United States shall become immediately ineligible
21 to serve. The Council on Postsecondary Education shall notify the appointee of his
22 or her ineligibility to serve.

23 (4) Appointments to fill vacancies shall be made in the same manner and within the
24 same time after the occurrence of the vacancy as regular appointments. The person
25 appointed shall hold the position for the unexpired term only.

26 (5) Each member of the board shall serve for the term for which the member is
27 appointed and until a successor is appointed and qualified, unless a member is

1 removed by the Governor pursuant to KRS 63.080(2), (3), or (4).

2 (6) (a) The faculty member of a comprehensive university **board** shall be a teaching
3 or research member of the faculty of his or her respective university of the
4 rank of assistant professor or above. The faculty member shall be elected by
5 secret ballot by all faculty members of his or her university of the rank of
6 instructor, assistant professor, or above. The faculty member shall serve for a
7 term of three (3) years and until ~~at his~~ successor is elected and qualified. The
8 faculty member shall be eligible for reelection, but ~~he or she~~ shall not be
9 eligible to continue to serve as a member of the board if he or she ceases
10 being a member of the teaching staff of the university. Elections to fill
11 vacancies shall be for the unexpired term in the same manner as provided for
12 the original election.

13 (b) The faculty members of the Kentucky Community and Technical College
14 System shall be represented by one (1) faculty member elected from the
15 community colleges and one (1) faculty member elected from the technical
16 institutions to serve three (3) year terms and until their successors are named.
17 The faculty representative of each branch shall be elected by means of a
18 process established by the board. The faculty members may be reelected but
19 shall not serve more than two (2) consecutive terms. A faculty member shall
20 be ineligible to continue to serve as a member of the board if he or she ceases
21 to be a member of the faculty at one (1) of the institutions within the system.
22 Elections to fill vacancies shall be for the unexpired term in the same manner
23 as provided for the original election. These two (2) members shall collectively
24 have one (1) vote which may be cast one-half (1/2) vote by each member.

25 (7) (a) The nonteaching personnel member in a comprehensive university shall be
26 any full-time staff member excluding the president, vice presidents, academic
27 deans, and academic department chairpersons. He or she shall represent all

1 nonteaching university employees including, but not limited to, building
2 facilities and clerical personnel. The member shall be elected by secret ballot
3 by the nonteaching employees. The nonteaching personnel member shall
4 serve a term of three (3) years and until a successor is elected and qualified.
5 The nonteaching personnel member shall be eligible for reelection, but he or
6 she shall not be eligible to continue to serve as a member of the board if he or
7 she ceases being an employee of the university. Elections to fill vacancies
8 shall be for the unexpired term in the same manner as provided for the
9 original election.

10 (b) The nonteaching personnel members in the Kentucky Community and
11 Technical College System shall be any full-time staff member excluding a
12 president, chancellor, vice president, academic dean, academic department
13 chair, or other administrator. They shall represent all nonteaching employees
14 in their respective branch institutions including, but not limited to, support
15 and clerical personnel. One (1) member shall be a representative from the
16 community colleges and one (1) member shall be a representative from the
17 technical institutions. They shall serve three (3) year terms and until their
18 successors are named. These two (2) members shall collectively have one (1)
19 vote which may be cast one-half (1/2) vote by each member. The nonteaching
20 personnel members of each branch shall be elected by means of a process
21 established by the board. A nonteaching personnel member may be reelected
22 but shall not serve more than two (2) consecutive terms. A nonteaching
23 employee shall be ineligible to continue to serve as a member of the board if
24 that employee ceases to be a nonteaching employee at one (1) of the
25 institutions within the system. Elections to fill vacancies shall be for the
26 unexpired term in the same manner as provided for the original election.

27 (8) (a) The student members~~member~~ on a comprehensive university board shall

1 serve a one (1) year term beginning on July 1 after being elected ~~and sworn~~
 2 ~~in as~~ **to be a student member of the board** ~~student body president~~ and
 3 ending on the following June 30. If ~~a~~ the student member does not maintain
 4 ~~the position as student body president or~~ the status as a full-time student at
 5 any time during that academic year, a special election shall be held to select a
 6 **new** full-time student member. The **newly** elected student member shall serve
 7 for the remainder of the unexpired term.

8 (b) **Four (4)** ~~Two (2)~~ full-time student members shall be elected to the board of
 9 regents for the Kentucky Community and Technical College System. **Two**
 10 ~~(2)~~ ~~One (1)~~ shall **be elected by** ~~represent~~ students of the community colleges
 11 and **two (2)** ~~one (1)~~ shall **be elected by students of** ~~represent~~ the technical
 12 institutions. ~~The student members shall be elected by means of a process~~
 13 ~~established by the board.~~ The student members shall serve one (1) year terms
 14 beginning on July 1 after being elected **to be** ~~and sworn in as~~ a student
 15 member of the board and ending on the following June 30. If ~~a~~ the student
 16 member does not maintain the status as a full-time student, a special election
 17 shall be held to fill the vacancy for the remainder of the unexpired term. ~~The~~
 18 ~~two (2) members shall collectively have one (1) vote which may be cast one~~
 19 ~~half (1/2) vote by each member.~~

20 (9) All appointed and elected persons shall be required to attend and complete an
 21 orientation and education program prescribed by the council under KRS
 22 164.020(25), as a condition of their service and eligibility for appointment or
 23 election to a second term.

24 (10) Board members may be removed by the Governor under the following
 25 circumstances:

- 26 (a) For cause, pursuant to KRS 63.080(2); or
 27 (b) Pursuant to KRS 63.080(3) or (4).

1 (11) The inability of the board or boards of the comprehensive universities or Kentucky
2 Community and Technical College System to hold quarterly meetings, to elect a
3 chairperson annually, to establish a quorum, to adopt an annual budget, to set
4 tuition rates, to conduct an annual evaluation of the president of the university or
5 system, to carry out its primary function to periodically evaluate the university's or
6 system's progress in implementing its mission, goals, and objectives to conform to
7 the strategic agenda, or to otherwise perform its duties under KRS 164.350 shall be
8 cause for the Governor to remove all appointed members of the board or boards and
9 replace the entire appointed membership pursuant to KRS 63.080(4).

10 ➔Section 5. KRS 164.7874 is amended to read as follows:

11 As used in KRS 164.7871 to 164.7885:

- 12 (1) "Academic term" means a semester or other time period specified in an
13 administrative regulation promulgated by the authority;
- 14 (2) "Academic year" means a period consisting of at least the minimum school term, as
15 defined in KRS 158.070;
- 16 (3) "ACT score" means the composite score achieved on the American College Test at
17 a national test site on a national test date or the college admissions examination
18 administered statewide under KRS 158.6453(5)(b)5. if the exam is the ACT, or an
19 equivalent score, as determined by the authority, on the SAT administered by the
20 College Board, Inc.;
- 21 (4) "Authority" means the Kentucky Higher Education Assistance Authority;
- 22 (5) "Award period" means the fall and spring consecutive academic terms within one
23 (1) academic year;
- 24 (6) "Council" means the Council on Postsecondary Education created under KRS
25 164.011;
- 26 (7) "Eligible high school student" means any person who:
27 (a) Is a citizen, national, or permanent resident of the United States and Kentucky

1 resident;

2 (b) Was enrolled after July 1, 1998:

3 1. In a Kentucky high school for at least one hundred forty (140) days of
4 the minimum school term unless exempted by the authority's executive
5 director upon documentation of extreme hardship, while meeting the
6 KEES curriculum requirements, and was enrolled in a Kentucky high
7 school at the end of the academic year;

8 2. In a Kentucky high school for the fall academic term of the senior year
9 and who:

10 a. Was enrolled during the entire academic term;

11 b. Completed the high school's graduation requirements during the
12 fall academic term; and

13 c. Was not enrolled in a secondary school during any other academic
14 term of that academic year; or

15 3. In the Gatton Academy of Mathematics and Science in Kentucky, the
16 Craft Academy for Excellence in Science and Mathematics, or in high
17 school at a model and practice school under KRS 164.380 while meeting
18 the Kentucky educational excellence scholarship curriculum
19 requirements;

20 (c) Has a grade point average of 2.5 or above at the end of any academic year
21 beginning after July 1, 1998, or at the end of the fall academic term for a
22 student eligible under paragraph (b) 2. of this subsection; and

23 (d) Is not a convicted felon;

24 (8) "Eligible postsecondary student" means a citizen, national, or permanent resident of
25 the United States and Kentucky resident, as determined by the participating
26 institution in accordance with criteria established by the council for the purposes of
27 admission and tuition assessment, who:

- 1 (a) Earned a KEES award;
- 2 (b) Has the required postsecondary GPA and credit hours required under KRS
3 164.7881;
- 4 (c) Has remaining semesters of eligibility under KRS 164.7881;
- 5 (d) Is enrolled in a participating institution as a part-time or full-time student; and
- 6 (e) Is not a convicted felon;
- 7 (9) "Full-time student" means a student enrolled in a postsecondary program of study
8 that meets the full-time student requirements of the participating institution in
9 which the student is enrolled;
- 10 (10) "Grade point average" or "GPA" means the grade point average earned by an
11 eligible student and reported by the high school or participating institution in which
12 the student was enrolled based on a scale of 4.0 or its equivalent if the high school
13 or participating institution that the student attends does not use the 4.0 grade scale;
- 14 (11) "High school" means any Kentucky public high school, the Gatton Academy of
15 Mathematics and Science in Kentucky, the Craft Academy for Excellence in
16 Science and Mathematics, a high school of a model and practice school under KRS
17 164.380, and any private, parochial, or church school located in Kentucky that has
18 been certified by the Kentucky Board of Education as voluntarily complying with
19 curriculum, certification, and textbook standards established by the Kentucky Board
20 of Education under KRS 156.160;
- 21 (12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship
22 provided under KRS 164.7871 to 164.7885;
- 23 (13) "KEES award" means:
- 24 (a) For an eligible high school student, the sum of the KEES base amount for
25 each academic year of high school plus any KEES supplemental amount, as
26 adjusted pursuant to KRS 164.7881; and
- 27 (b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental

- 1 amount as adjusted pursuant to KRS 164.7881;
- 2 (14) "KEES award maximum" means the sum of the KEES base amount earned in each
3 academic year of high school plus any KEES supplemental amount earned;
- 4 (15) "KEES base amount" or "base amount" means the amount earned by an eligible
5 high school student based on the student's GPA pursuant to KRS 164.7879;
- 6 (16) "KEES curriculum" means five (5) courses of study, except for students who meet
7 the criteria of subsection (7)(b)2. of this section, in an academic year as determined
8 in accordance with an administrative regulation promulgated by the authority;
- 9 (17) "KEES supplemental amount" means the amount earned by an eligible student
10 based on the student's ACT score pursuant to KRS 164.7879;
- 11 (18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational
12 excellence scholarship trust fund;
- 13 (19) "On track to graduate" means the number of cumulative credit hours earned as
14 compared to the number of hours determined by the postsecondary education
15 institution as necessary to complete a bachelor's degree by the end of eight (8)
16 academic terms or ten (10) academic terms if a student is enrolled in an
17 undergraduate program that requires five (5) years of study;
- 18 (20) "Participating institution" means an "institution" as defined in KRS 164.001 that is
19 eligible to participate in the federal Pell Grant program, executes a contract with the
20 authority on terms the authority deems necessary or appropriate for the
21 administration of its programs, and:
- 22 (a) 1. Is publicly operated;
- 23 2. Is licensed by the Commonwealth of Kentucky and has operated for at
24 least ten (10) years, offers an associate or baccalaureate degree program
25 of study not comprised solely of sectarian instruction, **has at least one**
26 **(1) voting member of the governing board of the institution that is a**
27 **full-time student elected by majority vote of the student body of the**

1 *institution each year*, and admits as regular students only high school
2 graduates, recipients of a High School Equivalency Diploma, or students
3 transferring from another accredited degree granting institution; or

4 3. Is designated by the authority as an approved out-of-state institution that
5 offers a degree program in a field of study that is not offered at any
6 institution in the Commonwealth; and

7 (b) Continues to commit financial resources to student financial assistance
8 programs; and

9 (21) "Part-time student" means a student enrolled in a postsecondary program of study
10 who does not meet the full-time student requirements of the participating institution
11 in which the student is enrolled and who is enrolled for at least six (6) credit hours,
12 or the equivalent for an institution that does not use credit hours.

13 ➔Section 6. This Act may be cited as the Kentucky Student Tuition Protection
14 and Accountability Act.

15 ➔Section 7. This Act takes effect July 1, 2028.