

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%) in any one (1) year for new
12 Kentucky resident students and seven percent (7%) in any one (1) year
13 for any non-Kentucky resident students without approval from the
14 General Assembly;
- 15 2. Tuition and mandatory student fees at the University of Louisville, the
16 University of Kentucky, and the comprehensive universities shall not
17 be increased for a Kentucky resident student unless the student:
- 18 a. Completes four (4) years of continuous enrollment at the
19 institution;
- 20 b. Graduates from a baccalaureate or graduate program at the
21 institution; or
- 22 c. Fails to maintain continuous enrollment;
- 23 3. If a Kentucky resident student remains enrolled at the University of
24 Louisville, the University of Kentucky, or a comprehensive university
25 after four (4) years, the tuition and mandatory student fees charged to
26 the student for any subsequent term in the program shall not exceed
27 the amount of tuition and mandatory student fees for a new Kentucky

- 1 resident student in the same program that term;
- 2 4. If a Kentucky resident student fails to maintain continuous enrollment
3 at the University of Louisville, the University of Kentucky, or a
4 comprehensive university, the tuition and mandatory student fees
5 charged to the student for any subsequent term in that program shall
6 not exceed the amount of tuition and mandatory student fees for a new
7 Kentucky resident student in the same program that term;
- 8 5. An institution shall notify any non-Kentucky resident student or
9 continuing Kentucky resident student of any increase in tuition or
10 mandatory student fees that would impact the student at least four (4)
11 months prior to the effective date of the increase;
- 12 6. An increase in tuition and mandatory student fees for any program
13 shall be determined by the council and approved by a governing board
14 no later than the March 1 prior to the start of the academic year for
15 which the increase will first apply; and
- 16 7. As used in this paragraph:
- 17 a. "Continuous enrollment" means maintaining at least part-time
18 registration at the institution during the fall and spring semester
19 of each academic year;
- 20 b. "Mandatory student fee" means any fee or cost assessed to all
21 students enrolled in an institution or program of study that is not
22 tuition, including but not limited to any student recreation or
23 activity fee, student government fee, student health plan,
24 mandatory meal plan, facility fee, technology fee, or student-
25 endorsed fee; and
- 26 c. "Program" means an institution's undergraduate program or a
27 specific graduate program. A student shall not be deemed to have

1 *switched programs upon switching from one undergraduate*
2 *major to another.*

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

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

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

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

- 1 project cost;
- 2 (9) Devise, establish, and periodically review and revise policies to be used in making
3 recommendations to the Governor for consideration in developing
4 recommendations to the General Assembly for appropriations to the universities,
5 the Kentucky Community and Technical College System, and to support strategies
6 for persons to maintain necessary levels of literacy throughout their lifetimes. The
7 council has sole discretion, with advice of the Strategic Committee on
8 Postsecondary Education and the executive officers of the postsecondary education
9 system, to devise policies that provide for allocation of funds among the
10 universities and the Kentucky Community and Technical College System;
- 11 (10) Lead and provide staff support for the biennial budget process as provided under
12 KRS Chapter 48, in cooperation with the committee;
- 13 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all
14 capital construction projects covered by KRS 45.750(1)(f), including real
15 property acquisitions, and regardless of the source of funding for projects or
16 acquisitions. Approval of capital projects and real property acquisitions shall
17 be on a basis consistent with the strategic agenda and the mission of the
18 respective universities and the Kentucky Community and Technical College
19 System.
- 20 (b) The organized groups that are establishing community college satellites as
21 branches of existing community colleges in the counties of Laurel, Leslie, and
22 Muhlenberg, and that have substantially obtained cash, pledges, real property,
23 or other commitments to build the satellite at no cost to the Commonwealth,
24 other than operating costs that shall be paid as part of the operating budget of
25 the main community college of which the satellite is a branch, are authorized
26 to begin construction of the satellite on or after January 1, 1998;
- 27 (12) Require reports from the executive officer of each institution it deems necessary for

- 1 the effectual performance of its duties;
- 2 (13) Ensure that the state postsecondary system does not unnecessarily duplicate
3 services and programs provided by private postsecondary institutions and shall
4 promote maximum cooperation between the state postsecondary system and private
5 postsecondary institutions. Receive and consider an annual report prepared by the
6 Association of Independent Kentucky Colleges and Universities stating the
7 condition of independent institutions, listing opportunities for more collaboration
8 between the state and independent institutions and other information as appropriate;
- 9 (14) Establish course credit, transfer, and degree components as required in KRS
10 164.2951;
- 11 (15) Define and approve the offering of all postsecondary education technical, associate,
12 baccalaureate, graduate, and professional degree, certificate, or diploma programs
13 in the public postsecondary education institutions. The council shall expedite
14 wherever possible the approval of requests from the Kentucky Community and
15 Technical College System board of regents relating to new certificate, diploma,
16 technical, or associate degree programs of a vocational-technical and occupational
17 nature. Without the consent of the General Assembly, the council shall not abolish
18 or limit the total enrollment of the general program offered at any community
19 college to meet the goal of reasonable access throughout the Commonwealth to a
20 two (2) year course of general studies designed for transfer to a baccalaureate
21 program. This does not restrict or limit the authority of the council, as set forth in
22 this section, to eliminate or make changes in individual programs within that
23 general program;
- 24 (16) Eliminate, in its discretion, existing programs or make any changes in existing
25 academic programs at the state's postsecondary educational institutions, taking into
26 consideration these criteria:
- 27 (a) Consistency with the institution's mission and the strategic agenda;

- 1 (b) Alignment with the priorities in the strategic implementation plan for
2 achieving the strategic agenda;
- 3 (c) Elimination of unnecessary duplication of programs within and among
4 institutions; and
- 5 (d) Efforts to create cooperative programs with other institutions through
6 traditional means, or by use of distance learning technology and electronic
7 resources, to achieve effective and efficient program delivery;
- 8 (17) Ensure the governing board and faculty of all postsecondary education institutions
9 are committed to providing instruction free of discrimination against students who
10 hold political views and opinions contrary to those of the governing board and
11 faculty;
- 12 (18) Review proposals and make recommendations to the Governor regarding the
13 establishment of new public community colleges, technical institutions, and new
14 four (4) year colleges;
- 15 (19) Postpone the approval of any new program at a state postsecondary educational
16 institution, unless the institution has met its equal educational opportunity goals, as
17 established by the council. In accordance with administrative regulations
18 promulgated by the council, those institutions not meeting the goals shall be able to
19 obtain a temporary waiver, if the institution has made substantial progress toward
20 meeting its equal educational opportunity goals;
- 21 (20) Ensure the coordination, transferability, and connectivity of technology among
22 postsecondary institutions in the Commonwealth including the development and
23 implementation of a technology plan as a component of the strategic agenda;
- 24 (21) Approve the teacher education programs in the public institutions that comply with
25 standards established by the Education Professional Standards Board pursuant to
26 KRS 161.028;
- 27 (22) Constitute the representative agency of the Commonwealth in all matters of

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

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

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

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

23 1. Ensure that the orientation and education program comprises six (6)
24 hours of instruction time and includes but is not limited to information
25 concerning the roles of the council and governing board members, the
26 strategic agenda and the strategic implementation plan, and the
27 respective institution's mission, budget and finances, strategic plans and

- 1 priorities, institutional policies and procedures, board fiduciary
2 responsibilities, legal considerations including open records and open
3 meetings requirements, ethical considerations arising from board
4 membership, and the board member removal and replacement
5 provisions of KRS 63.080;
- 6 2. Establish delivery methods by which the orientation and education
7 program can be completed in person or electronically by new members
8 within one (1) year of their appointment or election;
- 9 3. Provide an annual report to the Governor and Legislative Research
10 Commission of those new board members who do not complete the
11 required orientation and education program; and
- 12 4. Invite governing board members of private colleges and universities
13 licensed by the Council on Postsecondary Education to participate in the
14 orientation and education program described in this subsection;
- 15 (b) Offer, in cooperation with the public universities and the Kentucky
16 Community and Technical College System, continuing education
17 opportunities for all council and governing board members; and
- 18 (c) Review and approve the orientation programs of each public university and
19 the Kentucky Community and Technical College System for their governing
20 board members to ensure that all programs and information adhere to this
21 subsection;
- 22 (26) Develop a financial reporting procedure to be used by all state postsecondary
23 education institutions to ensure uniformity of financial information available to
24 state agencies and the public;
- 25 (27) Select and appoint a president of the council under KRS 164.013;
- 26 (28) Employ consultants and other persons and employees as may be required for the
27 council's operations, functions, and responsibilities;

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

1 requirements for successful entry into postsecondary education programs are
2 aligned with high school content standards and that students who master the high
3 school academic content standards shall not need remedial courses. The council
4 shall monitor the results on an ongoing basis;

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

9 (36) Cooperate with the Office of the Kentucky Center for Statistics and ensure the
10 participation of the public institutions as required in KRS 151B.133;

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

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

22 ➔Section 2. KRS 164.7874 is amended to read as follows:

23 As used in KRS 164.7871 to 164.7885:

24 (1) "Academic term" means a semester or other time period specified in an
25 administrative regulation promulgated by the authority;

26 (2) "Academic year" means a period consisting of at least the minimum school term, as
27 defined in KRS 158.070;

- 1 (3) "ACT score" means the composite score achieved on the American College Test at
2 a national test site on a national test date or the college admissions examination
3 administered statewide under KRS 158.6453(5)(b)5. if the exam is the ACT, or an
4 equivalent score, as determined by the authority, on the SAT administered by the
5 College Board, Inc.;
- 6 (4) "Authority" means the Kentucky Higher Education Assistance Authority;
- 7 (5) "Award period" means the fall and spring consecutive academic terms within one
8 (1) academic year;
- 9 (6) "Council" means the Council on Postsecondary Education created under KRS
10 164.011;
- 11 (7) "Eligible high school student" means any person who:
- 12 (a) Is a citizen, national, or permanent resident of the United States and Kentucky
13 resident;
- 14 (b) Was enrolled after July 1, 1998:
- 15 1. In a Kentucky high school for at least one hundred forty (140) days of
16 the minimum school term unless exempted by the authority's executive
17 director upon documentation of extreme hardship, while meeting the
18 KEES curriculum requirements, and was enrolled in a Kentucky high
19 school at the end of the academic year;
- 20 2. In a Kentucky high school for the fall academic term of the senior year
21 and who:
- 22 a. Was enrolled during the entire academic term;
- 23 b. Completed the high school's graduation requirements during the
24 fall academic term; and
- 25 c. Was not enrolled in a secondary school during any other academic
26 term of that academic year; or
- 27 3. In the Gatton Academy of Mathematics and Science in Kentucky, the

1 Craft Academy for Excellence in Science and Mathematics, or in high
2 school at a model and practice school under KRS 164.380 while meeting
3 the Kentucky educational excellence scholarship curriculum
4 requirements;

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

8 (d) Is not a convicted felon;

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

13 (a) Earned a KEES award;

14 (b) Has the required postsecondary GPA and credit hours required under KRS
15 164.7881;

16 (c) Has remaining semesters of eligibility under KRS 164.7881;

17 (d) Is enrolled in a participating institution as a part-time or full-time student; and

18 (e) Is not a convicted felon;

19 (9) "Full-time student" means a student enrolled in a postsecondary program of study
20 that meets the full-time student requirements of the participating institution in
21 which the student is enrolled;

22 (10) "Grade point average" or "GPA" means the grade point average earned by an
23 eligible student and reported by the high school or participating institution in which
24 the student was enrolled based on a scale of 4.0 or its equivalent if the high school
25 or participating institution that the student attends does not use the 4.0 grade scale;

26 (11) "High school" means any Kentucky public high school, the Gatton Academy of
27 Mathematics and Science in Kentucky, the Craft Academy for Excellence in

- 1 Science and Mathematics, a high school of a model and practice school under KRS
2 164.380, and any private, parochial, or church school located in Kentucky that has
3 been certified by the Kentucky Board of Education as voluntarily complying with
4 curriculum, certification, and textbook standards established by the Kentucky Board
5 of Education under KRS 156.160;
- 6 (12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship
7 provided under KRS 164.7871 to 164.7885;
- 8 (13) "KEES award" means:
- 9 (a) For an eligible high school student, the sum of the KEES base amount for
10 each academic year of high school plus any KEES supplemental amount, as
11 adjusted pursuant to KRS 164.7881; and
- 12 (b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental
13 amount as adjusted pursuant to KRS 164.7881;
- 14 (14) "KEES award maximum" means the sum of the KEES base amount earned in each
15 academic year of high school plus any KEES supplemental amount earned;
- 16 (15) "KEES base amount" or "base amount" means the amount earned by an eligible
17 high school student based on the student's GPA pursuant to KRS 164.7879;
- 18 (16) "KEES curriculum" means five (5) courses of study, except for students who meet
19 the criteria of subsection (7)(b)2. of this section, in an academic year as determined
20 in accordance with an administrative regulation promulgated by the authority;
- 21 (17) "KEES supplemental amount" means the amount earned by an eligible student
22 based on the student's ACT score pursuant to KRS 164.7879;
- 23 (18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational
24 excellence scholarship trust fund;
- 25 (19) "On track to graduate" means the number of cumulative credit hours earned as
26 compared to the number of hours determined by the postsecondary education
27 institution as necessary to complete a bachelor's degree by the end of eight (8)

1 academic terms or ten (10) academic terms if a student is enrolled in an
2 undergraduate program that requires five (5) years of study;

3 (20) "Participating institution" means an "institution" as defined in KRS 164.001 that is
4 eligible to participate in the federal Pell Grant program, executes a contract with the
5 authority on terms the authority deems necessary or appropriate for the
6 administration of its programs, and:

7 (a) 1. Is publicly operated;

8 2. Is licensed by the Commonwealth of Kentucky and has operated for at
9 least ten (10) years, offers an associate or baccalaureate degree program
10 of study not comprised solely of sectarian instruction, **has at least one**
11 **(1) voting member of the governing board of the institution that is a**
12 **full-time student elected by majority vote of the student body of the**
13 **institution each year**, and admits as regular students only high school

14 graduates, recipients of a High School Equivalency Diploma, or students
15 transferring from another accredited degree granting institution; or

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

19 (b) Continues to commit financial resources to student financial assistance
20 programs; and

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

25 ➔Section 3. This Act may be cited as the Kentucky Student Tuition Protection
26 and Accountability Act.

27 ➔Section 4. This Act takes effect July 1, 2029.