

1 AN ACT relating to Kentucky residency in the postsecondary educational system.

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 approve the minimum qualifications for admission to  
8 the state postsecondary educational system. In defining residency, the council  
9 shall classify a student as having Kentucky residency if the student *is a*  
10 *citizen, national resident, or permanent resident of the United States and*  
11 *met the **Kentucky** residency requirements at the beginning of his or her last*  
12 *year in high school and enters a Kentucky postsecondary education institution*  
13 *within two (2) years of high school graduation. In determining the tuition for*  
14 *non-Kentucky residents, the council shall consider the fees required of*  
15 *Kentucky students by institutions in adjoining states, the resident fees charged*  
16 *by other states, the total actual per student cost of training in the institutions*  
17 *for which the fees are being determined, and the ratios of Kentucky students*  
18 *to non-Kentucky students comprising the enrollments of the respective*  
19 *institutions, and other factors the council may in its sole discretion deem*  
20 *pertinent, except that the Kentucky Community and Technical College*  
21 *System may assess a mandatory student fee not to exceed eight dollars (\$8)*  
22 *per credit hour to be used exclusively for debt service on amounts not to*  
23 *exceed seventy-five percent (75%) of the total projects cost of the Kentucky*  
24 *Community and Technical College System agency bond projects included in*  
25 *2014 Ky. Acts ch. 117, Part II, J., 11.*
- 26 (b) The Kentucky Community and Technical College System mandatory fee  
27 established in this subsection shall only be used for debt service on agency

1 bond projects.

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

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

8 (9) Devise, establish, and periodically review and revise policies to be used in making  
9 recommendations to the Governor for consideration in developing  
10 recommendations to the General Assembly for appropriations to the universities,  
11 the Kentucky Community and Technical College System, and to support strategies  
12 for persons to maintain necessary levels of literacy throughout their lifetimes. The  
13 council has sole discretion, with advice of the Strategic Committee on  
14 Postsecondary Education and the executive officers of the postsecondary education  
15 system, to devise policies that provide for allocation of funds among the  
16 universities and the Kentucky Community and Technical College System;

17 (10) Lead and provide staff support for the biennial budget process as provided under  
18 KRS Chapter 48, in cooperation with the committee;

19 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all  
20 capital construction projects covered by KRS 45.750(1)(f), including real  
21 property acquisitions, and regardless of the source of funding for projects or  
22 acquisitions. Approval of capital projects and real property acquisitions shall  
23 be on a basis consistent with the strategic agenda and the mission of the  
24 respective universities and the Kentucky Community and Technical College  
25 System.

26 (b) The organized groups that are establishing community college satellites as  
27 branches of existing community colleges in the counties of Laurel, Leslie, and

1           Muhlenberg, and that have substantially obtained cash, pledges, real property,  
2           or other commitments to build the satellite at no cost to the Commonwealth,  
3           other than operating costs that shall be paid as part of the operating budget of  
4           the main community college of which the satellite is a branch, are authorized  
5           to begin construction of the satellite on or after January 1, 1998;

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

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

15      (14) Establish course credit, transfer, and degree components as required in KRS  
16          164.2951;

17      (15) Define and approve the offering of all postsecondary education technical, associate,  
18          baccalaureate, graduate, and professional degree, certificate, or diploma programs  
19          in the public postsecondary education institutions. The council shall expedite  
20          wherever possible the approval of requests from the Kentucky Community and  
21          Technical College System board of regents relating to new certificate, diploma,  
22          technical, or associate degree programs of a vocational-technical and occupational  
23          nature. Without the consent of the General Assembly, the council shall not abolish  
24          or limit the total enrollment of the general program offered at any community  
25          college to meet the goal of reasonable access throughout the Commonwealth to a  
26          two (2) year course of general studies designed for transfer to a baccalaureate  
27          program. This does not restrict or limit the authority of the council, as set forth in

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

- 1 postsecondary institutions in the Commonwealth including the development and  
2 implementation of a technology plan as a component of the strategic agenda;
- 3 (21) Approve the teacher education programs in the public institutions that comply with  
4 standards established by the Education Professional Standards Board pursuant to  
5 KRS 161.028;
- 6 (22) Constitute the representative agency of the Commonwealth in all matters of  
7 postsecondary education of a general and statewide nature which are not otherwise  
8 delegated to one (1) or more institutions of postsecondary learning. The  
9 responsibility may be exercised through appropriate contractual relationships with  
10 individuals or agencies located within or without the Commonwealth. The authority  
11 includes but is not limited to contractual arrangements for programs of research,  
12 specialized training, and cultural enrichment;
- 13 (23) Maintain procedures for the approval of a designated receiver to provide for the  
14 maintenance of student records of the public institutions of higher education and the  
15 colleges as defined in KRS 164.945, and institutions operating pursuant to KRS  
16 165A.310 which offer collegiate level courses for academic credit, which cease to  
17 operate. Procedures shall include assurances that, upon proper request, subject to  
18 federal and state laws and regulations, copies of student records shall be made  
19 available within a reasonable length of time for a minimum fee;
- 20 (24) Monitor and transmit a report on compliance with KRS 164.351 to the director of  
21 the Legislative Research Commission for distribution to the Interim Joint  
22 Committee on Families and Children;
- 23 (25) (a) Develop in cooperation with each public university and the Kentucky  
24 Community and Technical College System a comprehensive orientation and  
25 education program for new members of the council and the governing boards  
26 and continuing education opportunities for all council and board members.  
27 For new members of the council and institutional governing boards, the

1 council shall:

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

- 1 (26) Develop a financial reporting procedure to be used by all state postsecondary  
2 education institutions to ensure uniformity of financial information available to  
3 state agencies and the public;
- 4 (27) Select and appoint a president of the council under KRS 164.013;
- 5 (28) Employ consultants and other persons and employees as may be required for the  
6 council's operations, functions, and responsibilities;
- 7 (29) Promulgate administrative regulations, in accordance with KRS Chapter 13A,  
8 governing its powers, duties, and responsibilities as described in this section;
- 9 (30) Prepare and present by January 31 of each year an annual status report on  
10 postsecondary education in the Commonwealth to the Governor, the Strategic  
11 Committee on Postsecondary Education, and the Legislative Research Commission;
- 12 (31) Consider the role, function, and capacity of independent institutions of  
13 postsecondary education in developing policies to meet the immediate and future  
14 needs of the state. When it is found that independent institutions can meet state  
15 needs effectively, state resources may be used to contract with or otherwise assist  
16 independent institutions in meeting these needs;
- 17 (32) Create advisory groups representing the presidents, faculty, nonteaching staff, and  
18 students of the public postsecondary education system and the independent colleges  
19 and universities;
- 20 (33) Develop a statewide policy to promote employee and faculty development in state  
21 and locally operated secondary area technology centers through the waiver of  
22 tuition for college credit coursework in the public postsecondary education system.  
23 Any regular full-time employee of a state or locally operated secondary area  
24 technology center may, with prior administrative approval of the course offering  
25 institution, take a maximum of six (6) credit hours per term at any public  
26 postsecondary institution. The institution shall waive the tuition up to a maximum  
27 of six (6) credit hours per term. The employee shall complete the Free Application



- 1 for Federal Student Aid to determine the level of need and eligibility for state and  
2 federal financial aid programs. The amount of tuition waived shall not exceed the  
3 cost of tuition at the institution less any state or federal grants received, which shall  
4 be credited first to the student's tuition;
- 5 (34) Participate with the Kentucky Department of Education, the Kentucky Board of  
6 Education, and postsecondary education institutions to ensure that academic content  
7 requirements for successful entry into postsecondary education programs are  
8 aligned with high school content standards and that students who master the high  
9 school academic content standards shall not need remedial courses. The council  
10 shall monitor the results on an ongoing basis;
- 11 (35) Cooperate with the Kentucky Department of Education and the Education  
12 Professional Standards Board in providing information sessions to selected  
13 postsecondary education content faculty and teacher educators of the high school  
14 academic content standards as required under KRS 158.6453(2)(1);
- 15 (36) Cooperate with the Office of the Kentucky Center for Statistics and ensure the  
16 participation of the public institutions as required in KRS 151B.133;
- 17 (37) Pursuant to KRS 63.080, review written notices from the Governor or from a board  
18 of trustees or board of regents concerning removal of a board member or the entire  
19 appointed membership of a board, investigate the member or board and the conduct  
20 alleged to support removal, and make written recommendations to the Governor  
21 and the Legislative Research Commission as to whether the member or board  
22 should be removed; and
- 23 (38) Exercise any other powers, duties, and responsibilities necessary to carry out the  
24 purposes of this chapter. Nothing in this chapter shall be construed to grant the  
25 Council on Postsecondary Education authority to disestablish or eliminate any  
26 college of law which became a part of the state system of higher education through  
27 merger with a state college.