

1       AN ACT relating to proactive postsecondary admission.

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

3           ➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO  
4       READ AS FOLLOWS:

5       (1) As used in this section:

6           (a) "Council" means the Council on Postsecondary Education; and

7           (b) "Department" means the Kentucky Department of Education.

8       (2) There is hereby established a proactive postsecondary admissions program to:

9           (a) Notify high school students of eligibility for prospective admission to a  
10       public postsecondary education institution; and  
11           (b) Provide instructions to high school students on how to access the common  
12       online application to apply for full admission to public postsecondary  
13       education institutions in Kentucky.

14       (3) No later than July 1, 2027, each public postsecondary education institution shall:

15           (a) Establish a minimum academic qualification for prospective admission to  
16       the institution through the proactive postsecondary admissions program  
17       that exclusively includes:  
18           1. A minimum grade point average; or  
19           2. A combination of a minimum grade point average and minimum score  
20       on a nationally recognized college readiness examination accepted by  
21       the institution; and  
22           (b) Implement a common online application approved by the council for the  
23       purpose of evaluating the admission of full-time, first-year students.

24       (4) Each public school district shall:

25           (a) Annually invite each student enrolled in a public high school to participate  
26       in the proactive postsecondary admissions program and select a preferred  
27       communication method for program correspondence; and

1                   **(b) No later than July 1 each year, notify the department of each high school**  
2                   **student that has agreed to participate in the proactive postsecondary**  
3                   **admissions program and his or her preferred communication method.**

4                   **(5) (a) On or before September 1, the department shall annually provide the**  
5                   **council the following information to be forwarded to each public**  
6                   **postsecondary education institution for each student that is enrolled at a**  
7                   **Kentucky public high school or a certified nonpublic high school, the**  
8                   **student's:**

9                   **1. Name;**

10                   **2. Address; and**

11                   **3. Enrolled school district;**

12                   **(b) On or before September 1, the department shall annually provide the**  
13                   **council the following information to be forwarded to each public**  
14                   **postsecondary education institution for each student that is enrolled at a**  
15                   **Kentucky public high school or certified nonpublic high school that has**  
16                   **agreed to participate in the proactive postsecondary admissions program, if**  
17                   **available to the department without additional reporting requirements being**  
18                   **placed upon local public school districts, the student's:**

19                   **1. Cumulative unweighted grade point average;**

20                   **2. Highest score on a nationally recognized college readiness**  
21                   **examination approved by the council;**

22                   **3. If applicable, status as a graduate of the Kentucky Governor's**  
23                   **Scholars Program, Governor's School for the Arts, or Governor's**  
24                   **School for Entrepreneurs; and**

25                   **4. Preferred communication method.**

26                   **(6) (a) Beginning in 2028, each public postsecondary education institution shall**  
27                   **utilize data provided by the council pursuant to subsection (5) of this section**

1           to send to each eligible high school student that meets or exceeds the  
2           minimum qualification for prospective admission to the institution a  
3           personalized prospective admissions notification that provides:

4           1. Notice of the recipient student's eligibility for prospective admission;  
5           2. Instructions for the recipient student to access the common online  
6           application to apply for full admission to the institution;  
7           3. Instructions for the recipient student to access state financial aid and  
8           scholarship or grant opportunities;  
9           4. Information on the cost of attending the institution and the workforce  
10           outcomes of students, including a link to the information reported in  
11           accordance with KRS 164.0284; and  
12           5. Notice of institutional aid opportunities.

13           (b) A personalized prospective admission notification sent pursuant to  
14           paragraph (a) of this subsection shall not constitute an offer or guarantee  
15           of admission to a public postsecondary education institution.

16           (7) Each public postsecondary education institution shall retain the right to perform  
17           a comprehensive review of all admissions applications internally. An institution  
18           shall not be required to grant acceptance or priority consideration to any student  
19           that applies to the institution, regardless of whether:

20           (a) The application was submitted through the proactive postsecondary  
21           admissions program established by this section; or  
22           (b) An applicant meets or exceeds the minimum qualification for prospective  
23           admission to the institution established pursuant to subsection (3)(a) of this  
24           section.

25           (8) The council shall collaborate with the public postsecondary education institutions  
26           to:

27           (a) Promote and evaluate the proactive postsecondary admissions program and

1                   discuss best practices for proactive admission notifications; and

2                   (b) Report annually on the program's effectiveness to the Legislative Research  
3                   Commission for referral to the appropriate Interim Joint Committee on  
4                   Education.

5                   (9) The department shall collaborate with local school districts to:

6                   (a) Maximize student participation in the proactive postsecondary admissions  
7                   program; and

8                   (b) Submit an annual report to the Legislative Research Commission for  
9                   referral to the appropriate Interim Joint Committee on Education on the  
10                   proactive postsecondary admissions program that includes:

11                   1. The percentage of students at each school and school district that  
12                   agreed to participate in the proactive postsecondary admissions  
13                   program;

14                   2. The methods utilized by a school or school district to invite students to  
15                   participate in the proactive postsecondary admissions program and the  
16                   effectiveness of each method; and

17                   3. Perceived barriers to student participation in the proactive  
18                   postsecondary admissions program.

19                   ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO  
20                   READ AS FOLLOWS:

21                   (1) On or before September 1 of each year, the Kentucky Department of Education  
22                   shall submit to the Kentucky Center for Statistics a compiled list of all high  
23                   school students who most recently completed their junior year that includes each  
24                   student's:

25                   (a) Name;

26                   (b) Address;

27                   (c) Enrolled school district;

1                   (d) For students enrolled in a public school district, school identification  
2                   number;  
3                   (e) Social Security number;  
4                   (f) Cumulative unweighted grade point average; and  
5                   (g) Highest score on a nationally recognized college readiness examination  
6                   approved by the council that is in the possession of the department.

7                   (2) The Kentucky Center for Statistics, in collaboration with the Kentucky  
8                   Department of Education and the Council on Postsecondary Education, shall  
9                   annually publish data on academic and workforce outcomes of each cohort  
10                   reported to the center in accordance with Section 1 of this Act, including the  
11                   cohort's college-going rates, postsecondary credential attainment, and  
12                   employment and wage outcomes. The Kentucky Center for Statistics shall not  
13                   include any personally identifiable information for individuals included within  
14                   each cohort as part of the published data.

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

16                   The Council on Postsecondary Education in Kentucky shall:

17                   (1) Develop and implement the strategic agenda with the advice and counsel of the  
18                   Strategic Committee on Postsecondary Education. The council shall provide for and  
19                   direct the planning process and subsequent strategic implementation plans based on  
20                   the strategic agenda as provided in KRS 164.0203;

21                   (2) Revise the strategic agenda and strategic implementation plan with the advice and  
22                   counsel of the committee as set forth in KRS 164.004;

23                   (3) Develop a system of public accountability related to the strategic agenda by  
24                   evaluating the performance and effectiveness of the state's postsecondary system.  
25                   The council shall prepare a report in conjunction with the accountability reporting  
26                   described in KRS 164.095, which shall be submitted to the committee, the  
27                   Governor, and the General Assembly by December 1 annually. This report shall

1        include a description of contributions by postsecondary institutions to the quality of  
2        elementary and secondary education in the Commonwealth;

3        (4) Review, revise, and approve the missions of the state's universities and the  
4        Kentucky Community and Technical College System. The Council on  
5        Postsecondary Education shall have the final authority to determine the compliance  
6        of postsecondary institutions with their academic, service, and research missions;

7        (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively  
8        provide for an integrated system of postsecondary education. The council shall  
9        guard against inappropriate and unnecessary conflict and duplication by promoting  
10        transferability of credits and easy access of information among institutions;

11        (6) Engage in analyses and research to determine the overall needs of postsecondary  
12        education and adult education in the Commonwealth;

13        (7) Develop plans that may be required by federal legislation. The council shall for all  
14        purposes of federal legislation relating to planning be considered the "single state  
15        agency" as that term may be used in federal legislation. When federal legislation  
16        requires additional representation on any "single state agency," the Council on  
17        Postsecondary Education shall establish advisory groups necessary to satisfy federal  
18        legislative or regulatory guidelines;

19        (8) (a) Determine tuition and approve the minimum qualifications for admission to  
20        the state postsecondary educational system. In defining residency, the council  
21        shall classify a student as having Kentucky residency if the student met the  
22        residency requirements at the beginning of his or her last year in high school  
23        and enters a Kentucky postsecondary education institution within two (2)  
24        years of high school graduation. In determining the tuition for non-Kentucky  
25        residents, the council shall consider the fees required of Kentucky students by  
26        institutions in adjoining states, the resident fees charged by other states, the  
27        total actual per student cost of training in the institutions for which the fees

1 are being determined, and the ratios of Kentucky students to non-Kentucky  
2 students comprising the enrollments of the respective institutions, and other  
3 factors the council may in its sole discretion deem pertinent, except that the  
4 Kentucky Community and Technical College System may assess a mandatory  
5 student fee not to exceed eight dollars (\$8) per credit hour to be used  
6 exclusively for debt service on amounts not to exceed seventy-five percent  
7 (75%) of the total projects cost of the Kentucky Community and Technical  
8 College System agency bond projects included in 2014 Ky. Acts ch. 117, Part  
9 II, J., 11.

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

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

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

19 (9) Devise, establish, and periodically review and revise policies to be used in making  
20 recommendations to the Governor for consideration in developing  
21 recommendations to the General Assembly for appropriations to the universities,  
22 the Kentucky Community and Technical College System, and to support strategies  
23 for persons to maintain necessary levels of literacy throughout their lifetimes. The  
24 council has sole discretion, with advice of the Strategic Committee on  
25 Postsecondary Education and the executive officers of the postsecondary education  
26 system, to devise policies that provide for allocation of funds among the  
27 universities and the Kentucky Community and Technical College System;

- 1 (10) Lead and provide staff support for the biennial budget process as provided under  
2 KRS Chapter 48, in cooperation with the committee;
- 3 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all  
4 capital construction projects covered by KRS 45.750(1)(f), including real  
5 property acquisitions, and regardless of the source of funding for projects or  
6 acquisitions. Approval of capital projects and real property acquisitions shall  
7 be on a basis consistent with the strategic agenda and the mission of the  
8 respective universities and the Kentucky Community and Technical College  
9 System.
- 10 (b) The organized groups that are establishing community college satellites as  
11 branches of existing community colleges in the counties of Laurel, Leslie, and  
12 Muhlenberg, and that have substantially obtained cash, pledges, real property,  
13 or other commitments to build the satellite at no cost to the Commonwealth,  
14 other than operating costs that shall be paid as part of the operating budget of  
15 the main community college of which the satellite is a branch, are authorized  
16 to begin construction of the satellite on or after January 1, 1998;
- 17 (12) Require reports from the executive officer of each institution it deems necessary for  
18 the effectual performance of its duties;
- 19 (13) Ensure that the state postsecondary system does not unnecessarily duplicate  
20 services and programs provided by private postsecondary institutions and shall  
21 promote maximum cooperation between the state postsecondary system and private  
22 postsecondary institutions. Receive and consider an annual report prepared by the  
23 Association of Independent Kentucky Colleges and Universities stating the  
24 condition of independent institutions, listing opportunities for more collaboration  
25 between the state and independent institutions and other information as appropriate;
- 26 (14) Establish course credit, transfer, and degree components as required in KRS  
27 164.2951;

1 (15) (a) Define and approve the offering of all postsecondary education technical,  
2 associate, baccalaureate, graduate, and professional degree, certificate, or  
3 diploma programs in the public postsecondary education institutions. The  
4 council shall not approve a new degree, certificate, or diploma program that  
5 includes a requirement for a course or training of which the primary purpose  
6 is to indoctrinate participants with a discriminatory concept.

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

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

21 (a) Consistency with the institution's mission and the strategic agenda;  
22 (b) Alignment with the priorities in the strategic implementation plan for  
23 achieving the strategic agenda;  
24 (c) Elimination of unnecessary duplication of programs within and among  
25 institutions;  
26 (d) Efforts to create cooperative programs with other institutions through  
27 traditional means, or by use of distance learning technology and electronic

resources, to achieve effective and efficient program delivery; and

(e) Alignment with KRS 164.2895, including the elimination of any program that includes a requirement for a course or training of which the primary purpose is to indoctrinate participants with a discriminatory concept;

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

(18) Review proposals and make recommendations to the Governor regarding the establishment of new public community colleges, technical institutions, and new four (4) year colleges;

(19) Ensure the coordination, transferability, and connectivity of technology among postsecondary institutions in the Commonwealth including the development and implementation of a technology plan as a component of the strategic agenda;

(20) Approve the teacher education programs in the public institutions that comply with standards established by the Education Professional Standards Board pursuant to KRS 161.028;

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

(22) Maintain procedures for the approval of a designated receiver to provide for the maintenance of student records of the public institutions of higher education and the colleges as defined in KRS 164.945, and institutions operating pursuant to KRS

1       165A.310 which offer collegiate level courses for academic credit, which cease to  
2       operate. Procedures shall include assurances that, upon proper request, subject to  
3       federal and state laws and regulations, copies of student records shall be made  
4       available within a reasonable length of time for a minimum fee;

5       (23) Monitor and transmit a report on compliance with KRS 164.351 to the director of  
6       the Legislative Research Commission for distribution to the Interim Joint  
7       Committee on Families and Children;

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

14       1. Ensure that the orientation and education program comprises six (6)  
15       hours of instruction time and includes but is not limited to information  
16       concerning the roles of the council and governing board members, the  
17       strategic agenda and the strategic implementation plan, and the  
18       respective institution's mission, budget and finances, strategic plans and  
19       priorities, institutional policies and procedures, board fiduciary  
20       responsibilities, legal considerations including open records and open  
21       meetings requirements, ethical considerations arising from board  
22       membership, and the board member removal and replacement  
23       provisions of KRS 63.080;

24       2. Establish delivery methods by which the orientation and education  
25       program can be completed in person or electronically by new members  
26       within one (1) year of their appointment or election;

27       3. Provide an annual report to the Governor and Legislative Research

Commission of those new board members who do not complete the required orientation and education program; and

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

1           independent institutions in meeting these needs;

2   (31) Create advisory groups representing the presidents, faculty, nonteaching staff, and

3        students of the public postsecondary education system and the independent colleges

4        and universities;

5   (32) Develop a statewide policy to promote employee and faculty development in state

6        and locally operated secondary area technology centers through the waiver of

7        tuition for college credit coursework in the public postsecondary education system.

8        Any regular full-time employee of a state or locally operated secondary area

9        technology center may, with prior administrative approval of the course offering

10      institution, take a maximum of six (6) credit hours per term at any public

11      postsecondary institution. The institution shall waive the tuition up to a maximum

12      of six (6) credit hours per term. The employee shall complete the Free Application

13      for Federal Student Aid to determine the level of need and eligibility for state and

14      federal financial aid programs. The amount of tuition waived shall not exceed the

15      cost of tuition at the institution less any state or federal grants received, which shall

16      be credited first to the student's tuition;

17   (33) Participate with the Kentucky Department of Education, the Kentucky Board of

18        Education, and postsecondary education institutions to ensure that academic content

19        requirements for successful entry into postsecondary education programs are

20        aligned with high school content standards and that students who master the high

21        school academic content standards shall not need remedial courses. The council

22        shall monitor the results on an ongoing basis;

23   (34) Cooperate with the Kentucky Department of Education and the Education

24        Professional Standards Board in providing information sessions to selected

25        postsecondary education content faculty and teacher educators of the high school

26        academic content standards as required under KRS 158.6453(2)(l);

27   (35) Cooperate with the Office of the Kentucky Center for Statistics and ensure the

1 participation of the public institutions as required in KRS 151B.133;

2 (36) Pursuant to KRS 63.080, review written notices from the Governor or from a board  
3 of trustees or board of regents concerning removal of a board member or the entire  
4 appointed membership of a board, investigate the member or board and the conduct  
5 alleged to support removal, and make written recommendations to the Governor  
6 and the Legislative Research Commission as to whether the member or board  
7 should be removed;~~and~~

8 (37) *(a) Establish a common online application to be used by prospective students  
9 applying to public postsecondary institutions pursuant to Section 1 of this  
10 Act; and*

11 *(b) Maintain a website for students to apply to Kentucky public postsecondary  
12 institutions through the common application implemented pursuant to  
13 subsection (3)(b) of Section 1 of this Act. The website shall embed or link to  
14 the information required to be published pursuant to KRS 164.0284; and*

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

20 ➔Section 4. On or before November 1, 2027, each public postsecondary  
21 education institution shall provide the Council on Postsecondary Education the  
22 institution's form that will be used to create student's personalized prospective admissions  
23 notification described in Section 1 of this Act. The council shall review each form to  
24 ensure compliance with Section 1 of this Act and offer suggestions to an institution to  
25 improve the effectiveness of the institution's participation in the proactive postsecondary  
26 admissions program.