

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 **following information to each public postsecondary education institution**
6 **for each student who is enrolled at a Kentucky public high school or a**
7 **certified nonpublic high school and who has not been opted out of sharing**
8 **directory information in accordance with 34 C. F. R. sec. 99.37:**

9 **1. Name;**

10 **2. Address;**

11 **3. Enrolled school district;**

12 **4. Phone number; and**

13 **5. Email address.**

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

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

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

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

27 **4. Preferred communication method.**

- 1 (6) (a) Beginning in 2028, each public postsecondary education institution shall
2 utilize data provided by the council pursuant to subsection (5) of this section
3 to send to each eligible high school student that meets or exceeds the
4 minimum qualification for prospective admission to the institution a
5 personalized prospective admissions notification that provides:
- 6 1. Notice of the recipient student's eligibility for prospective admission;
 - 7 2. Instructions for the recipient student to access the common online
8 application to apply for full admission to the institution;
 - 9 3. Instructions for the recipient student to access state financial aid and
10 scholarship or grant opportunities;
 - 11 4. Information on the cost of attending the institution and the workforce
12 outcomes of students, including a link to the information reported in
13 accordance with KRS 164.0284; and
 - 14 5. Notice of institutional aid opportunities.
- 15 (b) A personalized prospective admission notification sent pursuant to
16 paragraph (a) of this subsection shall not constitute an offer or guarantee
17 of admission to a public postsecondary education institution.
- 18 (7) Each public postsecondary education institution shall retain the right to perform
19 a comprehensive review of all admissions applications internally. An institution
20 shall not be required to grant acceptance or priority consideration to any student
21 that applies to the institution, regardless of whether:
- 22 (a) The application was submitted through the proactive postsecondary
23 admissions program established by this section; or
 - 24 (b) An applicant meets or exceeds the minimum qualification for prospective
25 admission to the institution established pursuant to subsection (3)(a) of this
26 section.
- 27 (8) The council shall collaborate with the public postsecondary education institutions

1 to:

2 (a) Promote and evaluate the proactive postsecondary admissions program and
 3 discuss best practices for proactive admission notifications; and

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

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

8 (a) Maximize student participation in the proactive postsecondary admissions
 9 program; and

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

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

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

19 3. Perceived barriers to student participation in the proactive
 20 postsecondary admissions program.

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

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

27 (a) Name;

1 (b) Date of birth;

2 (c) Address;

3 (d) For students enrolled in a public school district:

4 1. Enrolled school district; and

5 2. School identification number;

6 (e) Last four (4) digits of his or her Social Security number;

7 (f) Cumulative unweighted grade point average; and

8 (g) Highest score on a nationally recognized college readiness examination
 9 approved by the Council on Postsecondary Education that is in the
 10 possession of the department.

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

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

20 The Council on Postsecondary Education in Kentucky shall:

- 21 (1) Develop and implement the strategic agenda with the advice and counsel of the
 22 Strategic Committee on Postsecondary Education. The council shall provide for and
 23 direct the planning process and subsequent strategic implementation plans based on
 24 the strategic agenda as provided in KRS 164.0203;
- 25 (2) Revise the strategic agenda and strategic implementation plan with the advice and
 26 counsel of the committee as set forth in KRS 164.004;
- 27 (3) Develop a system of public accountability related to the strategic agenda by

- 1 evaluating the performance and effectiveness of the state's postsecondary system.
- 2 The council shall prepare a report in conjunction with the accountability reporting
- 3 described in KRS 164.095, which shall be submitted to the committee, the
- 4 Governor, and the General Assembly by December 1 annually. This report shall
- 5 include a description of contributions by postsecondary institutions to the quality of
- 6 elementary and secondary education in the Commonwealth;
- 7 (4) Review, revise, and approve the missions of the state's universities and the
- 8 Kentucky Community and Technical College System. The Council on
- 9 Postsecondary Education shall have the final authority to determine the compliance
- 10 of postsecondary institutions with their academic, service, and research missions;
- 11 (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively
- 12 provide for an integrated system of postsecondary education. The council shall
- 13 guard against inappropriate and unnecessary conflict and duplication by promoting
- 14 transferability of credits and easy access of information among institutions;
- 15 (6) Engage in analyses and research to determine the overall needs of postsecondary
- 16 education and adult education in the Commonwealth;
- 17 (7) Develop plans that may be required by federal legislation. The council shall for all
- 18 purposes of federal legislation relating to planning be considered the "single state
- 19 agency" as that term may be used in federal legislation. When federal legislation
- 20 requires additional representation on any "single state agency," the Council on
- 21 Postsecondary Education shall establish advisory groups necessary to satisfy federal
- 22 legislative or regulatory guidelines;
- 23 (8) (a) Determine tuition and approve the minimum qualifications for admission to
- 24 the state postsecondary educational system. In defining residency, the council
- 25 shall classify a student as having Kentucky residency if the student met the
- 26 residency requirements at the beginning of his or her last year in high school
- 27 and enters a Kentucky postsecondary education institution within two (2)

1 years of high school graduation. In determining the tuition for non-Kentucky
2 residents, the council shall consider the fees required of Kentucky students by
3 institutions in adjoining states, the resident fees charged by other states, the
4 total actual per student cost of training in the institutions for which the fees
5 are being determined, and the ratios of Kentucky students to non-Kentucky
6 students comprising the enrollments of the respective institutions, and other
7 factors the council may in its sole discretion deem pertinent, except that the
8 Kentucky Community and Technical College System may assess a mandatory
9 student fee not to exceed eight dollars (\$8) per credit hour to be used
10 exclusively for debt service on amounts not to exceed seventy-five percent
11 (75%) of the total projects cost of the Kentucky Community and Technical
12 College System agency bond projects included in 2014 Ky. Acts ch. 117, Part
13 II, J., 11.

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

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

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

23 (9) Devise, establish, and periodically review and revise policies to be used in making
24 recommendations to the Governor for consideration in developing
25 recommendations to the General Assembly for appropriations to the universities,
26 the Kentucky Community and Technical College System, and to support strategies
27 for persons to maintain necessary levels of literacy throughout their lifetimes. The

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

1 condition of independent institutions, listing opportunities for more collaboration
2 between the state and independent institutions and other information as appropriate;

3 (14) Establish course credit, transfer, and degree components as required in KRS
4 164.2951;

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

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

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

25 (a) Consistency with the institution's mission and the strategic agenda;

26 (b) Alignment with the priorities in the strategic implementation plan for
27 achieving the strategic agenda;

- 1 (c) Elimination of unnecessary duplication of programs within and among
2 institutions;
- 3 (d) Efforts to create cooperative programs with other institutions through
4 traditional means, or by use of distance learning technology and electronic
5 resources, to achieve effective and efficient program delivery; and
- 6 (e) Alignment with KRS 164.2895, including the elimination of any program that
7 includes a requirement for a course or training of which the primary purpose
8 is to indoctrinate participants with a discriminatory concept;
- 9 (17) Ensure the governing board and faculty of all postsecondary education institutions
10 are committed to providing instruction free of discrimination against students who
11 hold political views and opinions contrary to those of the governing board and
12 faculty;
- 13 (18) Review proposals and make recommendations to the Governor regarding the
14 establishment of new public community colleges, technical institutions, and new
15 four (4) year colleges;
- 16 (19) Ensure the coordination, transferability, and connectivity of technology among
17 postsecondary institutions in the Commonwealth including the development and
18 implementation of a technology plan as a component of the strategic agenda;
- 19 (20) Approve the teacher education programs in the public institutions that comply with
20 standards established by the Education Professional Standards Board pursuant to
21 KRS 161.028;
- 22 (21) Constitute the representative agency of the Commonwealth in all matters of
23 postsecondary education of a general and statewide nature which are not otherwise
24 delegated to one (1) or more institutions of postsecondary learning. The
25 responsibility may be exercised through appropriate contractual relationships with
26 individuals or agencies located within or without the Commonwealth. The authority
27 includes but is not limited to contractual arrangements for programs of research,

- 1 specialized training, and cultural enrichment;
- 2 (22) Maintain procedures for the approval of a designated receiver to provide for the
3 maintenance of student records of the public institutions of higher education and the
4 colleges as defined in KRS 164.945, and institutions operating pursuant to KRS
5 165A.310 which offer collegiate level courses for academic credit, which cease to
6 operate. Procedures shall include assurances that, upon proper request, subject to
7 federal and state laws and regulations, copies of student records shall be made
8 available within a reasonable length of time for a minimum fee;
- 9 (23) Monitor and transmit a report on compliance with KRS 164.351 to the director of
10 the Legislative Research Commission for distribution to the Interim Joint
11 Committee on Families and Children;
- 12 (24) (a) Develop in cooperation with each public university and the Kentucky
13 Community and Technical College System a comprehensive orientation and
14 education program for new members of the council and the governing boards
15 and continuing education opportunities for all council and board members.
16 For new members of the council and institutional governing boards, the
17 council shall:
- 18 1. Ensure that the orientation and education program comprises six (6)
19 hours of instruction time and includes but is not limited to information
20 concerning the roles of the council and governing board members, the
21 strategic agenda and the strategic implementation plan, and the
22 respective institution's mission, budget and finances, strategic plans and
23 priorities, institutional policies and procedures, board fiduciary
24 responsibilities, legal considerations including open records and open
25 meetings requirements, ethical considerations arising from board
26 membership, and the board member removal and replacement
27 provisions of KRS 63.080;

- 1 2. Establish delivery methods by which the orientation and education
2 program can be completed in person or electronically by new members
3 within one (1) year of their appointment or election;
- 4 3. Provide an annual report to the Governor and Legislative Research
5 Commission of those new board members who do not complete the
6 required orientation and education program; and
- 7 4. Invite governing board members of private colleges and universities
8 licensed by the Council on Postsecondary Education to participate in the
9 orientation and education program described in this subsection;
- 10 (b) Offer, in cooperation with the public universities and the Kentucky
11 Community and Technical College System, continuing education
12 opportunities for all council and governing board members; and
- 13 (c) Review and approve the orientation programs of each public university and
14 the Kentucky Community and Technical College System for their governing
15 board members to ensure that all programs and information adhere to this
16 subsection;
- 17 (25) Develop a financial reporting procedure to be used by all state postsecondary
18 education institutions to ensure uniformity of financial information available to
19 state agencies and the public;
- 20 (26) Select and appoint a president of the council under KRS 164.013;
- 21 (27) Employ consultants and other persons and employees as may be required for the
22 council's operations, functions, and responsibilities;
- 23 (28) Promulgate administrative regulations, in accordance with KRS Chapter 13A,
24 governing its powers, duties, and responsibilities as described in this section;
- 25 (29) Prepare and present by January 31 of each year an annual status report on
26 postsecondary education in the Commonwealth to the Governor, the Strategic
27 Committee on Postsecondary Education, and the Legislative Research Commission;

- 1 (30) Consider the role, function, and capacity of independent institutions of
2 postsecondary education in developing policies to meet the immediate and future
3 needs of the state. When it is found that independent institutions can meet state
4 needs effectively, state resources may be used to contract with or otherwise assist
5 independent institutions in meeting these needs;
- 6 (31) Create advisory groups representing the presidents, faculty, nonteaching staff, and
7 students of the public postsecondary education system and the independent colleges
8 and universities;
- 9 (32) Develop a statewide policy to promote employee and faculty development in state
10 and locally operated secondary area technology centers through the waiver of
11 tuition for college credit coursework in the public postsecondary education system.
12 Any regular full-time employee of a state or locally operated secondary area
13 technology center may, with prior administrative approval of the course offering
14 institution, take a maximum of six (6) credit hours per term at any public
15 postsecondary institution. The institution shall waive the tuition up to a maximum
16 of six (6) credit hours per term. The employee shall complete the Free Application
17 for Federal Student Aid to determine the level of need and eligibility for state and
18 federal financial aid programs. The amount of tuition waived shall not exceed the
19 cost of tuition at the institution less any state or federal grants received, which shall
20 be credited first to the student's tuition;
- 21 (33) Participate with the Kentucky Department of Education, the Kentucky Board of
22 Education, and postsecondary education institutions to ensure that academic content
23 requirements for successful entry into postsecondary education programs are
24 aligned with high school content standards and that students who master the high
25 school academic content standards shall not need remedial courses. The council
26 shall monitor the results on an ongoing basis;
- 27 (34) Cooperate with the Kentucky Department of Education and the Education

1 Professional Standards Board in providing information sessions to selected
2 postsecondary education content faculty and teacher educators of the high school
3 academic content standards as required under KRS 158.6453(2)(1);

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

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

12 (37) (a) Establish a common online application to be used by prospective students
13 applying to public postsecondary institutions pursuant to Section 1 of this
14 Act; and

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

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

24 ➔Section 4. On or before November 1, 2027, each public postsecondary
25 education institution shall provide the Council on Postsecondary Education the
26 institution's form that will be used to create student's personalized prospective admissions
27 notification described in Section 1 of this Act. The council shall review each form to

1 ensure compliance with Section 1 of this Act and offer suggestions to an institution to
2 improve the effectiveness of the institution's participation in the proactive postsecondary
3 admissions program.

4 →Section 5. (1) In 2027, the Kentucky Higher Education Assistance
5 Authority communication notifying students of their eligibility for Kentucky educational
6 excellence scholarships shall begin including a single link, QR code, or web address,
7 provided by the Council on Postsecondary Education, that provides students access to the
8 common online application required by Section 1 of this Act.

9 (2) The Kentucky Higher Education Assistance Authority shall consult with the
10 Kentucky Department of Education to evaluate the feasibility and effectiveness of
11 sending the communication notifying students of their eligibility for Kentucky
12 educational excellence scholarships electronically.

13 →Section 6. This Act may be cited as the My Kentucky Future Act.