

1 AN ACT relating to residency as defined by the Council on Postsecondary
2 Education.

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

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

5 The Council on Postsecondary Education in Kentucky shall:

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

1 education and adult education in the Commonwealth;

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

8 (8) (a) Determine tuition and approve the minimum qualifications for admission to
9 the state postsecondary educational system.

10 (b) In defining residency, the council shall classify a student as having Kentucky
11 residency if the student;

12 1. Was born in Kentucky; or

13 2. Met the residency requirements at the beginning of his or her last year in
14 high school and enters a Kentucky postsecondary education institution
15 within two (2) years of high school graduation.

16 (c) In determining the tuition for non-Kentucky residents, the council shall
17 consider the fees required of Kentucky students by institutions in adjoining
18 states, the resident fees charged by other states, the total actual per student
19 cost of training in the institutions for which the fees are being determined, and
20 the ratios of Kentucky students to non-Kentucky students comprising the
21 enrollments of the respective institutions, and other factors the council may in
22 its sole discretion deem pertinent, except that the Kentucky Community and
23 Technical College System may assess a mandatory student fee not to exceed
24 eight dollars (\$8) per credit hour to be used exclusively for debt service on
25 amounts not to exceed seventy-five percent (75%) of the total projects cost of
26 the Kentucky Community and Technical College System agency bond
27 projects included in 2014 Ky. Acts ch. 117, Part II, J., 11.

1 ~~(d)~~~~(b)~~ The Kentucky Community and Technical College System mandatory fee
2 established in this subsection shall only be used for debt service on agency
3 bond projects.

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

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

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

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

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

1 System.

2 (b) The organized groups that are establishing community college satellites as
3 branches of existing community colleges in the counties of Laurel, Leslie, and
4 Muhlenberg, and that have substantially obtained cash, pledges, real property,
5 or other commitments to build the satellite at no cost to the Commonwealth,
6 other than operating costs that shall be paid as part of the operating budget of
7 the main community college of which the satellite is a branch, are authorized
8 to begin construction of the satellite on or after January 1, 1998;

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

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

18 (14) Establish course credit, transfer, and degree components as required in KRS
19 164.2951;

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

26 (b) The council shall expedite wherever possible the approval of requests from
27 the Kentucky Community and Technical College System board of regents

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

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

- 13 (a) Consistency with the institution's mission and the strategic agenda;
- 14 (b) Alignment with the priorities in the strategic implementation plan for
15 achieving the strategic agenda;
- 16 (c) Elimination of unnecessary duplication of programs within and among
17 institutions;
- 18 (d) Efforts to create cooperative programs with other institutions through
19 traditional means, or by use of distance learning technology and electronic
20 resources, to achieve effective and efficient program delivery; and
- 21 (e) Alignment with KRS 164.2895, including the elimination of any program that
22 includes a requirement for a course or training of which the primary purpose
23 is to indoctrinate participants with a discriminatory concept;

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

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

1 Community and Technical College System a comprehensive orientation and
2 education program for new members of the council and the governing boards
3 and continuing education opportunities for all council and board members.
4 For new members of the council and institutional governing boards, the
5 council shall:

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

- 25 (b) Offer, in cooperation with the public universities and the Kentucky
26 Community and Technical College System, continuing education
27 opportunities for all council and governing board members; and

- 1 (c) Review and approve the orientation programs of each public university and
2 the Kentucky Community and Technical College System for their governing
3 board members to ensure that all programs and information adhere to this
4 subsection;
- 5 (25) Develop a financial reporting procedure to be used by all state postsecondary
6 education institutions to ensure uniformity of financial information available to
7 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
10 council's operations, functions, and responsibilities;
- 11 (28) Promulgate administrative regulations, in accordance with KRS Chapter 13A,
12 governing its powers, duties, and responsibilities as described in this section;
- 13 (29) Prepare and present by January 31 of each year an annual status report on
14 postsecondary education in the Commonwealth to the Governor, the Strategic
15 Committee on Postsecondary Education, and the Legislative Research Commission;
- 16 (30) Consider the role, function, and capacity of independent institutions of
17 postsecondary education in developing policies to meet the immediate and future
18 needs of the state. When it is found that independent institutions can meet state
19 needs effectively, state resources may be used to contract with or otherwise assist
20 independent institutions in meeting these needs;
- 21 (31) Create advisory groups representing the presidents, faculty, nonteaching staff, and
22 students of the public postsecondary education system and the independent colleges
23 and universities;
- 24 (32) Develop a statewide policy to promote employee and faculty development in state
25 and locally operated secondary area technology centers through the waiver of
26 tuition for college credit coursework in the public postsecondary education system.
27 Any regular full-time employee of a state or locally operated secondary area

- 1 technology center may, with prior administrative approval of the course offering
2 institution, take a maximum of six (6) credit hours per term at any public
3 postsecondary institution. The institution shall waive the tuition up to a maximum
4 of six (6) credit hours per term. The employee shall complete the Free Application
5 for Federal Student Aid to determine the level of need and eligibility for state and
6 federal financial aid programs. The amount of tuition waived shall not exceed the
7 cost of tuition at the institution less any state or federal grants received, which shall
8 be credited first to the student's tuition;
- 9 (33) Participate with the Kentucky Department of Education, the Kentucky Board of
10 Education, and postsecondary education institutions to ensure that academic content
11 requirements for successful entry into postsecondary education programs are
12 aligned with high school content standards and that students who master the high
13 school academic content standards shall not need remedial courses. The council
14 shall monitor the results on an ongoing basis;
- 15 (34) Cooperate with the Kentucky Department of Education and the Education
16 Professional Standards Board in providing information sessions to selected
17 postsecondary education content faculty and teacher educators of the high school
18 academic content standards as required under KRS 158.6453(2)(l);
- 19 (35) Cooperate with the Office of the Kentucky Center for Statistics and ensure the
20 participation of the public institutions as required in KRS 151B.133;
- 21 (36) Pursuant to KRS 63.080, review written notices from the Governor or from a board
22 of trustees or board of regents concerning removal of a board member or the entire
23 appointed membership of a board, investigate the member or board and the conduct
24 alleged to support removal, and make written recommendations to the Governor
25 and the Legislative Research Commission as to whether the member or board
26 should be removed; and
- 27 (37) Exercise any other powers, duties, and responsibilities necessary to carry out the

1 purposes of this chapter. Nothing in this chapter shall be construed to grant the
2 Council on Postsecondary Education authority to disestablish or eliminate any
3 college of law which became a part of the state system of higher education through
4 merger with a state college.

5 ➡Section 2. This Act may be cited as the Welcome Back to My Old Kentucky
6 Home Initiative.