

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) "Certified nonpublic school" means a private, parochial, or church school  
7 that is certified by the Kentucky Board of Education pursuant to KRS  
8 156.160(2);

9 (b) "Council" means the Council on Postsecondary Education; and

10 (c) "Eligible high school student" means a high school student in his or her  
11 final year of enrollment at a Kentucky public high school or certified  
12 nonpublic high school that:

13 1. Meets or exceeds the minimum academic qualification for prospective  
14 admission to a public postsecondary education institution established  
15 pursuant to subsection (3)(a) of this section; and

16 2. Qualifies as a Kentucky resident, as determined by the council.

17 (2) There is hereby established a proactive postsecondary admissions program to be  
18 managed by the council for the purpose of:

19 (a) Notifying each eligible high school student of his or her eligibility for  
20 prospective admission to a public postsecondary education institution; and

21 (b) Providing instructions to each eligible high school student on how to access  
22 the common online application to apply for full admission to public  
23 postsecondary education institutions in Kentucky.

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

25 (a) Establish a minimum academic qualification for prospective admission to  
26 the institution through the proactive postsecondary admissions program  
27 that exclusively includes:

1           1. A minimum grade point average; or

2           2. A combination of a minimum grade point average and minimum score  
3           on a nationally recognized college readiness examination approved by  
4           the council for the purposes of this section; and

5       (b) Implement the common online application approved by the council  
6       pursuant to Section 2 of this Act for the purpose of evaluating the admission  
7       of full-time, first-year students. The common application shall require an  
8       applicant to submit proof that he or she meets the minimum academic  
9       qualification for prospective admission at an institution established  
10       pursuant to paragraph (a) of this subsection. An institution may request  
11       additional application information or materials outside of the common  
12       application. The council may establish additional requirements for the  
13       approval of a common application.

14   (4) (a) On or before September 1 of each year, the Kentucky Department of  
15   Education and each certified nonpublic school shall submit to the council  
16   and the Kentucky Center for Statistics a compiled list of all high school  
17   students who most recently completed their junior year, including each  
18   student's name, enrolled school district or certified nonpublic school, school  
19   identification number, Social Security number, address, cumulative  
20   unweighted grade point average, and highest score on a nationally  
21   recognized college readiness examination approved by the council that is in  
22   the possession of the department or certified nonpublic school.

23   (b) On or before September 1 of each year, the Kentucky Higher Education  
24   Assistance Authority shall submit to the council the Kentucky Educational  
25   Excellence Scholarship award amounts of public and certified nonpublic  
26   high school students who were reported to the authority under KRS  
27   164.7885 and most recently completed their junior year in a manner agreed

1 upon by the council and the authority.

2 (5) (a) Beginning in 2028, the council shall utilize data collected pursuant to  
3 subsection (4) of this section to send a personalized prospective admissions  
4 letter to each eligible high school student that:

5 1. Notifies the recipient student of each public postsecondary education  
6 institution in Kentucky where the recipient student qualifies for  
7 prospective admission;

8 2. Provides instructions for the recipient student to access the common  
9 online application to apply for full admission to public postsecondary  
10 education institutions; and

11 3. Provides the recipient student's Kentucky Educational Excellence  
12 Scholarship award amount, if the recipient is eligible for the  
13 scholarship.

14 (b) A personalized prospective admission letter sent pursuant to paragraph (a)  
15 of this subsection shall not constitute an offer or guarantee of admission to  
16 any public postsecondary institution identified in the letter.

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

21 (a) The application was submitted through the proactive postsecondary  
22 admissions program established by this section; or

23 (b) An applicant meets or exceeds the minimum qualification for prospective  
24 admission to the institution established pursuant to subsection (3)(a) of this  
25 section.

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

*The Kentucky Center for Statistics, in collaboration with the Kentucky Department of Education and the Council on Postsecondary Education, shall annually publish data on academic and workforce outcomes of each cohort reported to the center in accordance with Section 1 of this Act, including the cohort's college going rates, postsecondary credential attainment, and employment and wage outcomes.*

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

The Council on Postsecondary Education in Kentucky shall:

- (1) Develop and implement the strategic agenda with the advice and counsel of the Strategic Committee on Postsecondary Education. The council shall provide for and direct the planning process and subsequent strategic implementation plans based on the strategic agenda as provided in KRS 164.0203;
- (2) Revise the strategic agenda and strategic implementation plan with the advice and counsel of the committee as set forth in KRS 164.004;
- (3) Develop a system of public accountability related to the strategic agenda by evaluating the performance and effectiveness of the state's postsecondary system. The council shall prepare a report in conjunction with the accountability reporting described in KRS 164.095, which shall be submitted to the committee, the Governor, and the General Assembly by December 1 annually. This report shall include a description of contributions by postsecondary institutions to the quality of elementary and secondary education in the Commonwealth;
- (4) Review, revise, and approve the missions of the state's universities and the Kentucky Community and Technical College System. The Council on Postsecondary Education shall have the final authority to determine the compliance of postsecondary institutions with their academic, service, and research missions;
- (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively provide for an integrated system of postsecondary education. The council shall guard against inappropriate and unnecessary conflict and duplication by promoting

- 1 transferability of credits and easy access of information among institutions;
- 2 (6) Engage in analyses and research to determine the overall needs of postsecondary  
3 education and adult education in the Commonwealth;
- 4 (7) Develop plans that may be required by federal legislation. The council shall for all  
5 purposes of federal legislation relating to planning be considered the "single state  
6 agency" as that term may be used in federal legislation. When federal legislation  
7 requires additional representation on any "single state agency," the Council on  
8 Postsecondary Education shall establish advisory groups necessary to satisfy federal  
9 legislative or regulatory guidelines;
- 10 (8) (a) Determine tuition and approve the minimum qualifications for admission to  
11 the state postsecondary educational system. In defining residency, the council  
12 shall classify a student as having Kentucky residency if the student met the  
13 residency requirements at the beginning of his or her last year in high school  
14 and enters a Kentucky postsecondary education institution within two (2)  
15 years of high school graduation. In determining the tuition for non-Kentucky  
16 residents, the council shall consider the fees required of Kentucky students by  
17 institutions in adjoining states, the resident fees charged by other states, the  
18 total actual per student cost of training in the institutions for which the fees  
19 are being determined, and the ratios of Kentucky students to non-Kentucky  
20 students comprising the enrollments of the respective institutions, and other  
21 factors the council may in its sole discretion deem pertinent, except that the  
22 Kentucky Community and Technical College System may assess a mandatory  
23 student fee not to exceed eight dollars (\$8) per credit hour to be used  
24 exclusively for debt service on amounts not to exceed seventy-five percent  
25 (75%) of the total projects cost of the Kentucky Community and Technical  
26 College System agency bond projects included in 2014 Ky. Acts ch. 117, Part  
27 II, J., 11.

- 1 (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 (c) Any fee established as provided by this subsection shall cease to be assessed  
5 upon the retirement of the project bonds for which it services debt.
- 6 (d) Prior to the issuance of any bonds, the Kentucky Community and Technical  
7 College System shall certify in writing to the secretary of the Finance and  
8 Administration Cabinet that sufficient funds have been raised to meet the  
9 local match equivalent to twenty-five percent (25%) of the total project cost;
- 10 (9) Devise, establish, and periodically review and revise policies to be used in making  
11 recommendations to the Governor for consideration in developing  
12 recommendations to the General Assembly for appropriations to the universities,  
13 the Kentucky Community and Technical College System, and to support strategies  
14 for persons to maintain necessary levels of literacy throughout their lifetimes. The  
15 council has sole discretion, with advice of the Strategic Committee on  
16 Postsecondary Education and the executive officers of the postsecondary education  
17 system, to devise policies that provide for allocation of funds among the  
18 universities and the Kentucky Community and Technical College System;
- 19 (10) Lead and provide staff support for the biennial budget process as provided under  
20 KRS Chapter 48, in cooperation with the committee;
- 21 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all  
22 capital construction projects covered by KRS 45.750(1)(f), including real  
23 property acquisitions, and regardless of the source of funding for projects or  
24 acquisitions. Approval of capital projects and real property acquisitions shall  
25 be on a basis consistent with the strategic agenda and the mission of the  
26 respective universities and the Kentucky Community and Technical College  
27 System.

- 1 (b) The organized groups that are establishing community college satellites as  
2 branches of existing community colleges in the counties of Laurel, Leslie, and  
3 Muhlenberg, and that have substantially obtained cash, pledges, real property,  
4 or other commitments to build the satellite at no cost to the Commonwealth,  
5 other than operating costs that shall be paid as part of the operating budget of  
6 the main community college of which the satellite is a branch, are authorized  
7 to begin construction of the satellite on or after January 1, 1998;
- 8 (12) Require reports from the executive officer of each institution it deems necessary for  
9 the effectual performance of its duties;
- 10 (13) Ensure that the state postsecondary system does not unnecessarily duplicate  
11 services and programs provided by private postsecondary institutions and shall  
12 promote maximum cooperation between the state postsecondary system and private  
13 postsecondary institutions. Receive and consider an annual report prepared by the  
14 Association of Independent Kentucky Colleges and Universities stating the  
15 condition of independent institutions, listing opportunities for more collaboration  
16 between the state and independent institutions and other information as appropriate;
- 17 (14) Establish course credit, transfer, and degree components as required in KRS  
18 164.2951;
- 19 (15) (a) Define and approve the offering of all postsecondary education technical,  
20 associate, baccalaureate, graduate, and professional degree, certificate, or  
21 diploma programs in the public postsecondary education institutions. The  
22 council shall not approve a new degree, certificate, or diploma program that  
23 includes a requirement for a course or training of which the primary purpose  
24 is to indoctrinate participants with a discriminatory concept.
- 25 (b) The council shall expedite wherever possible the approval of requests from  
26 the Kentucky Community and Technical College System board of regents  
27 relating to new certificate, diploma, technical, or associate degree programs of

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

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

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

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

27 (18) Review proposals and make recommendations to the Governor regarding the



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

1 education program for new members of the council and the governing boards  
2 and continuing education opportunities for all council and board members.  
3 For new members of the council and institutional governing boards, the  
4 council shall:

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

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

27 (c) Review and approve the orientation programs of each public university and

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

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

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

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