

1 AN ACT relating to public postsecondary education institutions.

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

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

4 The Council on Postsecondary Education in Kentucky shall:

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

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

7 (8) (a) Determine tuition and mandatory student fees and approve the minimum
8 qualifications for admission to the state postsecondary educational system in
9 accordance with the following:

10 1. Tuition and mandatory student fees shall not be increased for any
11 program more than five percent (5%) in any one (1) year for incoming
12 Kentucky resident students and seven percent (7%) in any one (1) year
13 for non-Kentucky resident students without approval from the General
14 Assembly;

15 2. Tuition and mandatory student fees at the University of Louisville, the
16 University of Kentucky, and the comprehensive universities shall not
17 be increased for a Kentucky resident student unless the student:

18 a. Completes four (4) years of continuous enrollment at the
19 institution;

20 b. Graduates from a baccalaureate or graduate program at the
21 institution; or

22 c. Fails to maintain continuous enrollment;

23 3. If a Kentucky resident student remains enrolled at the University of
24 Louisville, the University of Kentucky, or a comprehensive university
25 after four (4) years, the tuition and mandatory student fees charged to
26 the student by that institution for any subsequent term in the program
27 shall not exceed the amount of tuition and mandatory student fees for

1 an incoming Kentucky resident student in the same program that
2 term;

3 4. If a Kentucky resident student fails to maintain continuous enrollment
4 at the University of Louisville, the University of Kentucky, or a
5 comprehensive university, the tuition and mandatory student fees
6 charged to the student for any subsequent term in that program shall
7 not exceed the amount of tuition and mandatory student fees for an
8 incoming Kentucky resident student in the same program that term;

9 5. An institution shall notify any non-Kentucky resident student or
10 continuing Kentucky resident student of any increase in tuition or
11 mandatory student fees that would impact the student at least four (4)
12 months prior to the effective date of the increase;

13 6. An increase in tuition and mandatory student fees for any program
14 shall be determined by the council and approved by a governing board
15 no later than the March 1 prior to the start of the academic year for
16 which the increase will first apply; and

17 7. As used in this paragraph:

18 a. "Continuous enrollment" means maintaining at least part-time
19 registration at the institution during the fall and spring semester
20 of each academic year;

21 b. "Mandatory student fee" means any fee or cost assessed to all
22 students enrolled in an institution or program of study that is not
23 tuition, including but not limited to any student recreation or
24 activity fee, student government fee, student health plan,
25 mandatory meal plan, facility fee, technology fee, or student-
26 endorsed fee; and

27 c. "Program" means an institution's undergraduate program or a

specific graduate program. A student shall not be deemed to have switched programs upon switching from one (1) undergraduate major to another.

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

25 (e) Prior to the issuance of any bonds, the Kentucky Community and
26 Technical College System shall certify in writing to the secretary of the
27 Finance and Administration Cabinet that sufficient funds have been raised to

1 meet the local match equivalent to twenty-five percent (25%) of the total
2 project cost;

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

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

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

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

- 1 (12) Require reports from the executive officer of each institution it deems necessary for
- 2 the effectual performance of its duties;
- 3 (13) Ensure that the state postsecondary system does not unnecessarily duplicate
- 4 services and programs provided by private postsecondary institutions and shall
- 5 promote maximum cooperation between the state postsecondary system and private
- 6 postsecondary institutions. Receive and consider an annual report prepared by the
- 7 Association of Independent Kentucky Colleges and Universities stating the
- 8 condition of independent institutions, listing opportunities for more collaboration
- 9 between the state and independent institutions and other information as appropriate;
- 10 (14) Establish course credit, transfer, and degree components as required in KRS
- 11 164.2951;
- 12 (15) (a) Define and approve the offering of all postsecondary education technical,
- 13 associate, baccalaureate, graduate, and professional degree, certificate, or
- 14 diploma programs in the public postsecondary education institutions. The
- 15 council shall not approve a new degree, certificate, or diploma program that
- 16 includes a requirement for a course or training of which the primary purpose
- 17 is to indoctrinate participants with a discriminatory concept.
- 18 (b) The council shall expedite wherever possible the approval of requests from
- 19 the Kentucky Community and Technical College System board of regents
- 20 relating to new certificate, diploma, technical, or associate degree programs of
- 21 a vocational-technical and occupational nature. Without the consent of the
- 22 General Assembly, the council shall not abolish or limit the total enrollment
- 23 of the general program offered at any community college to meet the goal of
- 24 reasonable access throughout the Commonwealth to a two (2) year course of
- 25 general studies designed for transfer to a baccalaureate program. This does not
- 26 restrict or limit the authority of the council, as set forth in this section, to
- 27 eliminate or make changes in individual programs within that general

1 program;

2 (16) Eliminate, in its discretion, existing programs or make any changes in existing
3 academic programs at the state's postsecondary educational institutions, taking into
4 consideration these criteria:
5 (a) Consistency with the institution's mission and the strategic agenda;
6 (b) Alignment with the priorities in the strategic implementation plan for
7 achieving the strategic agenda;
8 (c) Elimination of unnecessary duplication of programs within and among
9 institutions;
10 (d) Efforts to create cooperative programs with other institutions through
11 traditional means, or by use of distance learning technology and electronic
12 resources, to achieve effective and efficient program delivery; and
13 (e) Alignment with KRS 164.2895, including the elimination of any program that
14 includes a requirement for a course or training of which the primary purpose
15 is to indoctrinate participants with a discriminatory concept;

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

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

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

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

1 KRS 161.028;

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

9 (22) Maintain procedures for the approval of a designated receiver to provide for the
10 maintenance of student records of the public institutions of higher education and the
11 colleges as defined in KRS 164.945, and institutions operating pursuant to KRS
12 165A.310 which offer collegiate level courses for academic credit, which cease to
13 operate. Procedures shall include assurances that, upon proper request, subject to
14 federal and state laws and regulations, copies of student records shall be made
15 available within a reasonable length of time for a minimum fee;

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

19 (24) (a) Develop in cooperation with each public university and the Kentucky
20 Community and Technical College System a comprehensive orientation and
21 education program for new members of the council and the governing boards
22 and continuing education opportunities for all council and board members.
23 For new members of the council and institutional governing boards, the
24 council shall:

25 1. Ensure that the orientation and education program comprises six (6)
26 hours of instruction time and includes but is not limited to information
27 concerning the roles of the council and governing board members, the

strategic agenda and the strategic implementation plan, and the respective institution's mission, budget and finances, strategic plans and priorities, institutional policies and procedures, board fiduciary responsibilities, legal considerations including open records and open meetings requirements, ethical considerations arising from board membership, and the board member removal and replacement provisions of KRS 63.080;

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

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;

(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

(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;

(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;

(26) Select and appoint a president of the council under KRS 164.013;

- 1 (27) Employ consultants and other persons and employees as may be required for the
- 2 council's operations, functions, and responsibilities;
- 3 (28) Promulgate administrative regulations, in accordance with KRS Chapter 13A,
- 4 governing its powers, duties, and responsibilities as described in this section;
- 5 (29) Prepare and present by January 31 of each year an annual status report on
- 6 postsecondary education in the Commonwealth to the Governor, the Strategic
- 7 Committee on Postsecondary Education, and the Legislative Research Commission;
- 8 (30) Consider the role, function, and capacity of independent institutions of
- 9 postsecondary education in developing policies to meet the immediate and future
- 10 needs of the state. When it is found that independent institutions can meet state
- 11 needs effectively, state resources may be used to contract with or otherwise assist
- 12 independent institutions in meeting these needs;
- 13 (31) Create advisory groups representing the presidents, faculty, nonteaching staff, and
- 14 students of the public postsecondary education system and the independent colleges
- 15 and universities;
- 16 (32) Develop a statewide policy to promote employee and faculty development in state
- 17 and locally operated secondary area technology centers through the waiver of
- 18 tuition for college credit coursework in the public postsecondary education system.
- 19 Any regular full-time employee of a state or locally operated secondary area
- 20 technology center may, with prior administrative approval of the course offering
- 21 institution, take a maximum of six (6) credit hours per term at any public
- 22 postsecondary institution. The institution shall waive the tuition up to a maximum
- 23 of six (6) credit hours per term. The employee shall complete the Free Application
- 24 for Federal Student Aid to determine the level of need and eligibility for state and
- 25 federal financial aid programs. The amount of tuition waived shall not exceed the
- 26 cost of tuition at the institution less any state or federal grants received, which shall
- 27 be credited first to the student's tuition;

1 (33) Participate with the Kentucky Department of Education, the Kentucky Board of
2 Education, and postsecondary education institutions to ensure that academic content
3 requirements for successful entry into postsecondary education programs are
4 aligned with high school content standards and that students who master the high
5 school academic content standards shall not need remedial courses. The council
6 shall monitor the results on an ongoing basis;

7 (34) Cooperate with the Kentucky Department of Education and the Education
8 Professional Standards Board in providing information sessions to selected
9 postsecondary education content faculty and teacher educators of the high school
10 academic content standards as required under KRS 158.6453(2)(l);

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

13 (36) Pursuant to KRS 63.080, review written notices from the Governor or from a board
14 of trustees or board of regents concerning removal of a board member or the entire
15 appointed membership of a board, investigate the member or board and the conduct
16 alleged to support removal, and make written recommendations to the Governor
17 and the Legislative Research Commission as to whether the member or board
18 should be removed; and

19 (37) 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 2. This Act may be cited as the Kentucky Student Tuition Protection
25 and Accountability Act.

26 ➔Section 3. This Act takes effect July 1, 2029.