

1 AN ACT relating to postsecondary education.

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

3 ➔Section 1. KRS 164.001 is amended to read as follows:

4 As used in this chapter, unless the context requires otherwise:

5 (1) "Administrator" means the chief executive officer of the institution;

6 (2) "Adult basic education" means instruction in mathematics, science, social studies,
7 reading, language arts, and related areas to enable individuals to better function in
8 society;

9 (3) "Benchmarks" means objective measures developed where applicable or practical
10 by the Council on Postsecondary Education to judge the performance of the
11 postsecondary education system and progress toward the goals of postsecondary
12 education in the Commonwealth~~as stated in KRS 164.003(2)~~;

13 (4) "Board" or "governing board" means the board of trustees for the University of
14 Kentucky or the University of Louisville, the board of regents for a comprehensive
15 university, or the board of regents for the Kentucky Community and Technical
16 College System;

17 (5) "Board of regents" means the governing board of each comprehensive university
18 and the Kentucky Community and Technical College System;

19 (6) ~~{"Committee" means the Strategic Committee on Postsecondary Education created
20 in KRS 164.004;}~~

21 (7) "Comprehensive university" means the following public institutions: Eastern
22 Kentucky University, Kentucky State University, Morehead State University,
23 Murray State University, Northern Kentucky University, and Western Kentucky
24 University;

25 (7)~~(8)~~ "Council" means the Council on Postsecondary Education created in KRS
26 164.011;

27 (8)~~(9)~~ "Customized training" means training in specific academic areas, work

1 processes, or technical skills that are designed to serve a specific industry or
2 industries to upgrade worker skills;

3 (9)~~(10)~~ "Goals" means the six (6) goals specified in KRS 164.003(2);

4 (11)~~(11)~~ "Independent institution" means a nonpublic postsecondary education institution in
5 Kentucky whose instruction is not solely sectarian in nature, is accredited by a
6 regional accrediting association recognized by the United States Department of
7 Education, and is licensed by the Council on Postsecondary Education;

8 (10)~~(12)~~ "Institution" means a university, college, community college, health
9 technology center, vocational-technical school, technical institute, technical college,
10 technology center, or the Kentucky Community and Technical College System;

11 (11)~~(13)~~ "Kentucky Community and Technical College System" means the system
12 composed of public community and technical colleges, including those
13 postsecondary institutions operated by the former Cabinet for Workforce
14 Development and those community colleges in the University of Kentucky
15 Community College System on May 30, 1997.

16 The system also includes institutions created by the board of regents for the
17 Kentucky Community and Technical College System and approved by the General
18 Assembly;

19 (12)~~(14)~~ "Literacy" means an individual's ability to read, write, and speak in English
20 and compute and solve problems at levels of proficiency necessary to function on
21 the job and in society to achieve one's goals and develop one's knowledge and
22 potential;

23 (13)~~(15)~~ "Lower division academic course" means any academic course offered for
24 college or university credit that is designated as a freshman or sophomore level
25 academic course;

26 (14)~~(16)~~ "Nonteaching personnel" means any employee who is a full-time staff
27 member, excluding a president, chancellor, vice president, academic dean,

1 academic department chair, or administrator;

2 (15){(17)} "Postsecondary education system" means the following public institutions:

3 University of Kentucky, University of Louisville, Eastern Kentucky University,

4 Kentucky State University, Morehead State University, Murray State University,

5 Northern Kentucky University, Western Kentucky University, and the Kentucky

6 Community and Technical College System;

7 (16){(18) "P-16 council" or "council of partners" means a local or state council that is

8 composed of educators from public and private preschools, elementary, secondary,

9 and postsecondary education institutions, local board of education members, and

10 may include community and business representatives that have voluntarily

11 organized themselves for the purpose of improving the alignment and quality of the

12 education continuum from preschool through postsecondary education as well as

13 student achievement at all levels;

14 {19)} "Public" means operated with state support;

15 (17){(20)} "Relative" means a person's father, mother, brother, sister, husband, wife, son,

16 daughter, aunt, uncle, son-in-law, or daughter-in-law;

17 (18){(21)} "Remedial education" means any program, course, or activity that is designed

18 specifically for students who have basic deficiencies in reading, written or oral

19 communication, mathematics, study skills, or other skills necessary to do beginning

20 postsecondary work as defined by the institution;

21 {22)} "Standardized degree program" means a program, approved by the Council on

22 Postsecondary Education, that consists of specific competencies, curriculum, and

23 performance requirements regardless of the providing institution;

24 (19){(23)} "Strategic agenda" means the state strategic postsecondary education agenda

25 described in KRS 164.0203;

26 (20){(24)} "Technical institution" means an educational institution that offers

27 certificates, diplomas, or technical degrees in technical or occupational-related

1 programs, including a facility called a vocational-technical school, technical
2 institute, health technology center, technology center, technical college, or similar
3 designation; and

4 (21)-(25) "Learning outcomes" means the knowledge, skills, and abilities that students
5 have attained as a result of their involvement in a particular set of educational
6 experiences.

7 ➔Section 2. KRS 164.013 is amended to read as follows:

8 (1) The Council on Postsecondary Education shall set the qualifications for the position
9 of president of the council. ~~Except for the first president appointed under~~
10 subsection (2) of this section, ~~the~~ The council may employ a search firm and conduct a
11 nationwide search for candidates. Any search firm employed by the council shall
12 consider, interview, and propose three (3) or more candidates for the position of
13 president. The council may seek additional names from the search firm or from
14 other sources.

15 (2) ~~In the selection of candidates for the first president of the Council on~~
16 ~~Postsecondary Education, the Strategic Committee on Postsecondary Education~~
17 ~~shall serve as a search committee, employing a search firm for assistance. The~~
18 ~~committee shall recommend three (3) candidates to be considered by the council~~
19 ~~and shall repeat this process until it finds a satisfactory person to appoint as the first~~
20 ~~president of the council.~~

21 (3) ~~The president shall possess an excellent academic and administrative background,~~
22 ~~have strong communication skills, have significant experience and an established~~
23 ~~reputation as a professional in the field of postsecondary education, and shall not~~
24 ~~express, demonstrate, or appear to have an institutional or regional bias in his or her~~
25 ~~actions.~~

26 (3)-(4) The president shall be the primary advocate for postsecondary education and
27 advisor to the Governor and the General Assembly on matters of postsecondary

1 education in Kentucky. As the primary advocate for postsecondary education, the
2 president shall work closely with the ~~committee and the~~ elected leadership of the
3 Commonwealth to ensure that they are fully informed about postsecondary
4 education issues and that the council fully understands the goals for postsecondary
5 education ~~in the Commonwealth [that the General Assembly has established in KRS~~
6 ~~164.003(2)]~~.

7 ~~(4)~~
8 ~~(5)~~ The president may design and develop for review by the council new
statewide initiatives in accordance with the strategic agenda.

9 ~~(5)~~
10 ~~(6)~~ (a) The council shall set the salary of the president at an amount no greater
than the salary the president was receiving on January 1, 2012.
11 (b) The salary of the president shall be exempt from state employee salary
12 limitations as set forth in KRS 64.640.

13 ~~(6)~~
14 ~~(7)~~ The president shall be accorded a contract to serve for a term not to exceed
five (5) years, which is renewable at the pleasure of the council.

15 ~~(7)~~
16 ~~(8)~~ The president shall determine the staffing positions and organizational
structure necessary to carry out the responsibilities of the council and may employ
17 staff. All personnel positions of the Council on Higher Education, as of May 30,
18 1997, with the exception of the position of executive director, shall be transferred to
19 the Council on Postsecondary Education. All personnel shall be transferred at the
20 same salary and benefit levels. Notwithstanding the provisions of KRS 11A.040,
21 any person employed by the Council on Higher Education prior to May 30, 1997,
22 may accept immediate employment with any governmental entity or any
23 postsecondary education organization or institution in the Commonwealth and may
24 carry out the employment duties assigned by that entity, organization, or institution.

25 ~~(8)~~
26 ~~(9)~~ The president shall be responsible for the day-to-day operations of the council
and shall report and submit annual reports on the strategic implementation plan of
27 the strategic agenda, carry out policy and program directives of the council, prepare

1 and submit to the council for its approval the proposed budget of the council, and
2 perform all other duties and responsibilities assigned by state law.

3 ~~(9)~~⁽¹⁰⁾ With approval of the council, the president may enter into agreements with
4 any state agency or political subdivision of the state, any state postsecondary
5 education institution, or any other person or entity to enlist staff assistance to
6 implement the duties and responsibilities under KRS 164.020.

7 ~~(10)~~⁽¹¹⁾ The president shall be reimbursed for all actual and necessary expenses
8 incurred in the performance of all assigned duties and responsibilities.

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

10 The Council on Postsecondary Education in Kentucky shall:

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

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

17 (3) Develop a system of public accountability related to the strategic agenda by
18 evaluating the performance and effectiveness of the state's postsecondary system.
19 The council shall prepare a report in conjunction with the accountability reporting
20 described in KRS 164.095, which shall be submitted to ~~the committee,~~ the
21 Governor~~,~~ and the General Assembly by December 1 annually. This report shall
22 include a description of contributions by postsecondary institutions to the quality of
23 elementary and secondary education in the Commonwealth;

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

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

(75%) of the total projects cost of the Kentucky Community and Technical College System agency bond projects included in 2014 Ky. Acts ch. 117, Part II, J., 11.

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

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

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

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

22 (10) Lead and provide staff support for the biennial budget process as provided under
23 KRS Chapter 48~~l, in co-operation with the committee~~;

24 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all
25 capital construction projects covered by KRS 45.750(1)(f), including real
26 property acquisitions, and regardless of the source of funding for projects or
27 acquisitions. Approval of capital projects and real property acquisitions shall

1 be on a basis consistent with the strategic agenda and the mission of the
2 respective universities and the Kentucky Community and Technical College
3 System.

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

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

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

20 (14) Establish course credit, transfer, and degree components as required in KRS
21 164.2951;

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

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

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

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

16 (b) Alignment with the priorities in the strategic implementation plan for
17 achieving the strategic agenda;

18 (c) Elimination of unnecessary duplication of programs within and among
19 institutions;

20 (d) Efforts to create cooperative programs with other institutions through
21 traditional means, or by use of distance learning technology and electronic
22 resources, to achieve effective and efficient program delivery; and

23 (e) Alignment with KRS 164.2895, including the elimination of any 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 (17) Ensure the governing board and faculty of all postsecondary education institutions
27 are committed to providing instruction free of discrimination against students who

1 hold political views and opinions contrary to those of the governing board and
2 faculty;

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

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

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

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

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

26 (23) Monitor and transmit a report on compliance with KRS 164.351 to the director of
27 the Legislative Research Commission for distribution to the Interim Joint

1 Committee on Families and Children;

2 (24) (a) Develop in cooperation with each public university and the Kentucky
3 Community and Technical College System a comprehensive orientation and
4 education program for new members of the council and the governing boards
5 and continuing education opportunities for all council and board members.
6 For new members of the council and institutional governing boards, the
7 council shall:

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

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

21 3. Provide an annual report to the Governor and Legislative Research
22 Commission of those new board members who do not complete the
23 required orientation and education program; and

24 4. Invite governing board members of private colleges and universities
25 licensed by the Council on Postsecondary Education to participate in the
26 orientation and education program described in this subsection;

27 (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;

(27) Employ consultants and other persons and employees as may be required for the council's operations, functions, and responsibilities;

(28) Promulgate administrative regulations, in accordance with KRS Chapter 13A, governing its powers, duties, and responsibilities as described in this section;

(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;~~

(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 independent institutions in meeting these needs;

(31) Create advisory groups representing the presidents, faculty, nonteaching staff, and students of the public postsecondary education system and the independent colleges and universities;

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

1 and locally operated secondary area technology centers through the waiver of
2 tuition for college credit coursework in the public postsecondary education system.
3 Any regular full-time employee of a state or locally operated secondary area
4 technology center may, with prior administrative approval of the course offering
5 institution, take a maximum of six (6) credit hours per term at any public
6 postsecondary institution. The institution shall waive the tuition up to a maximum
7 of six (6) credit hours per term. The employee shall complete the Free Application
8 for Federal Student Aid to determine the level of need and eligibility for state and
9 federal financial aid programs. The amount of tuition waived shall not exceed the
10 cost of tuition at the institution less any state or federal grants received, which shall
11 be credited first to the student's tuition;

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

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

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

24 (36) Pursuant to KRS 63.080, review written notices from the Governor or from a board
25 of trustees or board of regents concerning removal of a board member or the entire
26 appointed membership of a board, investigate the member or board and the conduct
27 alleged to support removal, and make written recommendations to the Governor

1 and the Legislative Research Commission as to whether the member or board
2 should be removed; and

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

8 ➔Section 4. KRS 164.0211 is amended to read as follows:

9 (1) **The Board of Student Body Presidents is hereby created as an advisory board and**
10 **shall be attached to the Council on Postsecondary Education for administration**
11 **and organization purposes.**

12 (2) **The board shall consist of** the student body president of each four (4) year public
13 university, [the]two (2) student regents to be designated by the board of regents of
14 the Kentucky Community and Technical College System, and one (1) student body
15 president representing the members of the Association of Independent Kentucky
16 Colleges and Universities[~~shall serve on an advisory board to be known as the~~
17 ~~Board of Student Body Presidents~~]. The student body president representing the
18 independent colleges and universities shall be selected under a process established
19 by the Association of Independent Kentucky Colleges and Universities.

20 (3)[(2)] The Board of Student Body Presidents shall advise the legislative and
21 executive branches regarding postsecondary education issues and concerns of
22 students.

23 (4)[(3)] At least once each year, the Board of Student Body Presidents shall meet with
24 the Council on Postsecondary Education and the Advisory Conference of
25 Presidents.

26 (5)[(4)] The Board of Student Body Presidents shall submit the names of three (3)
27 nominees to the Governor for consideration in the appointment of a student member

1 to the Council on Postsecondary Education pursuant to KRS 164.011.

2 ➔Section 5. KRS 164.321 is amended to read as follows:

3 (1) (a) Eastern Kentucky University, Morehead State University, Murray State
4 University, Western Kentucky University, Kentucky State University,
5 Northern Kentucky University, and the Kentucky Community and Technical
6 College System shall each be governed by a board of regents appointed for a
7 term set by law pursuant to Section 23 of the Constitution of Kentucky.

8 (b){(a)} Each board of the comprehensive universities shall consist of eight (8)
9 members appointed by the Governor, one (1) member of the teaching faculty,
10 one (1) member of the university nonteaching personnel, and one (1) member
11 of the student body of the respective university or college. The members
12 appointed by the Governor shall be subject to confirmation by the Senate. The
13 members of the board shall select a chairperson annually.

14 (c){(b)} The board of the Kentucky Community and Technical College System
15 shall consist of eight (8) members appointed by the Governor, two (2)
16 members of the teaching faculty, two (2) members of the nonteaching
17 personnel, and two (2) members of the student body. The members appointed
18 by the Governor shall be subject to confirmation by the Senate.

19 1. No more than three (3) appointed members of the board shall reside in
20 any one (1) judicial district of the Kentucky Supreme Court as of the
21 date of the appointment.

22 2. A change in residency of a gubernatorial appointee after the date of
23 appointment shall not affect the appointee's ability to serve or eligibility
24 for reappointment, except an appointee who assumes residency outside
25 the fifty (50) United States shall become immediately ineligible to serve.

26 The Council on Postsecondary Education shall notify the appointee of
27 his or her ineligibility to serve.

1 3. In making initial appointments, the Governor shall act so as to provide
2 equal representation of the two (2) sexes. In filling vacancies, the
3 Governor shall act so as to provide, inasmuch as possible, equal
4 representation of the two (2) sexes by appointing a member of the sex
5 that is the lesser represented at the time of the appointment. If the
6 remaining membership already has an equal number of males and
7 females, the Governor may appoint a member of either sex.

8 (2) The terms of appointed members shall be for six (6) years and until their
9 successors are appointed and qualified, unless a member is removed by the
10 Governor pursuant to KRS 63.080(2), (3), or (4). ~~], except the initial
11 appointments to the board of regents for the Kentucky Community and
12 Technical College System shall be as follows:~~

13 (a) ~~One (1) member shall serve a one (1) year term;~~
14 (b) ~~One (1) member shall serve a two (2) year term;~~
15 (c) ~~Two (2) members shall serve three (3) year terms;~~
16 (d) ~~One (1) member shall serve a four (4) year term;~~
17 (e) ~~One (1) member shall serve a five (5) year term; and~~
18 (f) ~~Two (2) members shall serve six (6) year terms.~~

19 ~~]New appointees of a board of regents shall not serve for more than two (2)
20 consecutive terms.~~

21 (3) The gubernatorial appointments may include one (1) graduate of the respective
22 institution who resides outside the Commonwealth. Not more than two (2)
23 appointed members of any board shall be residents of one (1) county. The
24 appointments shall reflect the proportional representation of the two (2) leading
25 political parties of the Commonwealth based on the state's voter registration and the
26 political affiliation of each appointee as of December 31 of the year preceding the
27 date of his or her appointment. A particular political affiliation shall not be a

1 prerequisite to appointment to any board generally; however, if any person is
2 appointed to a board that does not represent either of the two (2) leading political
3 parties of the Commonwealth, the proportional representation by political affiliation
4 requirement shall be determined and satisfied based on the total number of
5 members on the board less any members not affiliated with either of the two (2)
6 leading political parties. Membership on the board shall reflect no less than
7 proportional representation of the minority racial composition of the
8 Commonwealth based on the total minority racial population using the most recent
9 census or estimate data from the United States Census Bureau. If the determination
10 of proportional minority representation does not result in a whole number of
11 minority members, it shall be rounded up to the next whole number. Membership
12 on the board shall not be incompatible with any state office. A change in residency
13 after the date of appointment shall not affect a member's ability to serve nor shall it
14 prevent a member's eligibility for reappointment, except a member who assumes
15 residency outside the fifty (50) United States shall become immediately ineligible
16 to serve. The Council on Postsecondary Education shall notify the appointee of his
17 or her ineligibility to serve.

18 (4) Appointments to fill vacancies shall be made in the same manner and within the
19 same time after the occurrence of the vacancy as regular appointments. The person
20 appointed shall hold the position for the unexpired term only.

21 (5) Each member of the board shall serve for the term for which the member is
22 appointed and until a successor is appointed and qualified, unless a member is
23 removed by the Governor pursuant to KRS 63.080(2), (3), or (4).

24 (6) (a) The faculty member of a comprehensive university shall be a teaching or
25 research member of the faculty of his or her respective university of the rank
26 of assistant professor or above. The faculty member shall be elected by secret
27 ballot by all faculty members of his or her university of the rank of instructor,

7 (b) The faculty members of the Kentucky Community and Technical College
8 System shall be represented by one (1) faculty member elected from the
9 community colleges and one (1) faculty member elected from the technical
10 institutions to serve three (3) year terms and until their successors are named.
11 The faculty representative of each branch shall be elected by means of a
12 process established by the board. The faculty members may be reelected but
13 shall not serve more than two (2) consecutive terms. A faculty member shall
14 be ineligible to continue to serve as a member of the board if he or she ceases
15 to be a member of the faculty at one (1) of the institutions within the system.
16 Elections to fill vacancies shall be for the unexpired term in the same manner
17 as provided for the original election. These two (2) members shall collectively
18 have one (1) vote which may be cast one-half (1/2) vote by each member.

19 (7) (a) The nonteaching personnel member in a comprehensive university shall be
20 any full-time staff member excluding the president, vice presidents, academic
21 deans, and academic department chairpersons. He or she shall represent all
22 nonteaching university employees including, but not limited to, building
23 facilities and clerical personnel. The member shall be elected by secret ballot
24 by the nonteaching employees. The nonteaching personnel member shall
25 serve a term of three (3) years and until a successor is elected and qualified.
26 The nonteaching personnel member shall be eligible for reelection, but he or
27 she shall not be eligible to continue to serve as a member of the board if he or

1 she ceases being an employee of the university. Elections to fill vacancies
2 shall be for the unexpired term in the same manner as provided for the
3 original election.

4 (b) The nonteaching personnel members in the Kentucky Community and
5 Technical College System shall be any full-time staff member excluding a
6 president, chancellor, vice president, academic dean, academic department
7 chair, or other administrator. They shall represent all nonteaching employees
8 in their respective branch institutions including, but not limited to, support
9 and clerical personnel. One (1) member shall be a representative from the
10 community colleges and one (1) member shall be a representative from the
11 technical institutions. They shall serve three (3) year terms and until their
12 successors are named. These two (2) members shall collectively have one (1)
13 vote which may be cast one-half (1/2) vote by each member. The nonteaching
14 personnel members of each branch shall be elected by means of a process
15 established by the board. A nonteaching personnel member may be reelected
16 but shall not serve more than two (2) consecutive terms. A nonteaching
17 employee shall be ineligible to continue to serve as a member of the board if
18 that employee ceases to be a nonteaching employee at one (1) of the
19 institutions within the system. Elections to fill vacancies shall be for the
20 unexpired term in the same manner as provided for the original election.

21 (8) (a) The student member on a comprehensive university board shall serve a one
22 (1) year term beginning on July 1 after being elected and sworn in as student
23 body president and ending on the following June 30. If the student member
24 does not maintain the position as student body president or the status as a full-
25 time student at any time during that academic year, a special election shall be
26 held to select a full-time student member. The elected student member shall
27 serve for the remainder of the unexpired term.

1 (b) Two (2) full-time student members shall be elected to the board of regents for
2 the Kentucky Community and Technical College System. One (1) shall
3 represent students of the community colleges and one (1) shall represent the
4 technical institutions. The student members shall be elected by means of a
5 process established by the board. The student members shall serve one (1)
6 year terms beginning on July 1 after being elected and sworn in as a student
7 member of the board and ending on the following June 30. If the student
8 member does not maintain the status as a full-time student, a special election
9 shall be held to fill the vacancy for the remainder of the unexpired term. The
10 two (2) members shall collectively have one (1) vote which may be cast one-
11 half (1/2) vote by each member.

12 (9) All appointed and elected persons shall be required to attend and complete an
13 orientation and education program prescribed by the council under KRS
14 164.020(24), as a condition of their service and eligibility for appointment or
15 election to a second term.

16 (10) Board members may be removed by the Governor under the following
17 circumstances:

18 (a) For cause, pursuant to KRS 63.080(2); or
19 (b) Pursuant to KRS 63.080(3) or (4).

20 (11) The inability of the board or boards of the comprehensive universities or Kentucky
21 Community and Technical College System to hold quarterly meetings, to elect a
22 chairperson annually, to establish a quorum, to adopt an annual budget, to set
23 tuition rates, to conduct an annual evaluation of the president of the university or
24 system, to carry out its primary function to periodically evaluate the university's or
25 system's progress in implementing its mission, goals, and objectives to conform to
26 the strategic agenda, or to otherwise perform its duties under KRS 164.350 shall be
27 cause for the Governor to remove all appointed members of the board or boards and

1 replace the entire appointed membership pursuant to KRS 63.080(4).

2 ➔Section 6. KRS 15.257 is amended to read as follows:

3 (1) The Office of the Attorney General shall, within ninety (90) days of June 20, 2005,
4 and thereafter, within ninety (90) days of the effective date of any legislation
5 amending the provisions of the Open Meetings Act or the Open Records Act,
6 distribute to all county judge/executives, mayors, county attorneys, city attorneys,
7 superintendents of public school districts, presidents of each of the state public
8 postsecondary education institutions identified in KRS 161.220(4)(b) or Section 1
9 of this Act~~[164.001(13) or (17)]~~, and attorneys of public school districts and public
10 postsecondary education institutions throughout Kentucky written information
11 prepared by the Office of the Attorney General that explains the procedural and
12 substantive provisions of the Open Meetings Act, KRS 61.805 to 61.850, and the
13 Open Records Act, KRS 61.870 to 61.884, together with the information required
14 by KRS 171.223 to be prepared by the Department for Libraries and Archives
15 concerning proper retention and management of public records. This distribution
16 may be by electronic means.

17 (2) All superintendents of public school districts and the presidents of each of the state
18 public postsecondary education institutions identified in KRS 161.220(4)(b) or
19 Section 1 of this Act~~[164.001 (13) or (17)]~~ shall be responsible for designating and
20 submitting the names and addresses of the attorneys to whom this information shall
21 be disseminated to the Office of the Attorney General.

22 ➔Section 7. KRS 164.011 is amended to read as follows:

23 (1) There is hereby created and established a Council on Postsecondary Education in
24 Kentucky as an agency, instrumentality, and political subdivision of the
25 Commonwealth and a public body corporate and politic having all powers, duties,
26 and responsibilities as are provided to it by law, appointed for a term set by law
27 pursuant to Section 23 of the Constitution of Kentucky. The council shall be

1 composed of the commissioner of education, a faculty member, a student member,
2 and thirteen (13) citizen members appointed by the Governor. The citizen members
3 shall be confirmed by the Senate under KRS 11.160, and the commissioner of
4 education shall serve as a nonvoting ex officio member. Citizen council members
5 shall be selected from a list of nominees provided to the Governor under the
6 nominating process set forth in KRS 164.005. If the General Assembly is not in
7 session at the time of the appointment, persons appointed shall serve prior to
8 confirmation, but the Governor shall seek the consent of the Senate at the next
9 regular session or at an intervening extraordinary session if the matter is included in
10 the call of the General Assembly.

11 (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary
12 Education Nominating Committee shall submit nominations to the Governor as set
13 forth in KRS 164.005. On making appointments to the council, the Governor shall
14 ensure broad geographical and political representation; ensure equal representation
15 of the two (2) sexes, inasmuch as possible; ensure no less than proportional
16 representation of the two (2) leading political parties of the Commonwealth based
17 on the state's voter registration and the political affiliation of each appointee as of
18 December 31 of the year preceding the date of his or her appointment; and ensure
19 that appointments reflect the minority racial composition of the Commonwealth
20 based on the total minority racial population using the most recent census or
21 estimate data from the United States Census Bureau. If the determination of
22 proportional minority representation does not result in a whole number of minority
23 members, it shall be rounded up to the next whole number. A particular political
24 affiliation shall not be a prerequisite to appointment to the council generally;
25 however, if any person is appointed to the council that does not represent either of
26 the two (2) leading political parties of the Commonwealth, the proportional
27 representation by political affiliation requirement shall be determined and satisfied

1 based on the total number of members on the council less any members not
2 affiliated with either of the two (2) leading political parties. In filling vacancies to
3 the council, the Governor shall act so as to provide, inasmuch as possible, equal
4 representation of the two (2) sexes by appointing a member of the sex that is the
5 lesser represented at the time of the appointment. If the remaining membership
6 already has an equal number of males and females, the Governor may appoint a
7 member of either sex. No more than two (2) members of the council shall hold an
8 undergraduate degree from any one (1) Kentucky university, and no more than
9 three (3) voting members of the council shall reside in any one (1) judicial district
10 of the Kentucky Supreme Court as of the date of the appointment. However, change
11 in residency after the date of appointment shall not affect the ability to serve.

12 (3) One (1) member shall be a full-time faculty member employed at a state institution
13 of postsecondary education. The faculty member shall be appointed to a four (4)
14 year term by the Governor from a list of three (3) nominees selected and submitted
15 by majority vote of the ten (10) faculty members who serve as faculty
16 representatives of the boards of trustees and boards of regents of the nine (9)
17 postsecondary education institutions.

18 (4) One (1) member shall be enrolled as a full-time student at a state institution of
19 postsecondary education and shall be selected annually in the following manner:
20 not later than June 1 of each year the eight (8) student body presidents of the four
21 (4) year state public institutions of higher education, the two (2) student members to
22 the Kentucky Community and Technical College System, and one (1) student body
23 president representing the members of the Association of Independent Kentucky
24 Colleges and Universities shall elect by majority vote three (3) nominees to submit
25 to the Governor. From this list of nominees, the Governor shall appoint a student
26 member.

27 (5) In filling any vacancies, the Governor shall ensure the continuing representation

1 upon the council of the broad constituencies as set forth in subsection (2) of this
2 section. Vacancies on the council shall be filled for the unexpired term in
3 accordance with the procedures established for the original appointments.

4 (6) Each citizen member shall serve a term of six (6) years unless removed by the
5 Governor for cause, ~~except the initial appointments shall be as follows:~~

6 (a) ~~Two (2) appointments shall expire December 31, 1997;~~
7 (b) ~~Three (3) appointments shall expire December 31, 1998;~~
8 (c) ~~Two (2) appointments shall expire December 31, 1999;~~
9 (d) ~~Two (2) appointments shall expire December 31, 2000;~~
10 (e) ~~Two (2) appointments shall expire December 31, 2001; and~~
11 (f) ~~Two (2) appointments shall expire December 31, 2002].~~

12 (7) Any person, other than the chief state school officer, holding either an elective or
13 appointive state office or who is a member of the governing board of any state
14 university in Kentucky, shall be ineligible for membership or appointment on the
15 council during his term.

16 (8) The members of the council shall elect the chair and the vice chair of the council
17 from among the council's membership, and the chair and vice chair shall serve at
18 the pleasure of the council. The vice chair shall serve as chair in the absence of the
19 chair.

20 (9) The council shall meet at least quarterly and at other times upon the call of the chair
21 or a majority of the council.

22 (10) A quorum shall be a majority of the appointive membership of the council.

23 (11) A quorum shall be required to organize and conduct the business of the council,
24 except that an affirmative vote of eight (8) or more appointive members of the
25 entire council shall be required to dismiss from employment the president of the
26 council, and to adopt or amend the state strategic postsecondary education agenda.

27 (12) New appointees to the council shall not serve more than two (2) consecutive terms.

1 (13) New appointees to the council shall complete an orientation and education program
2 set forth in KRS 164.020(24) to be eligible for appointment to a second term.

3 ➔Section 8. KRS 164.2843 is amended to read as follows:

4 Each institution of the postsecondary education system, as defined in KRS 164.001~~{(17)}~~,
5 that provides in-state tuition for nonresident children of graduates may provide the same
6 in-state tuition for nonresident siblings of graduates.

7 ➔Section 9. KRS 164.465 is amended to read as follows:

8 (1) The presidents of state postsecondary education institutions identified in KRS
9 161.220(4)(b) or 164.001~~{(13) or (17)}~~ shall distribute the written information
10 provided by the Office of the Attorney General and the Department for Libraries
11 and Archives under KRS 15.257 and 171.223 to each board of regents or governing
12 board member of their university. Distribution shall be accomplished within sixty
13 (60) days of receiving the written information from the Office of the Attorney
14 General and the Department for Libraries and Archives. Distribution to newly
15 appointed members shall be accomplished within sixty (60) days of their
16 appointment. The distribution may be by electronic means.

17 (2) The presidents of state public postsecondary education institutions, as identified in
18 subsection (1) of this section, shall require signatory proof that each board of
19 regents or governing board member has received the written information as
20 required under subsection (1) of this section, shall maintain documentation of
21 receipt on file, and shall certify to the Office of the Attorney General that the
22 written information has been distributed as required.

23 ➔Section 10. KRS 164.821 is amended to read as follows:

24 (1) The government of the University of Louisville is vested in a board of trustees
25 appointed for a term set by law pursuant to Section 23 of the Constitution of
26 Kentucky. The board shall consist of ten (10) members appointed by the Governor,
27 at least one (1) of whom shall be a graduate of the university; one (1) member of

1 the teaching faculty of the University of Louisville who shall be the chief executive
2 of the ranking unit of faculty government; one (1) member of the permanent staff of
3 the University of Louisville who shall be the chief executive of the staff senate; and
4 one (1) student member who shall be the president of the student body during the
5 appropriate academic year. The members appointed by the Governor shall be
6 subject to confirmation by the Senate.

7 (a) All appointed and elected persons shall be required to attend and complete an
8 orientation and education program prescribed by the council under KRS
9 164.020(24), as a condition of their service and eligibility for appointment or
10 election to a second term.

11 (b) Board members may be removed by the Governor under the following
12 circumstances:

- 13 1. For cause, pursuant to KRS 63.080(2); or
- 14 2. Pursuant to KRS 63.080(3) or (4).

15 (c) New appointees to the board shall not serve more than two (2) consecutive
16 terms.

17 (2) The student member shall serve a one (1) year term beginning on July 1 after being
18 elected and sworn in as student body president and ending on the following June
19 30. If the student member does not maintain the position of student body president
20 or the status of a full-time student at any time during that academic year, a special
21 election shall be held to select a full-time student member. The elected student
22 member shall serve for the remainder of the unexpired term.

23 (3) The faculty member and staff member shall serve one (1) year terms and cease to
24 be eligible for membership on the board of trustees upon termination of their
25 respective relationships with, or leadership positions within, the university, and
26 vacancies occurring for this reason shall be filled for the remainder of the respective
27 terms in the same manner.

1 (4) The gubernatorial appointments shall serve a term of six (6) years and until their
2 successors are appointed and qualified, unless a member is removed by the
3 Governor pursuant to KRS 63.080(2), (3), or (4) [, except the initial terms shall be as
4 follows:
5 (a) Two (2) members shall serve one (1) year terms;
6 (b) Two (2) members shall serve two (2) year terms;
7 (c) Two (2) members shall serve three (3) year terms;
8 (d) Two (2) members shall serve four (4) year terms;
9 (e) One (1) member shall serve a five (5) year term; and
10 (f) One (1) member shall serve a six (6) year term].
11 (5) The Governor shall make [his] at-large appointments so as to divide the appointed
12 representation upon the board to reflect:
13 (a) The proportional representation of the two (2) leading political parties in the
14 Commonwealth based on the state's voter registration and the political
15 affiliation of each appointee as of December 31 of the year preceding the date
16 of his or her appointment. A particular political affiliation shall not be a
17 prerequisite to appointment to the board generally; however, if any person is
18 appointed to the board that does not represent either of the two (2) leading
19 political parties of the Commonwealth, the proportional representation by
20 political affiliation requirement shall be determined and satisfied based on the
21 total number of members on the board less any members not affiliated with
22 either of the two (2) leading political parties; and
23 (b) No less than the proportional representation of the minority racial composition
24 of the Commonwealth based on the total minority racial population using the
25 most recent census or estimate data from the United States Census Bureau. If
26 the determination of proportional minority representation does not result in a
27 whole number of minority members, it shall be rounded up to the next whole

1 number.

2 (6) Vacancies among the appointed members of the board occurring by death,
3 resignation, or any other cause, other than expiration of a term, shall be filled by
4 appointments made by the Governor for the remainder of the unexpired term,
5 subject to the qualifications set forth in this section.

6 (7) Unless specifically approved by the board of trustees under the provisions of KRS
7 164.367, no member of the teaching or administrative staff of the university shall be
8 directly or indirectly interested in any contract with the university for the sale of
9 property, materials, supplies, equipment, or services, with the exception of
10 compensation to the faculty, staff, and student members.

11 (8) The inability of the board to hold regular meetings, to elect a chairperson annually,
12 to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an
13 annual evaluation of the president of the university, to carry out its primary function
14 to periodically evaluate the institution's progress in implementing its mission, goals,
15 and objectives to conform to the strategic agenda, or to otherwise perform its duties
16 under KRS 164.830 shall be cause for the Governor to remove all appointed
17 members of the board and replace the entire appointed membership pursuant to
18 KRS 63.080(4).

19 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
20 READ AS FOLLOWS:

21 (1) The Commonwealth Education Continuum is hereby created to advance the
22 strategic education and workforce goals of the Commonwealth from early
23 childhood through postsecondary education and workforce entry.

24 (2) (a) The continuum shall be co-chaired by the commissioner of education, the
25 president of the Council on Postsecondary Education, and the secretary of
26 the Education and Labor Cabinet, or their designees.

27 (b) *The chairs of the Interim Joint Committee on Education, or designees, shall*

1 serve as advisory members.

2 (c) The co-chairs of the continuum shall appoint all other membership as
3 necessary to carry out the responsibilities of the continuum as set forth in
4 this section.

5 (3) A majority of the full membership shall constitute a quorum.

6 (4) The continuum shall:

7 (a) Promote alignment of state education policy across early childhood,
8 elementary and secondary education, postsecondary education, and
9 workforce systems;

10 (b) Identify barriers to student progression across education sectors and
11 recommend strategies to address those barriers;

12 (c) Support statewide initiatives related to college and career readiness, credit
13 attainment and transfer pathways, workforce alignment and participation,
14 and economic mobility;

15 (d) Facilitate data sharing and coordinated planning among education and
16 workforce agencies, consistent with state and federal law;

17 (e) Monitor progress toward statewide education and workforce goals;

18 (f) Provide policy recommendations to the Governor, the General Assembly,
19 and relevant boards or agencies; and

20 (g) Reduce duplication of efforts among state agencies and education partners.

21 (5) Administrative and staff support for the continuum shall be provided by the
22 Council on Postsecondary Education, in collaboration with the Kentucky
23 Department of Education and the Education and Labor Cabinet, subject to
24 available resources.

25 (6) The continuum shall submit an annual report to the Governor and the Legislative
26 Research Commission for referral to the appropriate interim joint committee or
27 committees summarizing its activities, findings, and policy recommendations.

1 ➔Section 12. KRS 164.330 is amended to read as follows:

2 ~~Each board of regents shall hold its first meeting within thirty (30) days after each~~
3 ~~appointment of new members.~~ }At *the first meeting of the board of regents following an*
4 *appointment of a new member, unless the member was appointed to serve the*
5 *remainder of an unexpired term,* ~~[this meeting]~~ there shall be elected a vice chairperson
6 and a secretary for the board. Each board shall appoint a treasurer, and such officers as it
7 deems necessary, but no member of any of the boards shall be appointed treasurer. No
8 member of any board shall draw any salary for his *or her* services, but shall be
9 reimbursed for necessary expenditures made in going to and from each meeting of the
10 board and for other legitimate expenses, except a member who resides outside the
11 Commonwealth shall not be reimbursed for out-of-state travel. The expenses shall be
12 paid out of the funds of the appropriate institution.

13 ➔Section 13. KRS 164.0203 is amended to read as follows:

14 (1) The Council on Postsecondary Education shall adopt a strategic agenda that
15 identifies specific short-term objectives in furtherance of the long-term goals *of*
16 *postsecondary education in the Commonwealth* ~~[established in KRS 164.003(2)].~~

17 (2) (a) The purpose of the strategic agenda is to further the public purposes under
18 KRS 164.003 by creating high-quality, relevant, postsecondary education and
19 adult education opportunities in the Commonwealth. The strategic agenda
20 shall:

21 1. Serve as the public agenda for postsecondary education and adult
22 education for the citizens of the Commonwealth, providing statewide
23 priorities and a vision for long-term economic growth;

24 2. State those important issues and aspirations of the Commonwealth's
25 students, employers, and workforce reflecting high expectations for their
26 performance and the performance of the educational institutions and
27 providers that serve them; and

- 1 3. Sustain a long-term commitment for constant improvement, while
2 valuing market-driven responsiveness, accountability to the public,
3 technology-based strategies, and incentive-based motivation.
- 4 (b) The council shall develop a strategic implementation plan, which may be
5 periodically revised, to achieve the strategic agenda. The strategic agenda
6 shall serve as a guide for institutional plans and missions.
- 7 (3) The framework for the strategic implementation plan of the strategic agenda shall
8 include the following elements:
 - 9 (a) A mission statement;
 - 10 (b) Goals;
 - 11 (c) Principles;
 - 12 (d) Strategies and objectives;
 - 13 (e) Benchmarks; and
 - 14 (f) Incentives to achieve desired results.
- 15 (4) The implementation plan for the strategic agenda shall take into consideration the
16 value to society of a quality liberal arts education and the needs and concerns of
17 Kentucky's employers.
- 18 (5) The council shall develop benchmarks using criteria that shall include but not be
19 limited to:
 - 20 (a) Use of the statistical information commonly provided by governmental and
21 regulatory agencies or specific data gathered by authorization of the council;
 - 22 (b) Comparison of regions and areas within the Commonwealth and comparisons
23 of the Commonwealth to other states and the nation; and
 - 24 (c) Measures of educational attainment, effectiveness, and efficiency, including
25 but not limited to those set forth in KRS 164.095.
- 26 (6) ~~The council shall review the goals established by KRS 164.003(2) at least every
27 four (4) years and shall review its implementation plan at least every two (2) years.~~

1 (7) In developing the strategic agenda, the council shall actively seek input from the
2 Department of Education and local school districts to create necessary linkages to
3 assure a smooth and effective transition for students from the elementary and
4 secondary education system to the postsecondary education system. Upon
5 completion of the strategic agenda and strategic implementation plan, the council
6 shall distribute copies to each local school district.

7 (7)(8) The strategic agenda shall include a long-term strategy, developed in
8 partnership with the Office of Adult Education, for raising the knowledge and skills
9 of Kentucky's adult population, and ensuring lifelong learning opportunities for all
10 Kentucky adults, drawing on the resources of all state government cabinets and
11 agencies, business and civic leadership, and voluntary organizations.

12 ➔Section 14. KRS 164.7911 is amended to read as follows:

13 (1) There is established and created in the Council on Postsecondary Education a
14 Strategic Investment and Incentive Funding Program for postsecondary education
15 to consist of a system of strategic financial assistance awards to institutions,
16 systems, agencies, and programs of postsecondary education to advance the goals
17 of postsecondary education *in the Commonwealth*~~as stated in KRS 164.003(2)~~.
18 There are established in the State Treasury the following individual strategic
19 investment and incentive trust funds:

20 (a) A research challenge trust fund;
21 (b) A comprehensive university excellence trust fund;
22 (c) A technology initiative trust fund;
23 (d) A physical facilities trust fund;
24 (e) A postsecondary workforce development trust fund; and
25 (f) A student financial aid and advancement trust fund.

26 (2) The funding program and the individual trust funds are created to provide financial
27 assistance to the institutions, systems, agencies, and programs of postsecondary

1 education each fiscal biennium. It is the intent of the General Assembly to make
2 appropriations, including general fund appropriations, each fiscal biennium to each
3 of the individual trust funds in the funding program in a form and manner consistent
4 with the strategic agenda adopted by the Council on Postsecondary Education.
5 Appropriations made to individual trust funds in the Strategic Investment and
6 Incentive Funding Program shall not lapse at the end of a fiscal year but shall be
7 carried forward in the respective trust fund accounts and shall be available for
8 allotment for their respective purposes in the next fiscal year.

9 ➔Section 15. KRS 164.7917 is amended to read as follows:

10 (1) (a) The research challenge trust fund created by KRS 164.7911 may include
11 separate, subsidiary programs and related accounts, such as an Endowed
12 Professorship Matching Program, an Endowed Chairs Matching Program, an
13 External Research Grant Matching Program, a Graduate Assistant Program, a
14 Junior Faculty Research Encouragement Program, or other programs and
15 related accounts as determined through the biennial budget process for the
16 Council on Postsecondary Education.

17 (b) Appropriations to the research challenge trust fund are to encourage research
18 activities at the University of Kentucky and at the University of Louisville~~so~~
19 ~~that these institutions may achieve the goals established in KRS 164.003(2)~~.

20 (c) Funds appropriated to the research challenge trust fund shall be apportioned
21 two-thirds (2/3) to the University of Kentucky and one-third (1/3) to the
22 University of Louisville.

23 (2) The Council on Postsecondary Education shall develop the criteria and process for
24 submission of an application under this section. The evaluation of all applications
25 for support of specific faculty research projects, if such projects are included in the
26 university's plan for use of research trust funds, shall be subject to review and
27 ranking by an external panel of experts appointed according to guidelines and

1 procedures approved by the council in consultation with the University of Kentucky
2 and the University of Louisville. The University of Kentucky and the University of
3 Louisville may apply to the council for financial assistance from the research
4 challenge trust fund. The council shall determine the matching funds or internal
5 reallocation requirements from the applicants to qualify for funding. Financial
6 assistance that may be awarded by the council shall be consistent with the adopted
7 strategic agenda, the biennial budget process, and the availability of any resources
8 to the research challenge trust fund.

9 ➔Section 16. KRS 164.7919 is amended to read as follows:

10 (1) (a) The comprehensive university excellence trust fund created by KRS 164.7911
11 shall consist of six (6) separate accounts: one (1) for Eastern Kentucky
12 University; one (1) for Kentucky State University; one (1) for Morehead State
13 University; one (1) for Murray State University; one (1) for Northern
14 Kentucky University; and one (1) for Western Kentucky University.

15 (b) Funds appropriated to the comprehensive university excellence trust fund or
16 any subsidiary fund created by the Council on Postsecondary Education shall
17 be apportioned to each of the comprehensive universities proportional to their
18 respective share of total general fund appropriations in each fiscal year,
19 excluding debt service appropriations and specialized, noninstructional
20 appropriations.

21 (c) The purpose of the comprehensive university excellence trust fund is to
22 provide financial assistance to encourage comprehensive universities to
23 develop at least one (1) nationally recognized program of distinction or at
24 least one (1) nationally recognized applied research program{~~consistent with~~
25 ~~the goals established in KRS 164.003(2)}~~}.

26 (2) The council shall develop the criteria and process for submission of an application
27 under this section. Each university may apply to the council for financial assistance

1 from the comprehensive university excellence trust fund. The council shall
2 determine the matching funds or internal reallocation requirements from the
3 applicants to qualify for funding. Financial assistance that may be awarded by the
4 council shall be consistent with the adopted strategic agenda, the biennial budget
5 process, and the availability of any resources to the comprehensive university
6 excellence trust fund.

7 ➔Section 17. The following KRS sections are repealed:

- 8 164.003 Legislative findings and goals for achievement by 2020.
- 9 164.004 Strategic Committee on Postsecondary Education.
- 10 164.0285 Definitions for KRS 164.0285 to 164.0288.
- 11 164.0286 STEM Initiative Task Force -- Purpose -- Membership -- Steering committee
12 oversight and coordination -- Administrative attachment -- Contracting -- Funding.
- 13 164.0287 Duties of STEM Initiative Task Force -- Strategic plan -- Business plan.
- 14 164.0288 Kentucky STEM Initiative fund.
- 15 164.033 Local P-16 councils.