

1 AN ACT relating to public postsecondary education.

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

3 ➔Section 1. KRS 164.321 is amended to read as follows:

4 (1) Eastern Kentucky University, Morehead State University, Murray State University,
5 Western Kentucky University, Kentucky State University, Northern Kentucky
6 University, and the Kentucky Community and Technical College System shall each
7 be governed by a board of regents appointed for a term set by law pursuant to
8 Section ~~93~~²³ of the Constitution of Kentucky.

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

15 ~~(3)(b)~~ ***(a) Beginning on the effective date of this Act,*** the board of the Kentucky
16 Community and Technical College System shall consist of ***the following***
17 ***seventeen (17) members:***

18 ***1. Fourteen (14)***~~eight (8)~~ members appointed by the Governor, ***as***
19 ***follows:***

20 ***a. One (1) member selected from a list of three (3) names submitted***
21 ***by the Kentucky Association of School Administrators;***

22 ***b. One (1) member selected from a list of three (3) names submitted***
23 ***by the Kentucky Association of Manufacturers;***

24 ***c. One (1) member selected from a list of three (3) names submitted***
25 ***by the Kentucky Association of General Contractors;***

26 ***d. One (1) member selected from a list of three (3) names submitted***
27 ***by the Kentucky Hospital Association;***

1 e. One (1) member selected from a list of three (3) names submitted
2 by the Kentucky Association of Economic Development;

3 f. One (1) member selected from a list of three (3) names submitted
4 by the Energy Planning and Inventory Commission established
5 in KRS 164.2807; and

6 g. Eight (8) members appointed from the state at large; and

7 2. Three (3) members elected in accordance with subsection (9) of this
8 section, as follows:

9 a. One (1) member~~[two (2) members]~~ of the teaching faculty;~~[,]~~

10 b. One (1) member~~[two (2) members]~~ of the nonteaching
11 personnel;~~[,]~~ and

12 c. One (1) member~~[two (2) members]~~ of the student body.

13 (b) The members appointed by the Governor shall be subject to confirmation by
14 the Senate.

15 (c) The members of the board shall select a chairperson annually.~~[1. No more~~
16 ~~than three (3) appointed members of the board shall reside in any one (1)~~
17 ~~judicial district of the Kentucky Supreme Court as of the date of the~~
18 ~~appointment.~~

19 ~~2. A change in residency of a gubernatorial appointee after the date of~~
20 ~~appointment shall not affect the appointee's ability to serve or eligibility~~
21 ~~for reappointment, except an appointee who assumes residency outside~~
22 ~~the fifty (50) United States shall become immediately ineligible to serve.~~
23 ~~The Council on Postsecondary Education shall notify the appointee of~~
24 ~~his or her ineligibility to serve.~~

25 ~~3. In making initial appointments, the Governor shall act so as to provide~~
26 ~~equal representation of the two (2) sexes. In filling vacancies, the~~
27 ~~Governor shall act so as to provide, inasmuch as possible, equal~~

1 representation of the two (2) sexes by appointing a member of the sex
2 that is the lesser represented at the time of the appointment. If the
3 remaining membership already has an equal number of males and
4 females, the Governor may appoint a member of either sex.]

5 ~~(4)~~~~(2)~~ The terms of board of regents members appointed on or after the effective
6 date of this Act~~[members]~~ shall be for four ~~(4)~~~~[six (6)]~~ years and until their
7 successors are appointed and qualified, unless a member is removed by the
8 Governor pursuant to KRS 63.080(2), (3), or (4)~~], except the initial appointments to~~
9 ~~the board of regents for the Kentucky Community and Technical College System~~
10 ~~shall be as follows:~~

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

17 (5) New appointees of a board of regents shall not serve for more than two (2)
18 consecutive terms.

19 (6) ~~(a)~~~~(3)~~ ~~[The gubernatorial appointments may include one (1) graduate of the~~
20 ~~respective institution who resides outside the Commonwealth.]~~ Not more than
21 one (1)~~[two (2)]~~ appointed member~~[members]~~ of any board of regents shall
22 be a resident~~[residents]~~ of one (1) county.

23 (b) No more than two (2) appointed members of any board of regents shall
24 reside in any one (1) judicial district of the Kentucky Supreme Court as of
25 the date of the appointment.

26 (c) The appointments to a board of regents shall reflect the proportional
27 representation of the two (2) leading political parties of the Commonwealth

1 based on the state's voter registration and the political affiliation of each
2 appointee as of December 31 of the year preceding the date of his or her
3 appointment. A particular political affiliation shall not be a prerequisite to
4 appointment to any board generally; however, if any person is appointed to a
5 board that does not represent either of the two (2) leading political parties of
6 the Commonwealth, the proportional representation by political affiliation
7 requirement shall be determined and satisfied based on the total number of
8 members on the board less any members not affiliated with either of the two
9 (2) leading political parties.

10 (d) Appointed membership on ~~a[the]~~ board of regents shall reflect no less than
11 proportional representation of the minority racial composition of the
12 Commonwealth based on the total minority racial population using the most
13 recent census or estimate data from the United States Census Bureau. If the
14 determination of proportional minority representation does not result in a
15 whole number of minority members, it shall be rounded up to the next whole
16 number.

17 (e) Membership on ~~a[the]~~ board of regents shall not be incompatible with any
18 state office.

19 (f) 1. A change in residency after the date of appointment shall not affect a
20 member's ability to serve~~[nor shall it prevent a member's eligibility for~~
21 ~~reappointment]~~, except that a member who assumes residency;

22 a. Outside the fifty (50) United States shall become immediately ineligible
23 to serve; and

24 b. That places the board in violation of the requirements of paragraph
25 (a), (b), or (c) of this subsection shall become immediately ineligible to
26 serve.

27 2. The Council on Postsecondary Education shall notify the

1 appointee of his or her ineligibility to serve.

2 ~~(7)(4)~~ Appointments to fill vacancies shall be made in the same manner and within
3 the same time after the occurrence of the vacancy as regular appointments. The
4 person appointed shall hold the position for the unexpired term only.

5 ~~(8)(5)~~ Each member of the board shall serve for the term for which the member is
6 appointed and until a successor is appointed and qualified, unless a member is
7 removed by the Governor pursuant to KRS 63.080(2), (3), or (4).

8 **(9) Members elected to a board of regents shall be as follows:**

9 ~~(a)(6)~~ ~~— (a)~~ The faculty member of the institution~~[a comprehensive university]~~
10 shall be a teaching ~~[or research]~~ member of the faculty of his or her respective
11 institution~~[university]~~ of the rank of assistant professor or above. The faculty
12 member shall be elected by secret ballot by all regular full-time faculty
13 members of his or her institution~~[university]~~ of the rank of instructor,
14 assistant professor, or above. The faculty member shall serve for a term of
15 three (3) years and until a~~[his]~~ successor is elected and qualified. The faculty
16 member shall be eligible for reelection, but he or she shall not be eligible to
17 continue to serve as a member of the board if he or she ceases being a member
18 of the teaching faculty~~[staff]~~ of the institution~~[university]~~. Elections to fill
19 vacancies shall be for the unexpired term in the same manner as provided for
20 the original election~~;~~~~[.]~~

21 (b) ~~[The faculty members of the Kentucky Community and Technical College~~
22 ~~System shall be represented by one (1) faculty member elected from the~~
23 ~~community colleges and one (1) faculty member elected from the technical~~
24 ~~institutions to serve three (3) year terms and until their successors are named.~~
25 ~~The faculty representative of each branch shall be elected by means of a~~
26 ~~process established by the board. The faculty members may be reelected but~~
27 ~~shall not serve more than two (2) consecutive terms. A faculty member shall~~

1 be ineligible to continue to serve as a member of the board if he or she ceases
2 to be a member of the faculty at one (1) of the institutions within the system.
3 Elections to fill vacancies shall be for the unexpired term in the same manner
4 as provided for the original election. These two (2) members shall collectively
5 have one (1) vote which may be cast one half (1/2) vote by each member.

6 (7) (a) The nonteaching personnel member of the institution ~~in a comprehensive~~
7 ~~university~~ shall be any full-time staff member, excluding the president, chancellor,
8 provost, vice presidents, academic deans, ~~and~~ academic department chairpersons,
9 and any other administrator who supervises two (2) or more employees and reports
10 directly to the president. He or she shall represent all nonteaching ~~university~~
11 employees of the institution, including ~~but not limited to~~ building facilities
12 and clerical personnel. The member shall be elected by secret ballot by the
13 nonteaching employees. The nonteaching personnel member shall serve a term of
14 three (3) years and until a successor is elected and qualified. The nonteaching
15 personnel member shall be eligible for reelection, but he or she shall not be eligible
16 to continue to serve as a member of the board if he or she ceases being an employee
17 of the institution ~~university~~. Elections to fill vacancies shall be for the unexpired
18 term in the same manner as provided for the original election; and ~~and~~

19 (c) ~~(b) The nonteaching personnel members in the Kentucky Community and~~
20 ~~Technical College System shall be any full-time staff member excluding a president,~~
21 ~~chancellor, vice president, academic dean, academic department chair, or other~~
22 ~~administrator. They shall represent all nonteaching employees in their respective~~
23 ~~branch institutions including, but not limited to, support and clerical personnel. One~~
24 ~~(1) member shall be a representative from the community colleges and one (1)~~
25 ~~member shall be a representative from the technical institutions. They shall serve~~
26 ~~three (3) year terms and until their successors are named. These two (2) members~~
27 ~~shall collectively have one (1) vote which may be cast one half (1/2) vote by each~~

1 ~~member. The nonteaching personnel members of each branch shall be elected by~~
2 ~~means of a process established by the board. A nonteaching personnel member may~~
3 ~~be reelected but shall not serve more than two (2) consecutive terms. A nonteaching~~
4 ~~employee shall be ineligible to continue to serve as a member of the board if that~~
5 ~~employee ceases to be a nonteaching employee at one (1) of the institutions within~~
6 ~~the system. Elections to fill vacancies shall be for the unexpired term in the same~~
7 ~~manner as provided for the original election.~~

8 ~~(8) (a)]~~The student member on:

9 1. A comprehensive university board shall serve a one (1) year term beginning on
10 July 1 after being elected and sworn in as student body president and ending on
11 the following June 30. If the student member does not maintain the position as
12 student body president or the status as a full-time student at any time during
13 that academic year, a special election shall be held to select a full-time student
14 member. The elected student member shall serve for the remainder of the
15 unexpired term; and[-

16 ~~(b) Two (2) full time student members shall be elected to the board of~~
17 ~~regents for the Kentucky Community and Technical College System.~~
18 ~~One (1) shall represent students of the community colleges and one (1)~~
19 ~~shall represent the technical institutions. The student]~~

20 2. The KCTCS board[- members] shall be elected by means of a process
21 established by the KCTCS board of regents. The student member[-
22 members] shall serve a one (1) year term[- terms] beginning on July 1
23 after being elected and sworn in as a student member of the board and
24 ending on the following June 30. If the student member does not
25 maintain the status as a full-time student, a special election shall be held
26 to fill the vacancy for the remainder of the unexpired term.[- The two (2)
27 ~~members shall collectively have one (1) vote which may be cast one~~

1 ~~half (1/2) vote by each member.~~

2 ~~(10)(9)~~ All appointed and elected **board members**~~[persons]~~ shall be required to attend
3 and complete an orientation and education program prescribed by the council under
4 KRS 164.020(24)~~;~~ as a condition of their service and eligibility for appointment or
5 election to a second term.

6 ~~(11)(10)~~ Board members may be removed by the Governor under the following
7 circumstances:

8 (a) For cause, pursuant to KRS 63.080(2);~~or~~

9 (b) Pursuant to KRS 63.080(3) or (4); or

10 ~~(c)~~ *Upon the request of the president after the member has failed to attend*
11 *three (3) consecutive regularly scheduled meetings, which shall be*
12 *considered gross neglect of duty pursuant to KRS 63.080(2)(d).*

13 ~~(12)(11)~~ The inability of **a board of regents**~~[the board or boards]~~ of the comprehensive
14 universities or Kentucky Community and Technical College System to hold
15 quarterly meetings, to elect a chairperson annually, to establish a quorum, to adopt
16 an annual budget, to set tuition rates, to conduct an annual evaluation of the
17 president of the university or system, to carry out its primary function to
18 periodically evaluate the university's or system's progress in implementing its
19 mission, goals, and objectives to conform to the strategic agenda, or to otherwise
20 perform its duties under KRS 164.350 shall be cause for the Governor to remove all
21 appointed members of the board~~[or boards]~~ and replace the entire appointed
22 membership pursuant to KRS 63.080(4).

23 ➔Section 2. KRS 164.350 is amended to read as follows:

24 (1) The government of each of the state universities and the Kentucky Community and
25 Technical College System is vested in its respective board of regents. Each board of
26 regents, when its members have been appointed and qualified, shall constitute a
27 body corporate, with the usual corporate powers, and with all immunities, rights,

- 1 privileges, and franchises usually attaching to the governing bodies of educational
2 institutions. Each board may:
- 3 (a) Receive grants of money and expend the same for the use and benefit of the
4 university or college;
 - 5 (b) Require such reports from the president, officers, faculty, and employees as it
6 deems necessary and proper from time to time;
 - 7 (c) Determine the number of divisions, departments, bureaus, offices, and
8 agencies needed for the successful conduct of the affairs of the university or
9 college; and
 - 10 (d) Grant diplomas and confer degrees upon the recommendation of the president
11 and faculty.
- 12 (2) Each board of regents shall adopt bylaws, rules, and regulations for the governance
13 of its members, officers, agents, and employees, which shall reference the member
14 removal and replacement provisions of KRS 63.080, and the board shall enforce
15 obedience to such bylaws, rules, and regulations.
- 16 (3) Each board of regents shall periodically evaluate the institution's progress in
17 implementing its missions, goals, and objectives to conform to the strategic agenda.
18 Officers and officials shall be held accountable for the status of the institution's
19 progress.
- 20 (4) In addition to the duties required in subsections (1), (2), and (3) of this section, the
21 board of regents for the Kentucky Community and Technical College System, upon
22 recommendation of the president of the system, shall:
- 23 (a) ~~[Develop and implement guidelines for the preparation of biennial budget~~
24 ~~requests by the administrators of the colleges within the system. The~~
25 ~~guidelines shall define the processes for review and approval by the boards of~~
26 ~~directors for the colleges;~~
 - 27 (b) ~~Adopt a~~ Review the president's biennial budget request for the Kentucky

1 Community and Technical College System~~[upon the recommendation of the~~
2 ~~president of the system;~~

3 ~~(e) Adopt an allocation process for distributing funds to the colleges within the~~
4 ~~system;~~

5 ~~(d) Consider recommendations from the boards of directors of the colleges to~~
6 ~~improve the overall budget planning and allocation processes];~~

7 ~~(b)~~~~(e)~~ Designate each college with a name;

8 ~~(c)~~~~(f)~~ Encourage and accept donations of land and funds to be used in the
9 acquisition, construction, or operations of colleges in the system. The board
10 may commemorate donations from private persons or corporations with
11 suitable memorials;~~[and]~~

12 ~~(d)~~~~(g)~~ Accept federal grants when deemed appropriate to be used in the
13 acquisition, construction, or operations of colleges in the system; ~~and~~~~[.]~~

14 ~~(e)~~ **Review**~~[The board of regents shall ensure that]~~ the budget planning and
15 implementation processes **to ensure consistency**~~[are consistent]~~ with the
16 adopted strategic agenda and biennial budget and with the missions of the
17 **colleges**~~[institutions]~~ within the system.

18 ➔Section 3. KRS 164.365 is amended to read as follows:

19 ~~[(1)]~~ Anything in any statute of the Commonwealth to the contrary notwithstanding, the
20 power over and control of appointments, qualifications, salaries, and compensation
21 payable out of the State Treasury or otherwise, promotions, and official relations of all
22 employees of Eastern Kentucky University, Western Kentucky University, Murray State
23 University, Northern Kentucky University, and Morehead State University, as provided
24 in KRS 164.350 and 164.360, and of Kentucky State University and the Kentucky
25 Community and Technical College System, shall be under the exclusive jurisdiction of
26 the respective governing boards of each of the institutions named.[

27 ~~(2) The board of regents for the Kentucky Community and Technical College~~

1 ~~System shall develop personnel rules for the governing of its members, officers, agents,~~
2 ~~and employees by June 30, 1998. The board shall adopt interim policies to govern~~
3 ~~employees hired from July 1, 1997, until the permanent rules are adopted.~~

4 ~~(3) Upon receipt of a written authorization from an employee of the Kentucky~~
5 ~~Community and Technical College System, the board shall deduct dues from the~~
6 ~~employee's paycheck for employee membership organizations, except that no deduction~~
7 ~~shall be made for labor organization membership dues, fees, assessments, or~~
8 ~~contributions for political activities. Dues shall be deducted at a rate established by the~~
9 ~~organization, and shall be discontinued upon written notification by an employee to both~~
10 ~~the system and the employee organization. On a quarterly basis, the Kentucky~~
11 ~~Community and Technical College System shall provide to each employee membership~~
12 ~~organization an updated list that includes the names and home addresses of the~~
13 ~~employees who are having dues deducted from their paychecks for the purpose of~~
14 ~~maintaining membership in that organization.]~~

15 ➔Section 4. KRS 164.580 is amended to read as follows:

16 (1) The Kentucky Community and Technical College System is established and~~]. The~~
17 ~~Kentucky Community and Technical College System]~~ shall provide:

- 18 (a) A general two (2) year academic curriculum with credits transferable to two
19 (2) year and four (4) year colleges and universities;
- 20 (b) Technical and semiprofessional programs of two (2) years or less;
- 21 (c) Within a two (2) year college curriculum, courses in general education,
22 including adult education, not necessarily intended for transfer nor technically
23 oriented; and
- 24 (d) Services to Kentucky's employers and the general public to provide
25 continuing education and customized training for purposes of improving the
26 knowledge and skills of Kentucky workers and citizens in all regions of the
27 state.

- 1 (2) The KCTCS~~[Kentucky Community and Technical College System]~~ shall be
2 responsive to the needs of students and employers in all regions of the
3 Commonwealth with accessible education and training to support the lifelong
4 learning needs of Kentucky citizens in order to:
- 5 (a) Increase the basic academic and literacy skills of adults through adult basic
6 education and remedial education services;
 - 7 (b) Increase the technical skills and professional expertise of Kentucky workers
8 through associate and technical degrees, diploma, and certificate programs;
 - 9 (c) Increase the access for students to complete ~~[the]~~prebaccalaureate associate
10 degrees~~[degree in arts or associate degree in science for ease of transfer to~~
11 ~~four (4) year institutions];~~
 - 12 (d) Enhance the relationship of credentials between secondary and postsecondary
13 programs which permit secondary students to enter programs through early
14 admission, advanced placement, or dual enrollment;
 - 15 (e) Facilitate transfers of credit between certificate, diploma, technical, and
16 associate degree programs;
 - 17 (f) Develop a pool of educated citizens to support the expansion of existing
18 business and industry and the recruitment of new business and industry;
 - 19 (g) Enhance the flexibility and adaptability of Kentucky workers in an ever-
20 changing and global economy through continuing education and customized
21 training for business and industry;
 - 22 (h) Promote the cultural and economic well-being of the communities throughout
23 Kentucky; and
 - 24 (i) Improve the quality of life for Kentucky's citizens.
- 25 (3) Students attending a college under the administration of the board of regents for the
26 KCTCS~~[Kentucky Community and Technical College System]~~ may pursue a~~three~~
27 ~~(3) kinds of]~~ degree, certificate, or diploma through the following programs:

- 1 (a) ~~[Associate degree programs approved by the board of trustees as of the~~
2 ~~effective date of the transfer of the management responsibilities of the~~
3 ~~University of Kentucky Community College System to the Kentucky~~
4 ~~Community and Technical College System;~~
- 5 (b) ~~]~~ Associate degree programs developed by the KCTCS ~~[Kentucky Community~~
6 ~~and Technical College System]~~, approved by the board of regents and the
7 Council on Postsecondary Education. The board of regents shall confer
8 degrees and award diplomas for the approved programs; ~~[and]~~
- 9 ~~(b)~~ ~~(c)~~ Joint degree programs developed between the KCTCS ~~[Kentucky~~
10 ~~Community and Technical College System]~~ and other institutions; and
- 11 (c) Certificate and diploma programs developed by the KCTCS and ratified by
12 the board of regents that do not lead to an associate degree.
- 13 (4) ~~[University of Kentucky Community College System students who were officially~~
14 ~~enrolled on or before June 30, 1999, in associate degree programs approved by the~~
15 ~~board of trustees of the University of Kentucky and who complete the associate~~
16 ~~degree programs on or before June 30, 2004, shall have their degrees conferred by~~
17 ~~the University of Kentucky board of trustees. The degrees for all other students~~
18 ~~enrolled shall be awarded by the board of regents for the Kentucky Community and~~
19 ~~Technical College System.~~
- 20 ~~(5)~~ ~~]~~ The board of regents for the KCTCS ~~[Kentucky Community and Technical College~~
21 ~~System]~~ shall expedite, whenever possible, action on requests for any new technical
22 or associate degree program of a vocational-technical or occupational nature.
- 23 ~~(5)~~ ~~(6)~~ The president of the KCTCS shall be responsible for oversight and
24 management of the system, including but not limited to the following:
- 25 (a) The supervision of all administrative and managerial aspects of KCTCS's
26 operations, including personnel matters and fiscal management;
- 27 (b) Oversight of the operational and facilities plans of KCTCS;

1 (c) Establishment of partnerships with community members, local
2 governments, and other entities to enhance the mission of KCTCS; and

3 (d) Approval, modification, and discontinuance of academic and workforce
4 programs after input from college faculty and consultation with the board
5 of regents ~~[Kentucky Community and Technical College System college~~
6 ~~faculty senates shall have the primary responsibility for determining academic~~
7 ~~policy and curricula development that shall be recommended to the president~~
8 ~~of the Kentucky Community and Technical College System.~~

9 ~~(7) Technical colleges, through their faculty and accrediting procedures, may develop~~
10 ~~degree programs that shall be considered for approval by the board of regents and~~
11 ~~the Council on Postsecondary Education. A graduate of a program within three (3)~~
12 ~~years of the program becoming an accredited degree program shall receive all or~~
13 ~~partial credit toward the degree, based on criteria established by the institution and~~
14 ~~approved by the board of regents. The board of regents shall confer degrees and~~
15 ~~award diplomas for these programs].~~

16 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
17 READ AS FOLLOWS:

18 (1) The president of the Kentucky Community and Technical College System shall
19 employ a chief financial officer who shall be responsible for the development,
20 administration, and oversight of the system-wide operating and capital budgets.

21 (2) The chief financial officer shall provide the president with timely, accurate, and
22 comprehensive financial information, including but not limited to system-wide
23 and college-level:

24 (a) Budget summaries;

25 (b) Revenue and expenditure reports;

26 (c) Fund balances and reserves;

27 (d) Cash flow projections;

- 1 (e) Financial risks, variances, and material changes;
- 2 (f) Any other financial information that is necessary for informed executive
- 3 decision-making or requested by the president; and
- 4 (g) Any other information requested by the president.
- 5 (3) The chief financial officer shall provide financial information to the board of
- 6 regents;
- 7 (a) Quarterly or more often at the request of the president or the board of
- 8 regents;
- 9 (b) In a standardized format that allows comparison across colleges and over
- 10 time; and
- 11 (c) In writing and in person at a regularly scheduled meeting.
- 12 (4) The chief financial officer shall certify the accuracy of financial reports provided
- 13 to the president or the board of regents.
- 14 (5) The chief financial officer shall immediately disclose any material misstatements,
- 15 omissions, or financial concerns upon discovery to the president and the board of
- 16 regents.
- 17 (6) The chief financial officer shall oversee and ensure cooperation with all required
- 18 audits and financial reviews of the KCTCS.
- 19 ➔Section 6. KRS 164.583 is amended to read as follows:
- 20 (1) Each ~~community~~ college ~~in~~^{of} the Kentucky Community and Technical College
- 21 System may offer, within the two (2) year academic curriculum of the college, any
- 22 and all lower division academic courses offered for undergraduate credit at any and
- 23 all of the four (4) year public colleges and universities.
- 24 (2) All lower division academic courses offered by the KCTCS~~community colleges~~
- 25 shall be transferable for academic credit to any and all four (4) year public colleges
- 26 and universities, regardless of the number of academic credits earned by any
- 27 student at one (1) or more KCTCS colleges~~community college~~.

(3) Nothing in this section shall be construed or interpreted to change, reduce, or otherwise affect the required distribution between lower division and upper division courses now required for matriculation in an undergraduate program at any institution of higher education.

➔Section 7. KRS 164.591 is amended to read as follows:

(1) The president of the Kentucky Community and Technical College shall present a proposed plan to the board of regents for any reduction, expansion, or creation of:

(a) College facilities or grounds;

(b) Campus facilities or grounds; or

(c) Programs offered.

(2) The board of regents may review and provide feedback on the proposed plan to the president. ~~[A community college or extension of a community college shall be maintained in each of the following locations: Ashland, Carrollton, Cumberland, Elizabethtown, Glasgow, Henderson, Hopkinsville, Fayette County, Madisonville, Owensboro, Paducah, Prestonsburg, Somerset, Blackey Hazard, Jefferson County and Mason County. The headquarters of the administration of the Kentucky Community and Technical College System shall be maintained in Woodford County. Western Kentucky University may continue to operate a community college in Bowling Green. Additional extension centers may be established]~~**After the proposed plan is reviewed** by the board of regents **and approved by** ~~[for the Kentucky Community and Technical College System with approval of]~~ the Council on Postsecondary Education, **the president shall be authorized to conditionally begin implementation of the reduction, expansion, or creation plan for the KCTCS.**

(3) No later than thirty (30) days after approval of the proposed reduction, expansion, or creation plan by the council, the KCTCS shall submit the

1 reduction, expansion, or creation plan in its entirety and a report on the proposed
2 plan to the Legislative Research Commission for referral to the Interim Joint
3 Committees on Education and Appropriations and Revenue or, when the General
4 Assembly is in session, to the Senate Standing Committees on Education and
5 Appropriations and Revenue and the House Standing Committees on
6 Postsecondary Education and Appropriations and Revenue, which includes the
7 following as it relates to the plan:

8 (a) An accounting of all necessary expenditures by fund source;

9 (b) A detailed accounting of all administrative expenses;

10 (c) A detailed accounting of all expenses not otherwise classified;

11 (d) Identification of any reduction in expenditures;

12 (e) An explanation of any new expenses or cost savings expected to be realized
13 based on the plan; and

14 (f) An explanation of how the plan aligns with the operational plan of the
15 KCTCS and the strategic plan of the council.

16 (4) Final approval of the proposed reduction, expansion, or creation plan shall
17 require the president of the KCTCS to obtain the approval of the General
18 Assembly by means of an act or joint resolution explicitly identifying and
19 authorizing the reduction, expansion, or creation of:

20 (a) College facilities or grounds;

21 (b) Campus facilities or grounds; or

22 (c) Programs offered ~~[. New community colleges shall [require approval of] the~~
23 ~~General Assembly].~~

24 (5) By September 1, 2026, the KCTCS shall submit a report to the Legislative
25 Research Commission for referral to the Interim Joint Committees on Education
26 and Appropriations and Revenue providing the location, size of property, square
27 footage of buildings, whether owned, leased, or rented, and the use of each

property or building utilized by each college within the system, including all main campuses and satellite facilities, buildings, and properties as of January 1, 2026.

➔Section 8. KRS 164.600 is amended to read as follows:

(1) As used in this section and Section 7 of this Act, unless the context requires otherwise:

(a) "Campus" means a location of a college of the Kentucky Community and Technical College System that is not located contiguous to the main college location~~["Chief executive officer" means a president or the head administrator~~

~~of a college within the Kentucky Community and Technical College System];~~

(b) "Chancellor" means the chief officer of a college or colleges within the Kentucky Community and Technical College System;

(c) "College" means a community college, a technical college, or a community and technical college within the system;

~~(d)(e)~~ "KCTCS president" means the president~~["chief executive officer" means the~~ system;

~~(d) "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law;]~~ and

(e) "System" or "KCTCS" means the Kentucky Community and Technical College System.

(2) There shall be a board of advisors~~[directors]~~ for ~~each community college or community and technical college under]~~ the Kentucky Community and Technical College System ~~[, except as provided in KRS 165.160].~~ The board of advisors~~[regents may designate that a local board of directors serve more than one college. Each board of directors]~~ shall include the chancellor of each college within the KCTCS. The KCTCS president may appoint additional members to serve on the board of advisors. The board of advisors shall convene regularly with the KCTCS president to advise on each college's plans and progress towards

1 the goals set forth in subsection (2) of Section 4 of this Act.

2 (3) Each chancellor shall be responsible for creating an annual budget request for
3 his or her college and submitting it to the system president for consideration in
4 the creation of the system budget request to be submitted to the General
5 Assembly.

6 (4) Each chancellor shall create and implement an operations plan for his or her
7 college that is developed in coordination with local employers, civic leaders,
8 campus constituents, and other postsecondary institutions in the region and
9 consistent with the strategic agenda of the Council on Postsecondary Education.
10 The KCTCS president shall review and approve each operations plan prior to
11 implementation by the chancellors of each college[.

12 ~~(a) Recommend one (1) candidate for college chief executive officer from three~~
13 ~~(3) candidates provided by the president. The president shall have the~~
14 ~~authority to make the final appointment and shall not be bound by the~~
15 ~~recommendation from the board of directors;~~

16 ~~(b) Evaluate the college chief executive officer and advise the president of his or~~
17 ~~her performance. The president has final authority for the appointment and~~
18 ~~termination of the college chief executive officer;~~

19 ~~(c) Approve budget requests for recommendation to the Kentucky Community~~
20 ~~and Technical College System;~~

21 ~~(d) Adopt and amend an annual operating budget and submit it to the board of~~
22 ~~regents for approval as to the compliance with its guidelines;~~

23 ~~(e) Approve a strategic plan that is developed in coordination with local~~
24 ~~employers, civic leaders, campus constituents, and other postsecondary~~
25 ~~institutions in the region and that is consistent with the strategic agenda of the~~
26 ~~General Assembly].~~

27 (5)[(3)] Each chancellor[The chief executive officer of each college] shall

1 implement~~[have full authority and discretion regarding the use and management of]~~
2 the budget reviewed~~[approved]~~ by the board of regents for the Kentucky
3 Community and Technical College System under KRS 164.350.

4 **(6) Each chancellor shall be responsible for the day-to-day operations of his or her**
5 **college.**~~†~~

6 ~~(4) Each board of directors shall consist of ten (10) members, seven (7) of whom~~
7 ~~shall be appointed by the Governor from nominees of the respective college nominating~~
8 ~~commission established under KRS 164.602 for a term set by law pursuant to Section 23~~
9 ~~of the Constitution of Kentucky. The other three (3) board members shall be one (1)~~
10 ~~member of the teaching faculty, one (1) member of the staff, and one (1) member of the~~
11 ~~student body. An appointed member's term shall be six (6) years.~~

12 ~~(5) The faculty member shall be on the teaching or research faculty of the college.~~
13 ~~The faculty member shall be elected by secret ballot of all full-time faculty members of~~
14 ~~the college. Faculty members shall serve for terms of three (3) years and until their~~
15 ~~successors are elected and qualified. Faculty members shall be eligible for reelection, but~~
16 ~~they shall be ineligible to continue to serve as members of the boards if they cease to be~~
17 ~~members of the teaching staff of the college. Elections to fill vacancies shall be for the~~
18 ~~unexpired term in the same manner as provided for original election.~~

19 ~~(6) The staff member shall be a classified or midmanagement employee who does~~
20 ~~not hold faculty rank and who does not hold an upper administrative position. The staff~~
21 ~~member shall be elected by secret ballot of all full-time staff members of the college.~~
22 ~~Staff members shall serve for terms of three (3) years and until their successors are~~
23 ~~elected and qualified. Staff members shall be eligible for reelection, but shall be~~
24 ~~ineligible to continue to serve as members of the boards if they cease to be members of~~
25 ~~the staff of the college. An election to fill a vacancy for an unexpired term shall be held~~
26 ~~in the same manner as an election to an original full term.~~

27 ~~(7) The student member shall be elected by secret ballot from the student body of~~

1 ~~the college to serve a term of one (1) year. The student member shall be a full-time~~
2 ~~student who maintains permanent residency in the Commonwealth of Kentucky.~~

3 ~~(8) If a board of directors is designated by the board of regents to serve more than~~
4 ~~one college as permitted under subsection (2) of this section, the board of regents shall~~
5 ~~define procedures for the selection of the faculty, staff, and student representatives to the~~
6 ~~board of directors to ensure that there is opportunity for all colleges to be represented.~~

7 ~~(9) The members of the board of directors shall receive no compensation for their~~
8 ~~services but shall be paid for their actual and necessary expenses.~~

9 ~~(10) No citizen member of the board of directors shall have a conflict of interest in~~
10 ~~accordance with KRS 45A.340 or be a relative of any employee of the college under its~~
11 ~~jurisdiction. A person who is a member of the board on July 15, 1998, who is a relative of~~
12 ~~an employee of the college may finish out the appointed term of office but the member~~
13 ~~may not be reappointed.]~~

14 ➔Section 9. KRS 164.011 is amended to read as follows:

15 (1) There is hereby created and established a Council on Postsecondary Education in
16 Kentucky as an agency, instrumentality, and political subdivision of the
17 Commonwealth and a public body corporate and politic having all powers, duties,
18 and responsibilities as are provided to it by law, appointed for a term set by law
19 pursuant to Section 23 of the Constitution of Kentucky. The council shall be
20 composed of the commissioner of education, a faculty member, a student member,
21 and thirteen (13) citizen members appointed by the Governor. The citizen members
22 shall be confirmed by the Senate under KRS 11.160, and the commissioner of
23 education shall serve as a nonvoting ex officio member. Citizen council members
24 shall be selected from a list of nominees provided to the Governor under the
25 nominating process set forth in KRS 164.005. If the General Assembly is not in
26 session at the time of the appointment, persons appointed shall serve prior to
27 confirmation, but the Governor shall seek the consent of the Senate at the next

1 regular session or at an intervening extraordinary session if the matter is included in
2 the call of the General Assembly.

3 (2) ~~[By no later than thirty (30) days after May 30, 1997,]~~The Governor's
4 Postsecondary Education Nominating Committee shall submit nominations to the
5 Governor as set forth in KRS 164.005. On making appointments to the council, the
6 Governor shall ensure broad geographical and political representation; ensure equal
7 representation of the two (2) sexes, inasmuch as possible; ensure no less than
8 proportional representation of the two (2) leading political parties of the
9 Commonwealth based on the state's voter registration and the political affiliation of
10 each appointee as of December 31 of the year preceding the date of his or her
11 appointment; and ensure that appointments reflect the minority racial composition
12 of the Commonwealth based on the total minority racial population using the most
13 recent census or estimate data from the United States Census Bureau. If the
14 determination of proportional minority representation does not result in a whole
15 number of minority members, it shall be rounded up to the next whole number. A
16 particular political affiliation shall not be a prerequisite to appointment to the
17 council generally; however, if any person is appointed to the council that does not
18 represent either of the two (2) leading political parties of the Commonwealth, the
19 proportional representation by political affiliation requirement shall be determined
20 and satisfied based on the total number of members on the council less any
21 members not affiliated with either of the two (2) leading political parties. In filling
22 vacancies to the council, the Governor shall act so as to provide, inasmuch as
23 possible, equal representation of the two (2) sexes by appointing a member of the
24 sex that is the lesser represented at the time of the appointment. If the remaining
25 membership already has an equal number of males and females, the Governor may
26 appoint a member of either sex. No more than two (2) members of the council shall
27 hold an undergraduate degree from any one (1) Kentucky university, and no more

1 than three (3) voting members of the council shall reside in any one (1) judicial
2 district of the Kentucky Supreme Court as of the date of the appointment. However,
3 change in residency after the date of appointment shall not affect the ability to
4 serve.

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

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

20 (5) In filling any vacancies, the Governor shall ensure the continuing representation
21 upon the council of the broad constituencies as set forth in subsection (2) of this
22 section. Vacancies on the council shall be filled for the unexpired term in
23 accordance with the procedures established for the original appointments.

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

26 ~~(a) Two (2) appointments shall expire December 31, 1997;~~

27 ~~(b) Three (3) appointments shall expire December 31, 1998;~~

- 1 ~~(e) Two (2) appointments shall expire December 31, 1999;~~
2 ~~(d) Two (2) appointments shall expire December 31, 2000;~~
3 ~~(e) Two (2) appointments shall expire December 31, 2001; and~~
4 ~~(f) Two (2) appointments shall expire December 31, 2002].~~

- 5 (7) Any person, other than the chief state school officer, holding either an elective or
6 appointive state office or who is a member of the governing board of any state
7 university in Kentucky, shall be ineligible for membership or appointment on the
8 council during his term.
- 9 (8) The members of the council shall elect the chair and the vice chair of the council
10 from among the council's membership, and the chair and vice chair shall serve at
11 the pleasure of the council. The vice chair shall serve as chair in the absence of the
12 chair.
- 13 (9) The council shall meet at least quarterly and at other times upon the call of the chair
14 or a majority of the council.
- 15 (10) A quorum shall be a majority of the appointive membership of the council.
- 16 (11) A quorum shall be required to organize and conduct the business of the council,
17 except that an affirmative vote of eight (8) or more appointive members of the
18 entire council shall be required to dismiss from employment the president of the
19 council, and to adopt or amend the state strategic postsecondary education agenda.
- 20 (12) New appointees to the council shall not serve more than two (2) consecutive terms.
- 21 (13) New appointees to the council shall complete an orientation and education program
22 set forth in KRS 164.020(24) to be eligible for appointment to a second term.

23 ➔Section 10. KRS 164.0211 is amended to read as follows:

- 24 (1) The student body president of each four (4) year public university, the student
25 member of ~~two (2) student regents to be designated by~~ the board of regents of the
26 Kentucky Community and Technical College System, and one (1) student body
27 president representing the members of the Association of Independent Kentucky

1 Colleges and Universities shall serve on an advisory board to be known as the
2 Board of Student Body Presidents. The student body president representing the
3 independent colleges and universities shall be selected under a process established
4 by the Association of Independent Kentucky Colleges and Universities.

5 (2) The Board of Student Body Presidents shall advise the legislative and executive
6 branches regarding postsecondary education issues and concerns of students.

7 (3) At least once each year, the Board of Student Body Presidents shall meet with the
8 Council on Postsecondary Education and the Advisory Conference of Presidents.

9 (4) The Board of Student Body Presidents shall submit the names of three (3) nominees
10 to the Governor for consideration in the appointment of a student member to the
11 Council on Postsecondary Education pursuant to KRS 164.011.

12 ➔Section 11. KRS 164.001 is amended to read as follows:

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

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

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

18 (3) "Benchmarks" means objective measures developed where applicable or practical
19 by the Council on Postsecondary Education to judge the performance of the
20 postsecondary education system and progress toward the goals as stated in KRS
21 164.003(2);

22 (4) "Board" or "governing board" means the board of trustees for the University of
23 Kentucky or the University of Louisville, the board of regents for a comprehensive
24 university, or the board of regents for the Kentucky Community and Technical
25 College System;

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

- 1 (6) "Committee" means the Strategic Committee on Postsecondary Education created
2 in KRS 164.004;
- 3 (7) "Comprehensive university" means the following public institutions: Eastern
4 Kentucky University, Kentucky State University, Morehead State University,
5 Murray State University, Northern Kentucky University, and Western Kentucky
6 University;
- 7 (8) "Council" means the Council on Postsecondary Education created in KRS 164.011;
- 8 (9) "Customized training" means training in specific academic areas, work processes,
9 or technical skills that are designed to serve a specific industry or industries to
10 upgrade worker skills;
- 11 (10) "Goals" means the six (6) goals specified in KRS 164.003(2);
- 12 (11) "Independent institution" means a nonpublic postsecondary education institution in
13 Kentucky whose instruction is not solely sectarian in nature, is accredited by a
14 regional accrediting association recognized by the United States Department of
15 Education, and is licensed by the Council on Postsecondary Education;
- 16 (12) "Institution" means a university, college, community college, health technology
17 center, vocational-technical school, technical institute, technical college, technology
18 center, or the Kentucky Community and Technical College System;
- 19 (13) "Kentucky Community and Technical College System" or "KCTCS" means the
20 system composed of public community and technical colleges, including those
21 postsecondary institutions operated by the former Cabinet for Workforce
22 Development and those community colleges in the University of Kentucky
23 Community College System on May 30, 1997.
24 The system also includes institutions created by the board of regents for the
25 Kentucky Community and Technical College System and approved by the General
26 Assembly;
- 27 (14) "Literacy" means an individual's ability to read, write, and speak in English and

- 1 compute and solve problems at levels of proficiency necessary to function on the
2 job and in society to achieve one's goals and develop one's knowledge and
3 potential;
- 4 (15) "Lower division academic course" means any academic course offered for college
5 or university credit that is designated as a freshman or sophomore level academic
6 course;
- 7 (16) "Nonteaching personnel" means any employee who is a full-time staff member,
8 excluding a president, chancellor, vice president, academic dean, academic
9 department chair, or administrator;
- 10 (17) "Postsecondary education system" means the following public institutions:
11 University of Kentucky, University of Louisville, Eastern Kentucky University,
12 Kentucky State University, Morehead State University, Murray State University,
13 Northern Kentucky University, Western Kentucky University, and the Kentucky
14 Community and Technical College System;
- 15 (18) "P-16 council" or "council of partners" means a local or state council that is
16 composed of educators from public and private preschools, elementary, secondary,
17 and postsecondary education institutions, local board of education members, and
18 may include community and business representatives that have voluntarily
19 organized themselves for the purpose of improving the alignment and quality of the
20 education continuum from preschool through postsecondary education as well as
21 student achievement at all levels;
- 22 (19) "Public" means operated with state support;
- 23 (20) "Relative" means a person's father, mother, brother, sister, husband, wife, son,
24 daughter, aunt, uncle, son-in-law, or daughter-in-law;
- 25 (21) "Remedial education" means any program, course, or activity that is designed
26 specifically for students who have basic deficiencies in reading, written or oral
27 communication, mathematics, study skills, or other skills necessary to do beginning

1 postsecondary work as defined by the institution;

2 (22) "Standardized degree program" means a program, approved by the Council on
3 Postsecondary Education, that consists of specific competencies, curriculum, and
4 performance requirements regardless of the providing institution;

5 (23) "Strategic agenda" means the state strategic postsecondary education agenda
6 described in KRS 164.0203;

7 (24) "Technical institution" means an educational institution that offers certificates,
8 diplomas, or technical degrees in technical or occupational-related programs,
9 including a facility called a vocational-technical school, technical institute, health
10 technology center, technology center, technical college, or similar designation; and

11 (25) "Learning outcomes" means the knowledge, skills, and abilities that students have
12 attained as a result of their involvement in a particular set of educational
13 experiences.

14 ➔Section 12. The following KRS sections are repealed:

15 164.586 Personnel dispute resolution system.

16 164.587 Medical and accident insurance program for students.

17 164.594 Service area of Prestonsburg Community College to include Pike County.

18 164.602 Nominating commission for appointments to board of directors.

19 164.5833 Transferability of course work accepted prior to establishment of system.

20 ➔Section 13. (1) Notwithstanding subsection (4) of Section 1 of this Act, initial
21 appointments to the board of the Kentucky Community and Technical College System
22 under subsection (3)(a)1.a. to f. of Section 1 of this Act shall be as follows:

23 (a) One member shall serve a one-year term;

24 (b) One member shall serve a two-year term;

25 (c) Two members shall serve a three-year term; and

26 (d) Two members shall serve a four-year term.

27 (2) Upon the expiration of the initial appointments under subsection (1) of this

1 section, members shall be appointed under subsection (3)(a)1.a. to f. of Section 1 of this
2 Act to four-year terms in accordance with subsection (4) of Section 1 of this Act.

3 (3) The eight members appointed to the board of the Kentucky Community and
4 Technical College System by the Governor under KRS 164.321 before the effective date
5 of this Act shall continue to serve on the board until the expiration of their terms, at
6 which time their successors shall be appointed in accordance with Section 1 of this Act.