

1 AN ACT relating to postsecondary education.

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

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

4 The Council on Postsecondary Education in Kentucky shall:

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

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

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

1 or other commitments to build the satellite at no cost to the Commonwealth,  
2 other than operating costs that shall be paid as part of the operating budget of  
3 the main community college of which the satellite is a branch, are authorized  
4 to begin construction of the satellite on or after January 1, 1998;

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

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

14 (14) Establish course credit, transfer, and degree components as required in KRS  
15 164.2951;

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

22 (b) The council shall expedite wherever possible the approval of requests from  
23 the Kentucky Community and Technical College System board of regents  
24 relating to new certificate, diploma, technical, or associate degree programs of  
25 a vocational-technical and occupational nature. Without the consent of the  
26 General Assembly, the council shall not abolish or limit the total enrollment  
27 of the general program offered at any community college to meet the goal of

- 1 reasonable access throughout the Commonwealth to a two (2) year course of  
2 general studies designed for transfer to a baccalaureate program. This does not  
3 restrict or limit the authority of the council, as set forth in this section, to  
4 eliminate or make changes in individual programs within that general  
5 program;
- 6 (16) Eliminate, in its discretion, existing programs or make any changes in existing  
7 academic programs at the state's postsecondary educational institutions, taking into  
8 consideration these criteria:
- 9 (a) Consistency with the institution's mission and the strategic agenda;
- 10 (b) Alignment with the priorities in the strategic implementation plan for  
11 achieving the strategic agenda;
- 12 (c) Elimination of unnecessary duplication of programs within and among  
13 institutions; and
- 14 (d) Efforts to create cooperative programs with other institutions through  
15 traditional means, or by use of distance learning technology and electronic  
16 resources, to achieve effective and efficient program delivery; ~~and~~
- 17 ~~(e) Alignment with KRS 164.2895, including the elimination of any program that~~  
18 ~~includes a requirement for a course or training of which the primary purpose~~  
19 ~~is to indoctrinate participants with a discriminatory concept;]~~
- 20 (17) Ensure the governing board and faculty of all postsecondary education institutions  
21 are committed to providing instruction free of discrimination against students who  
22 hold political views and opinions contrary to those of the governing board and  
23 faculty;
- 24 (18) Review proposals and make recommendations to the Governor regarding the  
25 establishment of new public community colleges, technical institutions, and new  
26 four (4) year colleges;
- 27 (19) **Postpone the approval of any new program at a state postsecondary educational**

*institution, unless the institution has met its equal educational opportunity goals, as established by the council. In accordance with administrative regulations promulgated by the council, those institutions not meeting the goals shall be able to obtain a temporary waiver, if the institution has made substantial progress toward meeting its equal educational opportunity goals;*

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

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

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

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

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

1 Joint Committee on Families and Children;

2 ~~(25)~~~~[(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

- 1 Community and Technical College System, continuing education  
2 opportunities for all council and governing board members; and
- 3 (c) Review and approve the orientation programs of each public university and  
4 the Kentucky Community and Technical College System for their governing  
5 board members to ensure that all programs and information adhere to this  
6 subsection;
- 7 ~~(26)~~~~(25)~~ Develop a financial reporting procedure to be used by all state postsecondary  
8 education institutions to ensure uniformity of financial information available to  
9 state agencies and the public;
- 10 ~~(27)~~~~(26)~~ Select and appoint a president of the council under KRS 164.013;
- 11 ~~(28)~~~~(27)~~ Employ consultants and other persons and employees as may be required for  
12 the council's operations, functions, and responsibilities;
- 13 ~~(29)~~~~(28)~~ Promulgate administrative regulations, in accordance with KRS Chapter 13A,  
14 governing its powers, duties, and responsibilities as described in this section;
- 15 ~~(30)~~~~(29)~~ Prepare and present by January 31 of each year an annual status report on  
16 postsecondary education in the Commonwealth to the Governor, the Strategic  
17 Committee on Postsecondary Education, and the Legislative Research Commission;
- 18 ~~(31)~~~~(30)~~ Consider the role, function, and capacity of independent institutions of  
19 postsecondary education in developing policies to meet the immediate and future  
20 needs of the state. When it is found that independent institutions can meet state  
21 needs effectively, state resources may be used to contract with or otherwise assist  
22 independent institutions in meeting these needs;
- 23 ~~(32)~~~~(31)~~ Create advisory groups representing the presidents, faculty, nonteaching staff,  
24 and students of the public postsecondary education system and the independent  
25 colleges and universities;
- 26 ~~(33)~~~~(32)~~ Develop a statewide policy to promote employee and faculty development in  
27 state and locally operated secondary area technology centers through the waiver of



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

11 ~~(34)~~[(33)] Participate with the Kentucky Department of Education, the Kentucky Board  
12 of Education, and postsecondary education institutions to ensure that academic  
13 content requirements for successful entry into postsecondary education programs  
14 are aligned with high school content standards and that students who master the  
15 high school academic content standards shall not need remedial courses. The  
16 council shall monitor the results on an ongoing basis;

17 ~~(35)~~[(34)] Cooperate with the Kentucky Department of Education and the Education  
18 Professional Standards Board in providing information sessions to selected  
19 postsecondary education content faculty and teacher educators of the high school  
20 academic content standards as required under KRS 158.6453(2)(l);

21 ~~(36)~~[(35)] Cooperate with the Office of the Kentucky Center for Statistics and ensure the  
22 participation of the public institutions as required in KRS 151B.133;

23 ~~(37)~~[(36)] Pursuant to KRS 63.080, review written notices from the Governor or from a  
24 board of trustees or board of regents concerning removal of a board member or the  
25 entire appointed membership of a board, investigate the member or board and the  
26 conduct alleged to support removal, and make written recommendations to the  
27 Governor and the Legislative Research Commission as to whether the member or

1 board should be removed; and

2 ~~(38)~~~~(37)~~ Exercise any other powers, duties, and responsibilities necessary to carry out  
3 the purposes of this chapter. Nothing in this chapter shall be construed to grant the  
4 Council on Postsecondary Education authority to disestablish or eliminate any  
5 college of law which became a part of the state system of higher education through  
6 merger with a state college.

7 ➔Section 2. KRS 164.011 is amended to read as follows:

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

23 (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary  
24 Education Nominating Committee shall submit nominations to the Governor as set  
25 forth in KRS 164.005. On making appointments to the council, the Governor shall  
26 ensure broad geographical and political representation; ensure equal representation  
27 of the two (2) sexes, inasmuch as possible; ensure no less than proportional

1 representation of the two (2) leading political parties of the Commonwealth based  
2 on the state's voter registration and the political affiliation of each appointee as of  
3 December 31 of the year preceding the date of his or her appointment; and ensure  
4 that appointments reflect the minority racial composition of the Commonwealth  
5 based on the total minority racial population using the most recent census or  
6 estimate data from the United States Census Bureau. If the determination of  
7 proportional minority representation does not result in a whole number of minority  
8 members, it shall be rounded up to the next whole number. A particular political  
9 affiliation shall not be a prerequisite to appointment to the council generally;  
10 however, if any person is appointed to the council that does not represent either of  
11 the two (2) leading political parties of the Commonwealth, the proportional  
12 representation by political affiliation requirement shall be determined and satisfied  
13 based on the total number of members on the council less any members not  
14 affiliated with either of the two (2) leading political parties. In filling vacancies to  
15 the council, the Governor shall act so as to provide, inasmuch as possible, equal  
16 representation of the two (2) sexes by appointing a member of the sex that is the  
17 lesser represented at the time of the appointment. If the remaining membership  
18 already has an equal number of males and females, the Governor may appoint a  
19 member of either sex. No more than two (2) members of the council shall hold an  
20 undergraduate degree from any one (1) Kentucky university, and no more than  
21 three (3) voting members of the council shall reside in any one (1) judicial district  
22 of the Kentucky Supreme Court as of the date of the appointment. However, change  
23 in residency after the date of appointment shall not affect the ability to serve.

24 (3) One (1) member shall be a full-time faculty member employed at a state institution  
25 of postsecondary education. The faculty member shall be appointed to a four (4)  
26 year term by the Governor from a list of three (3) nominees selected and submitted  
27 by majority vote of the ten (10) faculty members who serve as faculty

1        representatives of the boards of trustees and boards of regents of the nine (9)  
2        postsecondary education institutions.

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

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

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

- 18       (a) Two (2) appointments shall expire December 31, 1997;
- 19       (b) Three (3) appointments shall expire December 31, 1998;
- 20       (c) Two (2) appointments shall expire December 31, 1999;
- 21       (d) Two (2) appointments shall expire December 31, 2000;
- 22       (e) Two (2) appointments shall expire December 31, 2001; and
- 23       (f) Two (2) appointments shall expire December 31, 2002.

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

- 1 (8) The members of the council shall elect the chair and the vice chair of the council  
2 from among the council's membership, and the chair and vice chair shall serve at  
3 the pleasure of the council. The vice chair shall serve as chair in the absence of the  
4 chair.
- 5 (9) The council shall meet at least quarterly and at other times upon the call of the chair  
6 or a majority of the council.
- 7 (10) A quorum shall be a majority of the appointive membership of the council.
- 8 (11) A quorum shall be required to organize and conduct the business of the council,  
9 except that an affirmative vote of eight (8) or more appointive members of the  
10 entire council shall be required to dismiss from employment the president of the  
11 council, and to adopt or amend the state strategic postsecondary education agenda.
- 12 (12) New appointees to the council shall not serve more than two (2) consecutive terms.
- 13 (13) New appointees to the council shall complete an orientation and education program  
14 set forth in KRS 164.020~~(25)~~~~(24)~~ to be eligible for appointment to a second term.
- 15 ➔Section 3. KRS 164.131 is amended to read as follows:
- 16 (1) (a) The government of the University of Kentucky is vested in a board of trustees  
17 appointed for a term set by law pursuant to Section 23 of the Constitution of  
18 Kentucky.
- 19 (b) All appointed and elected persons shall be required to attend and complete an  
20 orientation and education program prescribed by the council under KRS  
21 164.020~~(25)~~~~(24)~~, as a condition of their service and eligibility for  
22 appointment or election to a second term.
- 23 (c) The board shall periodically evaluate the institution's progress in  
24 implementing its missions, goals, and objectives to conform to the strategic  
25 agenda. Officers and officials shall be held accountable for the status of the  
26 institution's progress.
- 27 (d) Board members may be removed by the Governor under the following

1 circumstances:

2 1. For cause, pursuant to KRS 63.080(2); or

3 2. Pursuant to KRS 63.080(3) or (4).

4 (e) The board shall consist of sixteen (16) members appointed by the Governor,  
5 two (2) members of the faculty of the University of Kentucky, one (1)  
6 member of the University of Kentucky nonteaching personnel, and one (1)  
7 member of the student body of the University of Kentucky. The members  
8 appointed by the Governor shall be subject to confirmation by the Senate. The  
9 voting members of the board shall select a chairperson annually.

10 (2) (a) The terms of the appointed members shall be for six (6) years and until their  
11 successors are appointed and qualified, unless a member is removed by the  
12 Governor pursuant to KRS 63.080(2), (3), or (4), except the initial  
13 appointments shall be as follows:

14 1. Two (2) members shall serve one (1) year terms;

15 2. Two (2) members shall serve two (2) year terms, one (1) of whom shall  
16 be a graduate of the university, selected from a list of three (3) names  
17 submitted by the alumni of the university according to rules established  
18 by the board of trustees;

19 3. Three (3) members shall serve three (3) year terms;

20 4. Three (3) members shall serve four (4) year terms, one (1) of whom  
21 shall be a graduate of the university, selected as under subparagraph 2.  
22 of this subsection;

23 5. Three (3) members shall serve five (5) year terms; and

24 6. Three (3) members shall serve six (6) year terms, one (1) of whom shall  
25 be a graduate of the university, selected as under subparagraph 2. of this  
26 subsection.

27 (b) 1. Three (3) of the appointments shall be graduates of the university and

1                   may include one (1) graduate of the institution who resides outside the  
2                   Commonwealth;

3                   2.    Three (3) shall be representative of agricultural interests; and

4                   3.    Ten (10) shall be other distinguished citizens representative of the  
5                   learned professions and may include one (1) who resides outside of  
6                   Kentucky.

7           (c)   The Governor shall make the appointments so as to reflect proportional  
8           representation of the two (2) leading political parties of the Commonwealth  
9           based on the state's voter registration and the political affiliation of each  
10          appointee as of December 31 of the year preceding the date of his or her  
11          appointment, and to reflect no less than proportional representation of the  
12          minority racial composition of the Commonwealth based on the total minority  
13          racial population using the most recent census or estimate data from the  
14          United States Census Bureau. If the determination of proportional minority  
15          representation does not result in a whole number of minority members, it shall  
16          be rounded up to the next whole number. A particular political affiliation shall  
17          not be a prerequisite to appointment to the board generally; however, if any  
18          person is appointed to the board that does not represent either of the two (2)  
19          leading political parties of the Commonwealth, the proportional representation  
20          by political affiliation requirement shall be determined and satisfied based on  
21          the total number of members on the board less any members not affiliated  
22          with either of the two (2) leading political parties.

23          (d)   Appointments to fill vacancies shall be made for the unexpired term in the  
24          same manner as provided for the original appointments.

25    (3)   The two (2) University of Kentucky faculty members shall be of the rank of  
26          assistant professor or above. They shall be elected by secret ballot by all University  
27          of Kentucky faculty members of the rank of assistant professor or above. Faculty

1 members shall serve for terms of three (3) years and until their successors are  
2 elected and qualified. Faculty members shall be eligible for reelection, but they  
3 shall be ineligible to continue to serve as members of the board of trustees if they  
4 cease to be members of the faculty of the university. Elections to fill vacancies shall  
5 be for the unexpired term in the same manner as provided for original elections.

6 (4) The nonteaching personnel member shall be any full-time staff member, excluding  
7 the president, vice-presidents, academic deans, and academic department  
8 chairpersons. The staff member shall represent all nonteaching university  
9 employees, including but not limited to building facilities and clerical personnel.  
10 The staff member shall be elected by secret ballot by the nonteaching employees.  
11 The staff member shall serve a term of three (3) years and until a successor is  
12 elected and qualified. The staff member shall be eligible for reelection, but a staff  
13 member who ceases being an employee of the university shall not be eligible to  
14 continue to serve as a member of the board. Elections to fill vacancies shall be for  
15 the unexpired term and shall be held in the same manner as provided for the  
16 original election.

17 (5) 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 (6) The number of student and employee trustees of the University of Kentucky elected  
24 to the board shall not exceed four (4).

25 (7) Unless specifically approved by the board of trustees under the provisions of KRS  
26 164.367, no member of the administrative staff of the university shall be directly or  
27 indirectly interested in any contract with the university for the sale of property,



1 materials, supplies, equipment, or services, with exception of compensation to the  
2 two (2) faculty members, and the one (1) nonteaching personnel member.

3 (8) New appointees of the board shall not serve more than two (2) consecutive terms.

4 (9) The inability of the board to hold regular meetings, to elect a chairperson annually,  
5 to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an  
6 annual evaluation of the president of the university, or to carry out its primary  
7 function to periodically evaluate the institution's progress in implementing its  
8 mission, goals, and objectives to conform to the strategic agenda shall be cause for  
9 the Governor to remove all appointed members of the board and replace the entire  
10 appointed membership pursuant to KRS 63.080(4).

11 ➔Section 4. KRS 164.321 is amended to read as follows:

12 (1) Eastern Kentucky University, Morehead State University, Murray State University,  
13 Western Kentucky University, Kentucky State University, Northern Kentucky  
14 University, and the Kentucky Community and Technical College System shall each  
15 be governed by a board of regents appointed for a term set by law pursuant to  
16 Section 23 of the Constitution of Kentucky.

17 (a) Each board of the comprehensive universities shall consist of eight (8)  
18 members appointed by the Governor, one (1) member of the teaching faculty,  
19 one (1) member of the university nonteaching personnel, and one (1) member  
20 of the student body of the respective university or college. The members  
21 appointed by the Governor shall be subject to confirmation by the Senate. The  
22 members of the board shall select a chairperson annually.

23 (b) The board of the Kentucky Community and Technical College System shall  
24 consist of eight (8) members appointed by the Governor, two (2) members of  
25 the teaching faculty, two (2) members of the nonteaching personnel, and two  
26 (2) members of the student body. The members appointed by the Governor  
27 shall be subject to confirmation by the Senate.

- 1           1.   No more than three (3) appointed members of the board shall reside in  
2           any one (1) judicial district of the Kentucky Supreme Court as of the  
3           date of the appointment.
- 4           2.   A change in residency of a gubernatorial appointee after the date of  
5           appointment shall not affect the appointee's ability to serve or eligibility  
6           for reappointment, except an appointee who assumes residency outside  
7           the fifty (50) United States shall become immediately ineligible to serve.  
8           The Council on Postsecondary Education shall notify the appointee of  
9           his or her ineligibility to serve.
- 10          3.   In making initial appointments, the Governor shall act so as to provide  
11          equal representation of the two (2) sexes. In filling vacancies, the  
12          Governor shall act so as to provide, inasmuch as possible, equal  
13          representation of the two (2) sexes by appointing a member of the sex  
14          that is the lesser represented at the time of the appointment. If the  
15          remaining membership already has an equal number of males and  
16          females, the Governor may appoint a member of either sex.
- 17   (2)   The terms of appointed members shall be for six (6) years and until their successors  
18          are appointed and qualified, unless a member is removed by the Governor pursuant  
19          to KRS 63.080(2), (3), or (4), except the initial appointments to the board of regents  
20          for the Kentucky Community and Technical College System shall be as follows:
  - 21          (a)   One (1) member shall serve a one (1) year term;
  - 22          (b)   One (1) member shall serve a two (2) year term;
  - 23          (c)   Two (2) members shall serve three (3) year terms;
  - 24          (d)   One (1) member shall serve a four (4) year term;
  - 25          (e)   One (1) member shall serve a five (5) year term; and
  - 26          (f)   Two (2) members shall serve six (6) year terms.
- 27          New appointees of a board of regents shall not serve for more than two (2)

1 consecutive terms.

2 (3) The gubernatorial appointments may include one (1) graduate of the respective  
3 institution who resides outside the Commonwealth. Not more than two (2)  
4 appointed members of any board shall be residents of one (1) county. The  
5 appointments shall reflect the proportional representation of the two (2) leading  
6 political parties of the Commonwealth based on the state's voter registration and the  
7 political affiliation of each appointee as of December 31 of the year preceding the  
8 date of his or her appointment. A particular political affiliation shall not be a  
9 prerequisite to appointment to any board generally; however, if any person is  
10 appointed to a board that does not represent either of the two (2) leading political  
11 parties of the Commonwealth, the proportional representation by political affiliation  
12 requirement shall be determined and satisfied based on the total number of  
13 members on the board less any members not affiliated with either of the two (2)  
14 leading political parties. Membership on the board shall reflect no less than  
15 proportional representation of the minority racial composition of the  
16 Commonwealth based on the total minority racial population using the most recent  
17 census or estimate data from the United States Census Bureau. If the determination  
18 of proportional minority representation does not result in a whole number of  
19 minority members, it shall be rounded up to the next whole number. Membership  
20 on the board shall not be incompatible with any state office. A change in residency  
21 after the date of appointment shall not affect a member's ability to serve nor shall it  
22 prevent a member's eligibility for reappointment, except a member who assumes  
23 residency outside the fifty (50) United States shall become immediately ineligible  
24 to serve. The Council on Postsecondary Education shall notify the appointee of his  
25 or her ineligibility to serve.

26 (4) Appointments to fill vacancies shall be made in the same manner and within the  
27 same time after the occurrence of the vacancy as regular appointments. The person

1 appointed shall hold the position for the unexpired term only.

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

5 (6) (a) The faculty member of a comprehensive university shall be a teaching or  
6 research member of the faculty of his or her respective university of the rank  
7 of assistant professor or above. The faculty member shall be elected by secret  
8 ballot by all faculty members of his or her university of the rank of instructor,  
9 assistant professor, or above. The faculty member shall serve for a term of  
10 three (3) years and until his successor is elected and qualified. The faculty  
11 member shall be eligible for reelection, but he or she shall not be eligible to  
12 continue to serve as a member of the board if he or she ceases being a member  
13 of the teaching staff of the university. Elections to fill vacancies shall be for  
14 the unexpired term in the same manner as provided for the original election.

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

27 (7) (a) The nonteaching personnel member in a comprehensive university shall be

1 any full-time staff member excluding the president, vice presidents, academic  
2 deans, and academic department chairpersons. He or she shall represent all  
3 nonteaching university employees including, but not limited to, building  
4 facilities and clerical personnel. The member shall be elected by secret ballot  
5 by the nonteaching employees. The nonteaching personnel member shall  
6 serve a term of three (3) years and until a successor is elected and qualified.  
7 The nonteaching personnel member shall be eligible for reelection, but he or  
8 she shall not be eligible to continue to serve as a member of the board if he or  
9 she ceases being an employee of the university. Elections to fill vacancies  
10 shall be for the unexpired term in the same manner as provided for the  
11 original election.

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

1 unexpired term in the same manner as provided for the original election.

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

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

20 (9) All appointed and elected persons shall be required to attend and complete an  
21 orientation and education program prescribed by the council under KRS  
22 164.020(25)~~(24)~~, as a condition of their service and eligibility for appointment or  
23 election to a second term.

24 (10) Board members may be removed by the Governor under the following  
25 circumstances:

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

27 (b) Pursuant to KRS 63.080(3) or (4).

1 (11) The inability of the board or boards of the comprehensive universities or Kentucky  
2 Community and Technical College System to hold quarterly meetings, to elect a  
3 chairperson annually, to establish a quorum, to adopt an annual budget, to set  
4 tuition rates, to conduct an annual evaluation of the president of the university or  
5 system, to carry out its primary function to periodically evaluate the university's or  
6 system's progress in implementing its mission, goals, and objectives to conform to  
7 the strategic agenda, or to otherwise perform its duties under KRS 164.350 shall be  
8 cause for the Governor to remove all appointed members of the board or boards and  
9 replace the entire appointed membership pursuant to KRS 63.080(4).

10 ➔Section 5. KRS 164.821 is amended to read as follows:

11 (1) The government of the University of Louisville is vested in a board of trustees  
12 appointed for a term set by law pursuant to Section 23 of the Constitution of  
13 Kentucky. The board shall consist of ten (10) members appointed by the Governor,  
14 at least one (1) of whom shall be a graduate of the university; one (1) member of  
15 the teaching faculty of the University of Louisville who shall be the chief executive  
16 of the ranking unit of faculty government; one (1) member of the permanent staff of  
17 the University of Louisville who shall be the chief executive of the staff senate; and  
18 one (1) student member who shall be the president of the student body during the  
19 appropriate academic year. The members appointed by the Governor shall be  
20 subject to confirmation by the Senate.

21 (a) All appointed and elected persons shall be required to attend and complete an  
22 orientation and education program prescribed by the council under KRS  
23 164.020~~(25)~~~~[(24)]~~, as a condition of their service and eligibility for  
24 appointment or election to a second term.

25 (b) Board members may be removed by the Governor under the following  
26 circumstances:

27 1. For cause, pursuant to KRS 63.080(2); or

- 1           2. Pursuant to KRS 63.080(3) or(4).
- 2           (c) New appointees to the board shall not serve more than two (2) consecutive
- 3           terms.
- 4           (2) The student member shall serve a one (1) year term beginning on July 1 after being
- 5           elected and sworn in as student body president and ending on the following June
- 6           30. If the student member does not maintain the position of student body president
- 7           or the status of a full-time student at any time during that academic year, a special
- 8           election shall be held to select a full-time student member. The elected student
- 9           member shall serve for the remainder of the unexpired term.
- 10          (3) The faculty member and staff member shall serve one (1) year terms and cease to
- 11          be eligible for membership on the board of trustees upon termination of their
- 12          respective relationships with, or leadership positions within, the university, and
- 13          vacancies occurring for this reason shall be filled for the remainder of the respective
- 14          terms in the same manner.
- 15          (4) The gubernatorial appointments shall serve a term of six (6) years and until their
- 16          successors are appointed and qualified, unless a member is removed by the
- 17          Governor pursuant to KRS 63.080(2), (3), or (4), except the initial terms shall be as
- 18          follows:
- 19               (a) Two (2) members shall serve one (1) year terms;
- 20               (b) Two (2) members shall serve two (2) year terms;
- 21               (c) Two (2) members shall serve three (3) year terms;
- 22               (d) Two (2) members shall serve four (4) year terms;
- 23               (e) One (1) member shall serve a five (5) year term; and
- 24               (f) One (1) member shall serve a six (6) year term.
- 25          (5) The Governor shall make his at-large appointments so as to divide the appointed
- 26          representation upon the board to reflect:
- 27               (a) The proportional representation of the two (2) leading political parties in the



- 1 Commonwealth based on the state's voter registration and the political  
2 affiliation of each appointee as of December 31 of the year preceding the date  
3 of his or her appointment. A particular political affiliation shall not be a  
4 prerequisite to appointment to the board generally; however, if any person is  
5 appointed to the board that does not represent either of the two (2) leading  
6 political parties of the Commonwealth, the proportional representation by  
7 political affiliation requirement shall be determined and satisfied based on the  
8 total number of members on the board less any members not affiliated with  
9 either of the two (2) leading political parties; and
- 10 (b) No less than the proportional representation of the minority racial composition  
11 of the Commonwealth based on the total minority racial population using the  
12 most recent census or estimate data from the United States Census Bureau. If  
13 the determination of proportional minority representation does not result in a  
14 whole number of minority members, it shall be rounded up to the next whole  
15 number.
- 16 (6) Vacancies among the appointed members of the board occurring by death,  
17 resignation, or any other cause, other than expiration of a term, shall be filled by  
18 appointments made by the Governor for the remainder of the unexpired term,  
19 subject to the qualifications set forth in this section.
- 20 (7) Unless specifically approved by the board of trustees under the provisions of KRS  
21 164.367, no member of the teaching or administrative staff of the university shall be  
22 directly or indirectly interested in any contract with the university for the sale of  
23 property, materials, supplies, equipment, or services, with the exception of  
24 compensation to the faculty, staff, and student members.
- 25 (8) The inability of the board to hold regular meetings, to elect a chairperson annually,  
26 to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an  
27 annual evaluation of the president of the university, to carry out its primary function

1 to periodically evaluate the institution's progress in implementing its mission, goals,  
2 and objectives to conform to the strategic agenda, or to otherwise perform its duties  
3 under KRS 164.830 shall be cause for the Governor to remove all appointed  
4 members of the board and replace the entire appointed membership pursuant to  
5 KRS 63.080(4).

6 ➔Section 6. KRS 335B.010 is amended to read as follows:

7 As used in KRS 335B.020 to 335B.070, unless the context requires otherwise:

8 (1) "Occupation" includes all occupations, trades, vocations, professions, businesses, or  
9 employment of any kind for which a license is required to be issued by the  
10 Commonwealth of Kentucky, its agencies, or political subdivisions;

11 (2) "License" includes all licenses, permits, certificates, registrations, or other means  
12 required to engage in an occupation which are granted or issued by the  
13 Commonwealth of Kentucky, its agents or political subdivisions before a person  
14 can pursue, practice, or engage in any occupation;

15 (3) "Public employment" includes all employment with the Commonwealth of  
16 Kentucky, its agencies, or political subdivisions;

17 (4) "Conviction of a crime" shall be limited to convictions of felonies or  
18 misdemeanors; and

19 (5) "Hiring or licensing authority" shall mean the person, board, commission, or  
20 department of the Commonwealth of Kentucky, its agencies or political  
21 subdivisions, responsible by law for the hiring of persons for public employment or  
22 the licensing of persons for occupations[;]

23 ~~(6) "Diversity, equity, and inclusion training" has the same meaning as in KRS~~  
24 ~~164.2894; and~~

25 ~~(7) "Licensing authority" means the person, board, commission, department, or other~~  
26 ~~entity of the Commonwealth of Kentucky, its agencies, or political subdivisions,~~  
27 ~~responsible by law for the licensing of persons for occupations].~~

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

2        164.2894 Definitions for KRS 164.2894 to 164.2899.

3        164.2895 Prohibited practices -- Consideration of religion, race, sex, color, or national  
4        origin by public postsecondary education institution disallowed -- Resources not to  
5        be spent on diversity, equity, and inclusion office -- Exceptions -- Attorney General  
6        to enforce -- Audit.

7        164.2896 Governing boards to adopt and publish policy on viewpoint neutrality --  
8        Attorney General to enforce.

9        164.2897 Council on Postsecondary Education -- Prohibited practices -- Exceptions --  
10       Certification to Legislative Research Commission -- Attorney General to enforce.

11       164.2898 Institutions to submit annual report to Legislative Research Commission of  
12       policies, programs, practices, and procedures that promote or provide differential  
13       treatment -- Sunset.

14       164.2899 Council on Postsecondary Education to develop and publish annual survey to  
15       assess intellectual freedom and viewpoint diversity -- Institutions to administer  
16       surveys, securely store responses, and submit annual report to council -- Sunset.

17       335B.035 Requirement or use of diversity, equity, and inclusion training by licensing  
18       authority in licensure or disciplinary decisions or actions prohibited.

19       ➔Section 8. This Act may be cited as the Restoration of Postsecondary Inclusion  
20       and Student Success Programs Act.