

1 AN ACT relating to public postsecondary education institutions.

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

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

4 The Council on Postsecondary Education in Kentucky shall:

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

- 1 (7) Develop plans that may be required by federal legislation. The council shall for all
2 purposes of federal legislation relating to planning be considered the "single state
3 agency" as that term may be used in federal legislation. When federal legislation
4 requires additional representation on any "single state agency," the Council on
5 Postsecondary Education shall establish advisory groups necessary to satisfy federal
6 legislative or regulatory guidelines;
- 7 (8) (a) Determine tuition and mandatory student fees and approve the minimum
8 qualifications for admission to the state postsecondary educational system.
- 9 1. Tuition and mandatory student fees shall not be increased for any
10 program more than five percent (5%) a year for incoming Kentucky
11 resident students and seven percent (7%) a year for any non-Kentucky
12 resident students without approval from the General Assembly.
- 13 2. Tuition and mandatory student fees at the University of Louisville,
14 University of Kentucky, or a comprehensive university shall not be
15 increased for a resident student until the student completes four (4)
16 continuous years of enrollment in a program, graduates from a
17 program, or upon the termination of the student's enrollment in the
18 program, whichever occurs first.
- 19 3. If a resident student remains enrolled in a program at the University
20 of Louisville, University of Kentucky, or a comprehensive university
21 after four (4) years, the tuition and mandatory student fees charged to
22 the student for any subsequent term in the program shall not exceed
23 the amount of tuition and mandatory student fees for an incoming
24 resident student in the same program that term.
- 25 4. An institution shall notify any non-Kentucky resident student or
26 continuing resident student of any increase of tuition or mandatory
27 student fees at least four (4) months prior to the effective date of the

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increase.

5. An increase to tuition and mandatory student fees for any program shall be determined by the council or approved by a governing board no later than March 1 of the preceding school year.

6. For the purposes of this paragraph:

a. "Mandatory student fee" means any fee or cost assessed to all students enrolled in an institution or program of study that is not tuition, including but not limited to any student recreation or activity fee, student government fee, student health plan, mandatory meal plan, facility fee, or technology fee; and

b. "Program" means an institution's undergraduate program or a specific graduate program. A student shall not be deemed to have switched programs upon switching from one undergraduate major to another.

(b) In defining residency, the council shall classify a student as having Kentucky residency if the student met the residency requirements at the beginning of his or her last year in high school and enters a Kentucky postsecondary education institution within two (2) years of high school graduation. In determining the tuition for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and other factors the council may in its sole discretion deem pertinent, except that the Kentucky Community and Technical College System may assess a mandatory student fee not to exceed eight dollars (\$8) per credit hour to be used exclusively for debt service on

1 amounts not to exceed seventy-five percent (75%) of the total projects cost of
2 the Kentucky Community and Technical College System agency bond
3 projects included in 2014 Ky. Acts ch. 117, Part II, J., 11.

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

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

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

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

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

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

1 acquisitions. Approval of capital projects and real property acquisitions shall
2 be on a basis consistent with the strategic agenda and the mission of the
3 respective universities and the Kentucky Community and Technical College
4 System.

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

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

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

21 (14) Establish course credit, transfer, and degree components as required in KRS
22 164.2951;

23 (15) Define and approve the offering of all postsecondary education technical, associate,
24 baccalaureate, graduate, and professional degree, certificate, or diploma programs
25 in the public postsecondary education institutions. The council shall expedite
26 wherever possible the approval of requests from the Kentucky Community and
27 Technical College System board of regents relating to new certificate, diploma,

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

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

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

13 (b) Alignment with the priorities in the strategic implementation plan for
14 achieving the strategic agenda;

15 (c) Elimination of unnecessary duplication of programs within and among
16 institutions; and

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

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

- 1 institution, unless the institution has met its equal educational opportunity goals, as
2 established by the council. In accordance with administrative regulations
3 promulgated by the council, those institutions not meeting the goals shall be able to
4 obtain a temporary waiver, if the institution has made substantial progress toward
5 meeting its equal educational opportunity goals;
- 6 (20) Ensure the coordination, transferability, and connectivity of technology among
7 postsecondary institutions in the Commonwealth including the development and
8 implementation of a technology plan as a component of the strategic agenda;
- 9 (21) Approve the teacher education programs in the public institutions that comply with
10 standards established by the Education Professional Standards Board pursuant to
11 KRS 161.028;
- 12 (22) Constitute the representative agency of the Commonwealth in all matters of
13 postsecondary education of a general and statewide nature which are not otherwise
14 delegated to one (1) or more institutions of postsecondary learning. The
15 responsibility may be exercised through appropriate contractual relationships with
16 individuals or agencies located within or without the Commonwealth. The authority
17 includes but is not limited to contractual arrangements for programs of research,
18 specialized training, and cultural enrichment;
- 19 (23) Maintain procedures for the approval of a designated receiver to provide for the
20 maintenance of student records of the public institutions of higher education and the
21 colleges as defined in KRS 164.945, and institutions operating pursuant to KRS
22 165A.310 which offer collegiate level courses for academic credit, which cease to
23 operate. Procedures shall include assurances that, upon proper request, subject to
24 federal and state laws and regulations, copies of student records shall be made
25 available within a reasonable length of time for a minimum fee;
- 26 (24) Monitor and transmit a report on compliance with KRS 164.351 to the director of
27 the Legislative Research Commission for distribution to the Health and Welfare

1 Committee;

2 (25) (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) 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) Select and appoint a president of the council under KRS 164.013;
- 11 (28) Employ consultants and other persons and employees as may be required for the
12 council's operations, functions, and responsibilities;
- 13 (29) Promulgate administrative regulations, in accordance with KRS Chapter 13A,
14 governing its powers, duties, and responsibilities as described in this section;
- 15 (30) 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) 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) Create advisory groups representing the presidents, faculty, nonteaching staff, and
24 students of the public postsecondary education system and the independent colleges
25 and universities;
- 26 (33) Develop a statewide policy to promote employee and faculty development in state
27 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) Participate with the Kentucky Department of Education, the Kentucky Board of
12 Education, and postsecondary education institutions to ensure that academic content
13 requirements for successful entry into postsecondary education programs are
14 aligned with high school content standards and that students who master the high
15 school academic content standards shall not need remedial courses. The council
16 shall monitor the results on an ongoing basis;

17 (35) 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)(1);

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

1 should be removed; and

2 (38) Exercise any other powers, duties, and responsibilities necessary to carry out the
3 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 164.131 is amended to read as follows:

8 (1) (a) The government of the University of Kentucky is vested in a board of trustees
9 appointed for a term set by law pursuant to Section 23 of the Constitution of
10 Kentucky.

11 (b) All appointed and elected persons shall be required to attend and complete an
12 orientation and education program prescribed by the council under KRS
13 164.020(25), as a condition of their service and eligibility for appointment or
14 election to a second term.

15 (c) The board shall periodically evaluate the institution's progress in
16 implementing its missions, goals, and objectives to conform to the strategic
17 agenda. Officers and officials shall be held accountable for the status of the
18 institution's progress.

19 (d) Board members may be removed by the Governor under the following
20 circumstances:

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

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

23 (e) The board shall consist of:

24 1. Sixteen (16) members appointed by the Governor, subject to
25 confirmation by the Senate;~~;~~

26 2. Two (2) members of the faculty of the University of Kentucky;~~;~~

27 3. One (1) member of the University of Kentucky nonteaching

1 personnel;[;] and

2 **4. Three (3) members**~~[one (1) member]~~ of the student body of the
3 University of Kentucky.

4 **a. One (1) shall be the elected student body president during the**
5 **appropriate academic year;**

6 **b. One (1) shall be the student body vice president during the**
7 **appropriate academic year; and**

8 **c. One (1) shall be a full-time graduate student elected by the**
9 **graduate student body.**~~[The members appointed by the Governor~~
10 ~~shall be subject to confirmation by the Senate.]~~

11 **(f)** The ~~[voting]~~ members of the board shall select a chairperson annually.

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

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

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

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

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

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

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

1 ~~subsection~~].

2 (b) 1. Three (3) of the appointments shall be graduates of the university and
3 may include one (1) graduate of the institution who resides outside the
4 Commonwealth;

5 2. Three (3) of the appointments shall be representative of agricultural
6 interests; and

7 3. Ten (10) of the appointments shall be other distinguished citizens
8 representative of the learned professions and may include one (1) who
9 resides outside of Kentucky.

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

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

- 1 (3) The two (2) University of Kentucky faculty members shall be of the rank of
2 assistant professor or above. They shall be elected by secret ballot by all University
3 of Kentucky faculty members of the rank of assistant professor or above. Faculty
4 members shall serve for terms of three (3) years and until their successors are
5 elected and qualified. Faculty members shall be eligible for reelection, but they
6 shall be ineligible to continue to serve as members of the board of trustees if they
7 cease to be members of the faculty of the university. Elections to fill vacancies shall
8 be for the unexpired term in the same manner as provided for original elections.
- 9 (4) The nonteaching personnel member shall be any full-time staff member, excluding
10 the president, vice-presidents, academic deans, and academic department
11 chairpersons. The staff member shall represent all nonteaching university
12 employees, including but not limited to building facilities and clerical personnel.
13 The staff member shall be elected by secret ballot by the nonteaching employees.
14 The staff member shall serve a term of three (3) years and until a successor is
15 elected and qualified. The staff member shall be eligible for reelection, but a staff
16 member who ceases being an employee of the university shall not be eligible to
17 continue to serve as a member of the board. Elections to fill vacancies shall be for
18 the unexpired term and shall be held in the same manner as provided for the
19 original election.
- 20 (5) (a) The student members~~[member]~~ shall serve a one (1) year term beginning on
21 July 1 after being elected~~[and sworn in as]~~ to be a student member of the
22 board~~[student body president]~~ and ending on the following June 30.
- 23 (b) If a~~[the]~~ student member does not maintain ~~[the position of student body~~
24 ~~president or]~~ the status of a full-time student at any time during that academic
25 year, a special election shall be held to select a new full-time student member.
26 The newly elected student member shall serve for the remainder of the
27 unexpired term.

- 1 (6) The number of student and employee trustees of the University of Kentucky elected
2 to the board shall not exceed six (6)~~four (4)~~.
- 3 (7) Unless specifically approved by the board of trustees under the provisions of KRS
4 164.367, no member of the administrative staff of the university shall be directly or
5 indirectly interested in any contract with the university for the sale of property,
6 materials, supplies, equipment, or services, with exception of compensation to the
7 two (2) faculty members~~[-]~~ and the one (1) nonteaching personnel member.
- 8 (8) New appointees of the board shall not serve more than two (2) consecutive terms.
- 9 (9) The inability of the board to hold regular meetings, to elect a chairperson annually,
10 to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an
11 annual evaluation of the president of the university, or to carry out its primary
12 function to periodically evaluate the institution's progress in implementing its
13 mission, goals, and objectives to conform to the strategic agenda shall be cause for
14 the Governor to remove all appointed members of the board and replace the entire
15 appointed membership pursuant to KRS 63.080(4).

16 ➔Section 3. KRS 164.821 is amended to read as follows:

- 17 (1) (a) The government of the University of Louisville is vested in a board of trustees
18 appointed for a term set by law pursuant to Section 23 of the Constitution of
19 Kentucky. The board shall consist of:
- 20 1. Ten (10) members appointed by the Governor, subject to confirmation
21 by the Senate. At least one (1) of these members~~[whom]~~ shall be a
22 graduate of the university;
- 23 2. Two (2) members~~[One (1) member]~~ of the teaching faculty of the
24 University of Louisville:~~[who]~~
- 25 a. One (1) shall be the chief executive of the ranking unit of faculty
26 government; and
- 27 b. One (1) shall be of the rank of assistant professor or above who

1 *is elected by secret ballot by all University of Louisville faculty*
 2 *members of the rank of assistant professor or above;*

3 3. One (1) member of the permanent staff of the University of Louisville
 4 who shall be the chief executive of the staff senate; and

5 4. Three (3)~~one (1)~~ student members.~~member who shall be~~

6 a. One (1) shall be the president of the student body during the
 7 appropriate academic year;

8 b. One (1) shall be the executive vice president of the student body
 9 during the appropriate academic year; and

10 c. One (1) shall be a full-time graduate student elected by the
 11 graduate student body. ~~[The members appointed by the Governor~~
 12 ~~shall be subject to confirmation by the Senate.]~~

13 ~~(b)~~~~(a)~~ All appointed and elected persons shall be required to attend and
 14 complete an orientation and education program prescribed by the council
 15 under KRS 164.020(25), as a condition of their service and eligibility for
 16 appointment or election to a second term.

17 ~~(c)~~~~(b)~~ Board members may be removed by the Governor under the following
 18 circumstances:

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

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

21 ~~(d)~~~~(c)~~ New appointees to the board shall not serve more than two (2)
 22 consecutive terms.

23 (2) (a) The student members~~member~~ shall serve a one (1) year term beginning on
 24 July 1 after being elected ~~[and sworn in as]~~to be a student member of the
 25 board~~[student body president]~~ and ending on the following June 30.

26 (b) If a~~the~~ student member does not maintain ~~[the position of student body~~
 27 ~~president or]~~the status of a full-time student at any time during that academic

1 year, a special election shall be held to select a new full-time student member.

2 The newly elected student member shall serve for the remainder of the
3 unexpired term.

4 (3) The faculty members~~[member]~~ and staff member shall serve one (1) year terms and
5 cease to be eligible for membership on the board of trustees upon termination of
6 their respective relationships with, or leadership positions within, the university,
7 and vacancies occurring for this reason shall be filled for the remainder of the
8 respective terms in the same manner.

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

13 ~~(a) Two (2) members shall serve one (1) year terms;~~

14 ~~(b) Two (2) members shall serve two (2) year terms;~~

15 ~~(c) Two (2) members shall serve three (3) year terms;~~

16 ~~(d) Two (2) members shall serve four (4) year terms;~~

17 ~~(e) One (1) member shall serve a five (5) year term; and~~

18 ~~(f) One (1) member shall serve a six (6) year term].~~

19 (5) The Governor shall make his or her at-large appointments so as to divide the
20 appointed representation upon the board to reflect:

21 (a) The proportional representation of the two (2) leading political parties in the
22 Commonwealth based on the state's voter registration and the political
23 affiliation of each appointee as of December 31 of the year preceding the date
24 of his or her appointment. A particular political affiliation shall not be a
25 prerequisite to appointment to the board generally; however, if any person is
26 appointed to the board that does not represent either of the two (2) leading
27 political parties of the Commonwealth, the proportional representation by

1 political affiliation requirement shall be determined and satisfied based on the
2 total number of members on the board less any members not affiliated with
3 either of the two (2) leading political parties; and

4 (b) No less than the proportional representation of the minority racial composition
5 of the Commonwealth based on the total minority racial population using the
6 most recent census or estimate data from the United States Census Bureau. If
7 the determination of proportional minority representation does not result in a
8 whole number of minority members, it shall be rounded up to the next whole
9 number.

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

14 (7) Unless specifically approved by the board of trustees under the provisions of KRS
15 164.367, no member of the teaching or administrative staff of the university shall be
16 directly or indirectly interested in any contract with the university for the sale of
17 property, materials, supplies, equipment, or services, with the exception of
18 compensation to the faculty, staff, and student members.

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

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

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

- 6 (a) Each board of the comprehensive universities shall consist of:
- 7 1. Eight (8) members appointed by the Governor **and subject to**
 8 **confirmation by the Senate;**~~;~~
 - 9 2. **Two (2) members**~~[One (1) member]~~ of the teaching faculty;~~;~~
 - 10 3. One (1) member of the university nonteaching personnel;~~;~~ and
 - 11 4. **Three (3) members**~~[one (1) member]~~ of the student body of the
 12 respective university or college.
 - 13 a. **One (1) shall be the president of the student body during the**
 14 **appropriate academic year;**
 - 15 b. **One (1) shall be the vice president of the student body during the**
 16 **appropriate academic year; and**
 - 17 c. **One (1) shall be a full-time graduate student elected by the**
 18 **graduate student body**~~[The members appointed by the Governor~~
 19 ~~shall be subject to confirmation by the Senate].~~

20 (b) The members of the board shall select a chairperson annually.

21 (c)~~(b)~~ The board of the Kentucky Community and Technical College System
 22 shall consist of eight (8) members appointed by the Governor, two (2)
 23 members of the teaching faculty, two (2) members of the nonteaching
 24 personnel, and **four (4)**~~[two (2)]~~ members of the student body. The members
 25 appointed by the Governor shall be subject to confirmation by the Senate.

26 1. No more than three (3) appointed members of the board shall reside in
 27 any one (1) judicial district of the Kentucky Supreme Court as of the

1 date of the appointment.

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

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

15 (2) The terms of appointed members shall be for six (6) years and until their successors
16 are appointed and qualified, unless a member is removed by the Governor pursuant
17 to KRS 63.080(2), (3), or (4). ~~[- except the initial appointments to the board of~~
18 ~~regents for the Kentucky Community and Technical College System shall be as~~
19 ~~follows:~~

20 ~~(a) One (1) member shall serve a one (1) year term;~~

21 ~~(b) One (1) member shall serve a two (2) year term;~~

22 ~~(c) Two (2) members shall serve three (3) year terms;~~

23 ~~(d) One (1) member shall serve a four (4) year term;~~

24 ~~(e) One (1) member shall serve a five (5) year term; and~~

25 ~~(f) Two (2) members shall serve six (6) year terms.~~

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

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

- 1 (5) Each member of the board shall serve for the term for which the member is
 2 appointed and until a successor is appointed and qualified, unless a member is
 3 removed by the Governor pursuant to KRS 63.080(2), (3), or (4).
- 4 (6) (a) The faculty members~~[member]~~ of a comprehensive university board shall be~~f~~
 5 a~~]~~ teaching or research members~~[member]~~ of the faculty of their~~[his or her]~~
 6 respective university of the rank of assistant professor or above. The faculty
 7 members~~[member]~~ shall be elected by secret ballot by all faculty members of
 8 the~~[his or her]~~ university of the rank of instructor, assistant professor, or
 9 above. The faculty members~~[member]~~ shall serve for a term of three (3) years
 10 and until a~~[his]~~ successor is elected and qualified. The faculty
 11 members~~[member]~~ shall be eligible for reelection, but ~~[he or she]~~ shall not be
 12 eligible to continue to serve as a member of the board if the member~~[he or~~
 13 ~~she]~~ ceases being a member of the teaching staff of the university. Elections to
 14 fill vacancies shall be for the unexpired term in the same manner as provided
 15 for the original election.
- 16 (b) The faculty members of the Kentucky Community and Technical College
 17 System shall be represented by one (1) faculty member elected from the
 18 community colleges and one (1) faculty member elected from the technical
 19 institutions to serve three (3) year terms and until their successors are named.
 20 The faculty representative of each branch shall be elected by means of a
 21 process established by the board. The faculty members may be reelected but
 22 shall not serve more than two (2) consecutive terms. A faculty member shall
 23 be ineligible to continue to serve as a member of the board if he or she ceases
 24 to be a member of the faculty at one (1) of the institutions within the system.
 25 Elections to fill vacancies shall be for the unexpired term in the same manner
 26 as provided for the original election. ~~[These two (2) members shall~~
 27 ~~collectively have one (1) vote which may be cast one half (1/2) vote by each~~

1 ~~member.}~~

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

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

1 the board if that employee ceases to be a nonteaching employee at one (1) of
2 the institutions within the system. Elections to fill vacancies shall be for the
3 unexpired term in the same manner as provided for the original election.

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

12 (b) Four (4)~~Two (2)~~ full-time student members shall be elected to the board of
13 regents for the Kentucky Community and Technical College System. Two
14 ~~(2)~~One (1) shall be elected by~~represent~~ students of the community colleges
15 and two (2)~~one (1)~~ shall be elected by students of~~represent~~ the technical
16 institutions. ~~The student members shall be elected by means of a process~~
17 ~~established by the board.~~ The student members shall serve one (1) year terms
18 beginning on July 1 after being elected to be~~and sworn in as~~ a student
19 member of the board and ending on the following June 30. If ~~a~~the student
20 member does not maintain the status as a full-time student, a special election
21 shall be held to fill the vacancy for the remainder of the unexpired term. ~~The~~
22 ~~two (2) members shall collectively have one (1) vote which may be cast one~~
23 ~~half (1/2) vote by each member.~~

24 (9) All appointed and elected persons shall be required to attend and complete an
25 orientation and education program prescribed by the council under KRS
26 164.020(25), as a condition of their service and eligibility for appointment or
27 election to a second term.

1 (10) Board members may be removed by the Governor under the following
2 circumstances:

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

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

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

14 ➔Section 5. KRS 164.7874 is amended to read as follows:

15 As used in KRS 164.7871 to 164.7885:

16 (1) "Academic term" means a semester or other time period specified in an
17 administrative regulation promulgated by the authority;

18 (2) "Academic year" means a period consisting of at least the minimum school term, as
19 defined in KRS 158.070;

20 (3) "ACT score" means the composite score achieved on the American College Test at
21 a national test site on a national test date or the college admissions examination
22 administered statewide under KRS 158.6453(5)(b)5. if the exam is the ACT, or an
23 equivalent score, as determined by the authority, on the SAT administered by the
24 College Board, Inc.;

25 (4) "Authority" means the Kentucky Higher Education Assistance Authority;

26 (5) "Award period" means the fall and spring consecutive academic terms within one
27 (1) academic year;

- 1 (6) "Council" means the Council on Postsecondary Education created under KRS
2 164.011;
- 3 (7) "Eligible high school student" means any person who:
- 4 (a) Is a citizen, national, or permanent resident of the United States and Kentucky
5 resident;
- 6 (b) Was enrolled after July 1, 1998:
- 7 1. In a Kentucky high school for at least one hundred forty (140) days of
8 the minimum school term unless exempted by the authority's executive
9 director upon documentation of extreme hardship, while meeting the
10 KEES curriculum requirements, and was enrolled in a Kentucky high
11 school at the end of the academic year;
- 12 2. In a Kentucky high school for the fall academic term of the senior year
13 and who:
- 14 a. Was enrolled during the entire academic term;
- 15 b. Completed the high school's graduation requirements during the
16 fall academic term; and
- 17 c. Was not enrolled in a secondary school during any other academic
18 term of that academic year; or
- 19 3. In the Gatton Academy of Mathematics and Science in Kentucky, the
20 Craft Academy for Excellence in Science and Mathematics, or in high
21 school at a model and practice school under KRS 164.380 while meeting
22 the Kentucky educational excellence scholarship curriculum
23 requirements;
- 24 (c) Has a grade point average of 2.5 or above at the end of any academic year
25 beginning after July 1, 1998, or at the end of the fall academic term for a
26 student eligible under paragraph (b) 2. of this subsection; and
- 27 (d) Is not a convicted felon;

- 1 (8) "Eligible postsecondary student" means a citizen, national, or permanent resident of
2 the United States and Kentucky resident, as determined by the participating
3 institution in accordance with criteria established by the council for the purposes of
4 admission and tuition assessment, who:
- 5 (a) Earned a KEES award;
 - 6 (b) Has the required postsecondary GPA and credit hours required under KRS
7 164.7881;
 - 8 (c) Has remaining semesters of eligibility under KRS 164.7881;
 - 9 (d) Is enrolled in a participating institution as a part-time or full-time student; and
 - 10 (e) Is not a convicted felon;
- 11 (9) "Full-time student" means a student enrolled in a postsecondary program of study
12 that meets the full-time student requirements of the participating institution in
13 which the student is enrolled;
- 14 (10) "Grade point average" or "GPA" means the grade point average earned by an
15 eligible student and reported by the high school or participating institution in which
16 the student was enrolled based on a scale of 4.0 or its equivalent if the high school
17 or participating institution that the student attends does not use the 4.0 grade scale;
- 18 (11) "High school" means any Kentucky public high school, the Gatton Academy of
19 Mathematics and Science in Kentucky, the Craft Academy for Excellence in
20 Science and Mathematics, a high school of a model and practice school under KRS
21 164.380, and any private, parochial, or church school located in Kentucky that has
22 been certified by the Kentucky Board of Education as voluntarily complying with
23 curriculum, certification, and textbook standards established by the Kentucky Board
24 of Education under KRS 156.160;
- 25 (12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship
26 provided under KRS 164.7871 to 164.7885;
- 27 (13) "KEES award" means:

- 1 (a) For an eligible high school student, the sum of the KEES base amount for
2 each academic year of high school plus any KEES supplemental amount, as
3 adjusted pursuant to KRS 164.7881; and
- 4 (b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental
5 amount as adjusted pursuant to KRS 164.7881;
- 6 (14) "KEES award maximum" means the sum of the KEES base amount earned in each
7 academic year of high school plus any KEES supplemental amount earned;
- 8 (15) "KEES base amount" or "base amount" means the amount earned by an eligible
9 high school student based on the student's GPA pursuant to KRS 164.7879;
- 10 (16) "KEES curriculum" means five (5) courses of study, except for students who meet
11 the criteria of subsection (7)(b)2. of this section, in an academic year as determined
12 in accordance with an administrative regulation promulgated by the authority;
- 13 (17) "KEES supplemental amount" means the amount earned by an eligible student
14 based on the student's ACT score pursuant to KRS 164.7879;
- 15 (18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational
16 excellence scholarship trust fund;
- 17 (19) "On track to graduate" means the number of cumulative credit hours earned as
18 compared to the number of hours determined by the postsecondary education
19 institution as necessary to complete a bachelor's degree by the end of eight (8)
20 academic terms or ten (10) academic terms if a student is enrolled in an
21 undergraduate program that requires five (5) years of study;
- 22 (20) "Participating institution" means an "institution" as defined in KRS 164.001 that is
23 eligible to participate in the federal Pell Grant program, executes a contract with the
24 authority on terms the authority deems necessary or appropriate for the
25 administration of its programs, and:
- 26 (a) 1. Is publicly operated;
- 27 2. Is licensed by the Commonwealth of Kentucky and has operated for at

1 least ten (10) years, offers an associate or baccalaureate degree program
2 of study not comprised solely of sectarian instruction, **has at least one**
3 **(1) voting member of the governing board of the institution that is a**
4 **full-time student elected by majority vote of the student body of the**
5 **institution each year,** and admits as regular students only high school
6 graduates, recipients of a High School Equivalency Diploma, or students
7 transferring from another accredited degree granting institution; or

8 3. Is designated by the authority as an approved out-of-state institution that
9 offers a degree program in a field of study that is not offered at any
10 institution in the Commonwealth; and

11 (b) Continues to commit financial resources to student financial assistance
12 programs; and

13 (21) "Part-time student" means a student enrolled in a postsecondary program of study
14 who does not meet the full-time student requirements of the participating institution
15 in which the student is enrolled and who is enrolled for at least six (6) credit hours,
16 or the equivalent for an institution that does not use credit hours.

17 ➔Section 6. This Act may be cited as the Kentucky Student Tuition Protection
18 and Accountability Act.

19 ➔Section 7. This Act takes effect July 1, 2025.