

MINUTES
Council on Postsecondary Education
Special Meeting
April 30, 2008

The Council on Postsecondary Education met in a special meeting Wednesday, April 30, 2008, at 11:30 a.m. at the Council offices in Frankfort, Kentucky. Chair John Turner presided.

ROLL CALL The following members attended: Peggy Bertelsman, Kevin Canafax, Dan Flanagan, John Hall, Phyllis Maclin (via videoconferencing from Paducah), Donna Moore, Lisa Osborne, Ryan Quarles, Jim Skaggs (by telephone), John Turner, Mark Wattier, Joe Weis, and Jon Draud.

[Alois Moore resigned from the Council April 15, 2008, and Virginia Fox's appointment expired April 15, 2008, due to not being confirmed by the 2008 General Assembly.]

CPE PRESIDENT Mr. Turner announced that Brad Cowgill has resigned as permanent president of the Council.

PRESIDENTIAL
SEARCH
COMMITTEE MOTION: Mr. Wattier moved that the Council ask the Honorable John Turner to appoint a search committee to select a firm to engage the Council in a national search for a president of the Council on Postsecondary Education to help the Commonwealth of Kentucky achieve the goals of House Bill 1 and Senate Bill 1. The motion was seconded by Donna Moore.

VOTE: The motion passed.

Mr. Turner appointed the following members to the Presidential Search Committee – John Hall (chair), Donna Moore, Lisa Osborne, Phyllis Maclin, Mark Wattier, Joe Weis, and Gary Ransdell as convener of the Advisory Conference of Presidents.

FOX LETTER Mr. Turner read the following letter received from Virginia Fox and asked that it be included in the official minutes of this meeting:

Mr. John Turner, Chairman
Kentucky Council on Postsecondary Education
1024 Capital Center Drive, Suite 320
Frankfort, KY 40601

April 29, 2008

Dear Chairman Turner,

This letter is to state my disagreement with the conclusions of attorneys for the Council for Postsecondary Education and Governor Beshear as to my status on the Council. This was evidently based solely on the failure of the House to vote on my nomination. Section 93 of the Kentucky Constitution clearly states that only the consent of the Kentucky Senate may be required. The provisions of KRS 164.011(1) on its face violate Section 93. Further, KRS 164.011(2) violates my rights under the 14th Amendment to the U.S. Constitution.

I believe that I was confirmed, am still a member of the Council and that no vacancy exists for my position. Any action by the Council or the Governor to the contrary could be construed as acting under color of law to deprive me of my rights.

I wish to be very clear that my current non-participation in the Council's meetings is in no way a waiver of my rights under Section 93 of the Kentucky Constitution and under the U.S. Constitution.

Very truly yours,

Virginia G. Fox

CLOSED
SESSION

MOTION: Mr. Flanagan moved that the Council go into closed session to discuss the appointment of an employee of the Council as permitted under KRS 61.810(1)(f). The motion was seconded by Mr. Quarles.

VOTE: The motion passed.

Mr. Turner said that the Council will reconvene and may take action. The Council recessed at 11:40 a.m. and moved to Meeting Room B for the closed session.

RETURN TO
OPEN SESSION

The Council reconvened in open session at 1:15 p.m.

MOTION: Mr. Flanagan moved that the Council come back into open session. Ms. Bertelsman seconded the motion.

VOTE: The motion passed.

NEXT MEETINGS

Mr. Turner said that the Council will meet May 9 to consider the 2008-09 tuition

and mandatory fees recommendations. The Council also is meeting May 23.

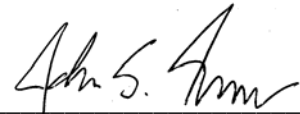
REMARKS BY
MR. COWGILL

Mr. Turner said that since this is Mr. Cowgill's last day that he be given the opportunity to make a statement to his friends and colleagues on the Council.

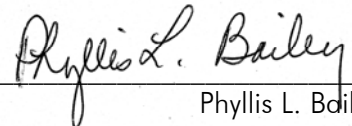
Mr. Cowgill said that he wanted to take advantage of the opportunity to tell everyone in this room what a genuine privilege it has been for him to work with the Council over the last eight months. He said that he is extremely thankful for that opportunity. He said there is not a person in this room that has not played an important role; this has been very much a team effort and he thanked everyone. He said that he was drawn to this business by his profound belief that if the Council does not do the job that was assigned to it by the laws passed in 1997, then the goals embedded in that law will not be achieved. He said this is an extremely important agency. It is an advocate for the statewide aspect of the goals. He said when seen through the eyes of a former budget director he feels that there is genuine reason for concern as to whether some of the goals can be achieved by 2020, for example the Double the Numbers goal, unless the always limited resources available are used at the highest level of production that can be achieved. He said that it is possible if everyone works together and with some measure of creativity to find better ways to do that and thereby to increase the probability that the goals will be achieved. He said that it has been a pleasure to work with the presidents and he has been inspired by their diligence. He said that it has been a pleasure to work with the Council members and its leadership.

Mr. Turner thanked Mr. Cowgill and said that he has been tireless and selfless in his service to the Commonwealth and postsecondary education in particular.

ADJOURNMENT The meeting adjourned at 1:18 p.m.



John S. Turner
Chair, Council on Postsecondary Education



Phyllis L. Bailey
Senior Associate, Executive Relations