



*Kentucky's College & University*

# **Statewide Board Training and Orientation Booklet**

September 2017



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The Council on Postsecondary Education is Kentucky’s statewide postsecondary and adult education coordinating agency charged with leading the reform efforts envisioned by state policy leaders in the *Kentucky Postsecondary Education Improvement Act of 1997*. The Council does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services, and provides, upon request, reasonable accommodation, including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.

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## WHAT IS THE COUNCIL ON POSTSECONDARY EDUCATION?

**What is the mission of the CPE?** The Council on Postsecondary Education is Kentucky's adult and higher education coordinating agency committed to strengthening our workforce, economy and quality of life. We do this by guiding the continuous improvement and efficient operation of a high quality, diverse, innovative, accessible and affordable system of postsecondary education, and as directed by the *Kentucky Postsecondary Education Improvement Act of 1997*.

**Is the Council a governing board or a coordinating board?** The Council on Postsecondary Education is Kentucky's coordinating board, and it has the authority to set tuition, license postsecondary institutions that operate in the state, approve academic programs, and other actions to ensure a coordinated system of autonomous colleges and universities. Each of our public universities have their own governing board. KCTCS has a governing board, while the individual community and technical colleges have advisory boards.

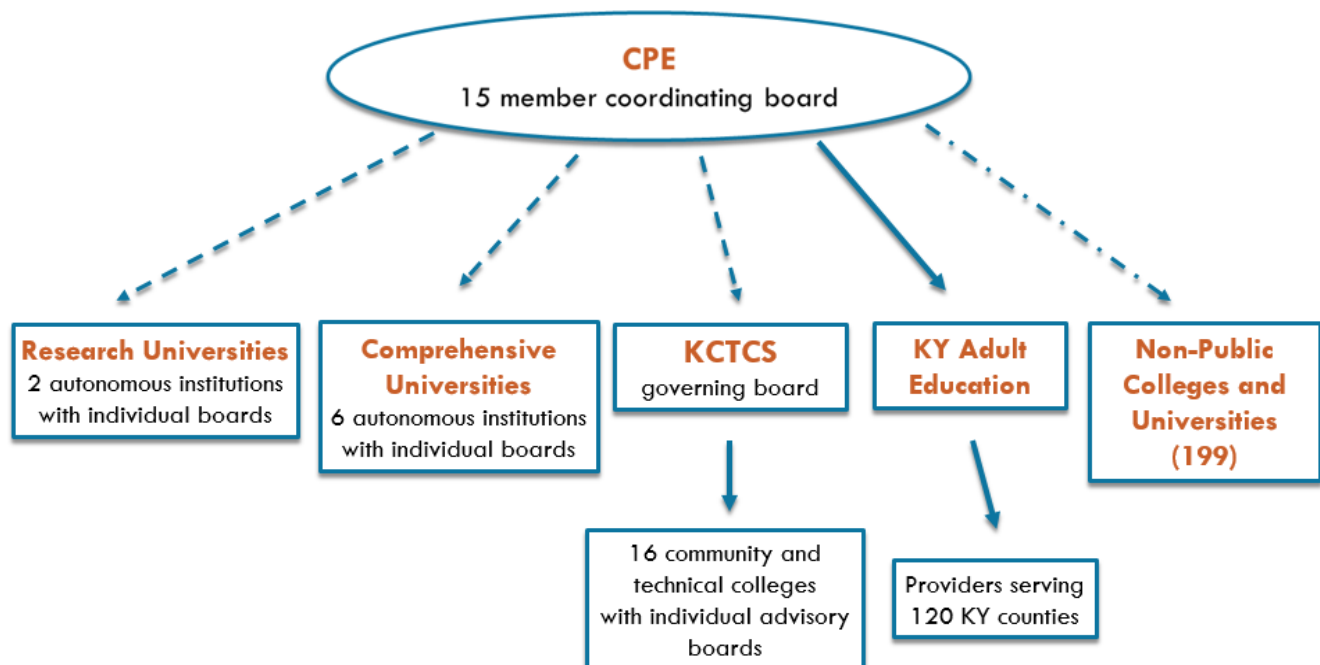
**Who makes up the membership of the Council?** The Council is composed of 13 citizen members, a faculty member, and a student member, all appointed by the Governor. The citizen members serve six-year terms, the faculty member serves a four-year term, and the student member serves a one-year term. The Commissioner of Education serves as a non-voting ex-officio member.

**How often does the Council meet?** The Council meets no less than quarterly but may call special meetings or subcommittee meetings. As per Kentucky's open meetings and records laws, all Council meetings are noticed and materials made available to the public.

**Where can I find information on the Council meetings and records?**

<http://cpe.ky.gov/aboutus/cpemeetings.html>

<http://cpe.ky.gov/aboutus/members.html>



## ***KENTUCKY POSTSECONDARY EDUCATION IMPROVEMENT ACT OF 1997 (HOUSE BILL 1)***

***What is House Bill 1?*** This legislation, proposed by Kentucky Governor Paul Patton and approved by the General Assembly in a May 1997 Special Session, reformed the Commonwealth's system of public postsecondary education. The overarching policy goal of HB 1 was to improve Kentucky postsecondary education as a means to advance the state's economy and quality of life.

***What was the rationale for the reform legislation?*** By all national measures, Kentucky's citizens in 1997 were undereducated and trailed the nation in income and health. More specifically, Kentucky trailed the nation and its competitor states in the South and Midwest in educational attainment, especially in the percentage of the population with baccalaureate and advanced degrees. A March 1997 report of the Task Force on Postsecondary Education concluded that the Commonwealth's postsecondary education system was unprepared to meet the demands of the 21st century global economy.

***What are the statutory goals of House Bill 1?*** The legislation, amended in 2000, articulates six goals to be achieved by 2020:

1. A seamless, integrated system of postsecondary education strategically planned and adequately funded to enhance economic development and quality of life.
2. A major comprehensive research institution ranked nationally in the top twenty public universities at the University of Kentucky.
3. A premier, nationally recognized metropolitan research university at the University of Louisville.
4. Regional universities, with at least one nationally recognized program of distinction or one nationally recognized applied research program, working cooperatively with other postsecondary institutions to assure statewide access to baccalaureate and master's degrees of a quality at or above the national average.
5. A comprehensive community and technical college system with a mission that assures, in conjunction with other postsecondary institutions, access throughout the Commonwealth to a two-year course of general studies designed for transfer to a baccalaureate program, the training necessary to develop a workforce with the skills to meet the needs of new and existing industries, and remedial and continuing education to improve the employability of citizens.
6. An efficient, responsive, and coordinated system of providers that delivers educational services to all adult citizens in quantities and of a quality that is comparable to the national average or above and significantly elevates the level of education of the adults of the Commonwealth.

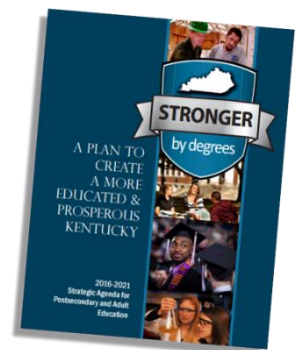
***What were the key features of the reform legislation?*** House Bill 1 reconstituted or created several entities designed to provide coordinated strategic planning and educational services. Those entities include the Council on Postsecondary Education, the Kentucky Community and Technical College System, the Kentucky Virtual Campus, and the Kentucky Virtual Library. In addition, HB 1 created trust funds to provide financial support for system-building behavior and to build university endowments.

## STRATEGIC AGENDA FOR POSTSECONDARY AND ADULT EDUCATION

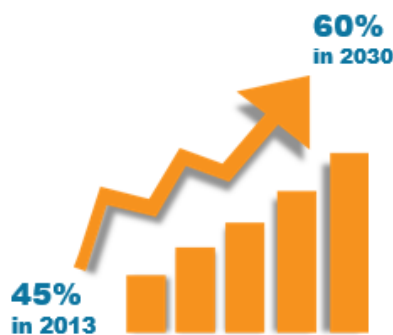
**Why do we need a strategic agenda?** Kentucky statutes require that the Council develop and implement an agenda that advances the goals of the *Postsecondary Education Improvement Act*. The 2016-21 strategic agenda advances an ambitious goal: to raise the percentage of Kentuckians with a high-quality postsecondary degree or certificate to 60 percent by the year 2030. Achieving this goal is critical if the Commonwealth hopes to accelerate job creation, grow the economy, and expand our tax base through the contributions of a more skilled, productive workforce. Additionally, high levels of educational attainment are correlated with better health; more informed, engaged citizens; and the kind of business and cultural endeavors that attract vibrant, creative and entrepreneurial people to the state.

**Who was involved in developing the 2016-21 strategic agenda?** The Council on Postsecondary Education, Kentucky Adult Education, and the state's colleges and universities with the help of:

- Kentucky Department of Education;
- Kentucky Higher Education Assistance Authority;
- Education Professional Standards Board;
- Education & Workforce Development Cabinet;
- Kentucky Center for Workforce Statistics; and
- Other representatives of education, business, and public- and private-sector organizations across the state.



These groups identified high-level objectives, strategies and metrics that target the key policy areas of opportunity, success, and impact.



### **How will we reach the goals of the strategic agenda?**

**Adequate Funding.** State funding and student financial aid, as well as cost controls and innovation in how we deliver postsecondary education and training, will be required to increase productivity and effectiveness while protecting access for low- and middle-income students and families.

**Accountability.** A Metrics Advisory Committee, comprised of campus representatives and Council staff, recommended high-level state and institution performance metrics to guide our progress through 2021.

Other contextual data and indicators will be monitored throughout the life of the plan to assist with policy and program development.

**Outcomes-Based Funding.** Providing incentives for campuses to increase retention, completion, degree production and other priority outcomes is an important strategy to accelerate improvement.

**Progress Reports.** Campuses will report to the Council annually on their progress, and other performance reports will be produced as needed.

**Campus Strategic Plans.** The Council and the institutions will work together to ensure that campus strategic plans broadly align with the statewide agenda.

**Where can I find more information?** <http://cpe.ky.gov/ourwork/strongerbydegrees.html>

## ACADEMIC PROGRAM APPROVAL

***What is the Council's role in academic program approval?*** The Council on Postsecondary Education has statutory authority to approve new academic programs at state colleges and universities. KRS 164.020 (15) empowers the Council to define and approve the offering of all postsecondary education technical, associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in public postsecondary education institutions. It also mandates that the Council expedite the approval of requests from the Kentucky Community and Technical College System Board of Regents relating to new certificate, diploma, or associate degree programs of a vocational, technical or occupational nature.

KRS 164.020 (19) allows the Council to postpone the approval of any new program at a state postsecondary educational institution if the institution has not 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.

***What is the program approval process?*** Depending on the type of program, the program approval process may consist of up to three stages: notification of intent (NOI), pre-proposal, and full-proposal. An institution may not submit a pre-proposal or proposal unless it has achieved automatic eligibility status or has obtained the appropriate waiver under 13 KAR 2:060. An institution may not submit a pre-proposal or proposal unless it has submitted all academic program reviews for the preceding academic year, per the Review of Existing Academic Programs Policy.

In the pre-proposal stage, institutions provide Council staff with justification for creating a new program; validation for creating a stand-alone program if similar programs already exist; and evidence that the program is aligned with an institution's mission, state and regional workforce needs, and the state's strategic agenda for postsecondary and adult education.

After posting a pre-proposal online, the chief academic officers, or their designees, and Council staff have 30 days to review and comment on the proposed program. If there are no outstanding issues, the institution may submit a more in-depth program proposal that has been approved by its governing board. One of the principal purposes of the full proposal is to establish the criteria to guide future program reviews.

***Where can I find more information?***

<http://cpe.ky.gov/policies/academicaffairs/newacademicprogramapprovalpolicy.pdf>

## ACADEMIC PROGRAM REVIEW

**What is the purpose of academic program reviews?** The review of existing academic programs, along with the approval of new academic programs, are primary responsibilities of state higher education coordinating boards. These reviews encourage quality improvements, more efficient use of resources, accountability, and cost effectiveness.

**What is CPE's role?** The Council has statutory authority to eliminate or make changes to academic programs at the state's postsecondary education institutions. Specifically, per KRS 164.020(16), the Council shall, at its discretion, eliminate existing programs or make any changes in existing academic programs at the state's postsecondary education institutions, taking into consideration:

- (1) consistency with the institution's mission and the statewide strategic agenda;
- (2) alignment with the priorities in the statewide strategic implementation plan;
- (3) elimination of unnecessary duplication of programs within and among institutions; and
- (4) efforts to create cooperative programs with other institutions.

**What is the process?** Institutions submit the results of their internal program reviews to Council staff for statewide review based on criteria related to: consistency with the institutional mission and the statewide strategic agenda; program quality and student success; cost and funding; and program demand and unnecessary duplication.

Council staff reviews the data and institutional recommendations to determine whether the program should continue without modification, continue with modification, or close within three years. For programs that should continue with modification, institutions submit a three-year plan for program improvements and a progress report and recommendation for the program's future at the end of this three-year period. The Council staff then reviews the progress report and institutional recommendation to determine if the program should continue without modification or close within three years.

**Where can I find more information?**

<http://cpe.ky.gov/policies/academicprograms.html>



## COLLEGE AND CAREER READINESS

### ***How does Kentucky define college and career readiness?***

- “College Readiness” is the level of preparation and assessment scores a student needs to bypass developmental education and enroll directly in credit-bearing courses.
- “Career Readiness” is the level of preparation a high school graduate needs in order to proceed to the next step in a chosen career, whether that is postsecondary coursework, industry certification, or entry into the workforce.

***How has college and career readiness improved in Kentucky?*** Senate Bill 1 (2009), signed by Governor Steven Beshear, and Senate Bill 1 (2017), signed by Governor Matthew Bevin, are significant pieces of education legislation aligning high school academic standards and assessments with postsecondary and workforce expectations. Over the last decade, there have been significant increases in high school graduation rates and in the percentage of high school students taking dual credit and AP courses and earning college credit. Additionally, college-going rates of recent high school graduates have increased, and college remediation rates have declined.

### ***What CPE initiatives promote college and career readiness?***

- ***Dual Credit:*** Dual credit courses give secondary students the opportunity to earn college credit while in high school. The Council approved a dual credit policy in June 2015 to increase access to dual credit courses, provide guiding principles to ensure quality faculty and curricula, assure transfer of credit to postsecondary institutions, and support affordable coursework for eligible students. With this policy, eligible students must have access to at least three general education courses and three career and technical education courses in a career pathway while in high school. A Dual Credit Advisory Council, including legislators and educational leaders, oversees implementation of the policy and monitors progress. In 2016, Governor Bevin created an Executive Order establishing the Kentucky Dual Credit Scholarship Program, enabling all high school graduates to take two dual credit courses at no cost. Tuition caps ensure courses remain affordable for students beyond the first two courses.
- ***Kentucky Rising:*** Kentucky Rising is an initiative to promote comprehensive, systemic change in Kentucky’s educational system to achieve student outcomes that are comparable to the highest performing states and nations. The initiative is based on *Nine Building Blocks for a World-Class Education System*, advanced by the National Center on Education and the Economy. Current efforts focus on improving teacher preparation in Kentucky.
- ***Improving Teacher Quality:*** The Improving Educator Quality (IEQ) grant program focuses on increasing the academic achievement of all students through professional development initiatives that ensure K-12 teachers and administrators are highly qualified. The Council issues a Request for Proposals (RFP) annually and awards grants to partnerships that deliver research-based, job-embedded professional development to K-12 teachers. Eligible partnerships must include a postsecondary institution’s school of arts and sciences, a postsecondary institution’s teacher preparation program, and at least one high-need local school district. In 2016 the Every Student Succeeds Act (ESSA) replaced No Child Left Behind as the

federal school accountability system model. In the upcoming years the IEQ grants will be administered by the Kentucky Department of Education.

***Where can I find more information?***

<http://cpe.ky.gov/policies/dualcredit.html>

<http://www.lrc.ky.gov/Statutes/statute.aspx?id=45630>

<http://www.lrc.ky.gov/Statutes/statute.aspx?id=45631>

[https://www.kheaa.com/website/kheaa/dual\\_credit?main=1](https://www.kheaa.com/website/kheaa/dual_credit?main=1)

<http://cpe.ky.gov/ourwork/teacherquality.html>

## EQUAL EDUCATIONAL OPPORTUNITIES

***What is the Committee on Equal Opportunities?*** The Council established the Committee on Equal Opportunities (CEO) in 1987 to ensure continuation of the Commonwealth's postsecondary education desegregation efforts. The CEO oversees institutional compliance with the statewide diversity policy (the most recent version approved by the Council in September 2016) and serves in an advisory capacity to the Council on equal education opportunity objectives. The Council utilizes the CEO's recommendations when considering new academic degree program requests from the campuses, as well as policy improvements across the public postsecondary education system.

***What is Kentucky's approach to diversity planning?*** The Council recognizes that diversity, equity, and inclusion are core values of higher education that must be present across the postsecondary education system. In the most recently approved policy, campuses crafted goals that mirrored the three focus areas of the strategic agenda: opportunity, success, and impact. Opportunity relates to encouraging more people, particularly low-income and underrepresented minority populations, to take advantage of postsecondary opportunities. Success addresses increasing first- to second-year retention rates, three- and six-year graduation rates, and degrees conferred to low-income and underrepresented minority students. Impact urges the creation of inclusive and supportive campus environments by increasing cultural competency, retaining and promoting diverse faculty and staff, and ensuring equity and inclusion campus-wide. Both the statewide diversity policy, as well as the institutional diversity plans, minimize the long-term impact of institutional and systemic inequalities while helping to promote student success across the Commonwealth.

***How will the diversity policy be implemented?*** The public institutions developed diversity plans in response to the statewide policy. KRS 164.020(19) requires the Council to postpone the approval of new academic programs for institutions that fail to meet equal opportunity goals established by the Council and further allows for institutions to secure a temporary waiver if substantial progress has been made toward their goals. 13 KAR 2:060 establishes the process for measuring progress toward goals. Institutions must comply with the reporting schedule and receive a satisfactory score on the diversity plan's evaluation rubric. Annual reports are due to the Council in March of each year and must address progress toward meeting goals, evidence that the identified strategies are being implemented with fidelity, analysis of strategy effectiveness, lessons learned, and next steps. Institutions that do not meet the minimum composite score shall be ineligible to offer new academic programs. Plan implementation began in the fall of 2017, and the first annual report is due March 1, 2019.

***What diversity services does the Council support?*** The Council on Postsecondary Education provides financial and staff support to the following activities:

- **Academically Proficient High School Junior and Senior Diversity Conference:** The goal of the conference is to provide information and resources to encourage first-generation, low-income, and other diverse students to pursue a postsecondary degree. The conference gives Kentucky's public, private and independent colleges and universities an opportunity to recruit academically promising students in their junior and senior years.

- **Governor’s Minority Student College Preparation Program (GMSCPP):** This program provides academic enrichment activities to students in grades 6-8 to encourage them to enroll in rigorous courses to prepare for college. A conference for program participants is held each year.
- **SREB Doctoral Scholars Program:** This program is a cooperative interstate venture that supports underrepresented minority students pursuing doctoral degrees. CPE supports doctoral scholars through a partnership with the University of Kentucky and the University of Louisville, which provide an in-kind and cash match. The program’s goal is to increase diversity in the academy by supporting students who seek careers as faculty and administrators on campuses across the nation.

***Where can I find more information about equal educational opportunities?***

<http://cpe.ky.gov/ourwork/diversity.html>

## LICENSING OF KENTUCKY NON-PUBLIC COLLEGES AND UNIVERSITIES

**What is the Council's authority in this area?** By statute the Council is charged "... to protect bona fide institutions and to protect citizens of the Commonwealth from fraudulent practices, unfair competition, or substandard educational programs" through the licensing of non-public colleges operating in Kentucky. The following types of institutions are subject to licensure by the Council:

- In-state, non-public, non-profit institutions offering degrees at any level.
- In-state, non-public, for-profit institutions offering degrees at the baccalaureate level and above. (In-state and out-of-state, for-profit institutions offering programs below the baccalaureate level are regulated by the Kentucky Commission on Proprietary Education.)
- Out-of-state, for-profit institutions offering degrees at the baccalaureate level and above.
- Out-of-state, non-profit, private or public institutions offering degrees at any level.

**What does the process entail?** The CPE president is authorized by regulation to issue licenses. Postsecondary institutions wishing to operate in Kentucky must submit initial applications to the president of the Council. If a college meets standards specified in the regulation, the president then issues a license. Licenses are institution-specific, program-specific, degree-level-specific, and site-specific. Once licensed, institutions may submit applications to offer new programs or develop additional locations. Institutions also must submit data annually to CPE addressing specified information such as enrollment and degree data and financial stability.

**Does CPE regulate degree programs offered online by out-of-state institutions?** Yes, if the college is operating or soliciting in Kentucky. Per 13 KAR 1:020 Section 1 (9), "Operating or soliciting" means having a physical presence within Kentucky and includes:

- a) An instructional or administrative site within Kentucky whether owned, leased, rented, or provided without charge;
- b) Instruction whether theory or clinical, originating from or delivered within Kentucky utilizing teachers, trainers, counselors, advisors, sponsors, or mentors;
- c) An agent, recruiter, in-state liaison personnel, institution, or business located in Kentucky that advises, promotes, or solicits for enrollment, credit, or award of an educational or occupational credential;
- d) An articulation agreement with a Kentucky licensed college or state-supported institution; or
- e) Advertising, promotional material, or public solicitation in any form that targets Kentucky residents through distribution or advertising in the state.

**What is the State Authorization Reciprocity Agreement (SARA)?** SARA is an agreement among member states that establishes comparable national standards for offering postsecondary distance education courses and programs in other member states. SARA is overseen by the National Council for State Authorization Reciprocity Agreements (NC-SARA); Kentucky's participation is through the Southern Regional Education Board (SREB).

**Where can I find more information about licensing?**

<http://cpe.ky.gov/campuses/licensurerequest.html>

<http://cpe.ky.gov/campuses/sararequest.html>

## KENTUCKY 3C COALITION

**What is the Ky3C?** The Kentucky College and Career Connection Coalition is a voluntary statewide network working together to enhance, align, and expand college and career outreach across Kentucky. The purpose of the Coalition is to improve communication, collaboration, and professional development among outreach professionals, programs, and proponents through a statewide coalition of member organizations.

**Who is involved with the Ky3C?** The CPE serves as a convener of the Coalition. The group is comprised of approximately 25 organizations representing multiple sectors including state agencies, postsecondary institutions, K-12 schools, non-profit organizations, college access programs, professional associations, and business/industry representatives.

**What are the core value statements of the Ky3C?**

- 1. Collaboration creates value and empowers change:** Ky3C members will be more successful in attaining individual objectives by collaborating with partners. Ky3C serves as a conduit for best practices and innovative strategies that expand student opportunities.
- 2. Postsecondary education doesn't just mean college:** Ky3C uses the term "postsecondary education" as the attainment of credentials beyond high school, including professional and technical certificates, as well as academic degrees, which lead to successful employment opportunities and pay a sustainable living wage.
- 3. College and career readiness is about more than just academics:** Students need to be socially and emotionally prepared for the rigor, responsibility, and accountability needed to succeed in college or the workforce.
- 4. Career education is integral to student success:** Career exploration and planning must be an explicit goal, and interventions must be early, consistent, and sustained. Early exposure and varied workplace learning experiences for students are critical.
- 5. All Kentuckians deserve the opportunity to access and complete education beyond high school:** Education beyond high school is essential in a knowledge-based economy. Low-income individuals and individuals of color are completing degrees and credentials at significantly lower rates than others. Ky3C is committed to closing these gaps and ensuring access and success for all.
- 6. All students need an informed, trusted community of support:** Students and families need to know what resources, programs, and professionals are available to support them.
- 7. Integrating diverse audience voices into outreach messages and initiatives is essential:** Ky3C is engaged and involved with students, parents, and other audiences in the development of common messages and outreach strategies.

**What are the outcomes of Ky3C?** The work of the Ky3C Coalition directly supports CPE's strategic agenda objectives within the opportunity priority area (Strategy 2.1, 3.1, 3.4, and 5.2). Outcomes of the Ky3C Coalition include, but are not limited to: increased awareness of the value and affordability of postsecondary education; increased participation in postsecondary education, especially among traditionally underserved audiences; and expanded professional development and technical assistance opportunities for outreach professionals.

**Where do I find more information on Ky3C?** <http://ky3ccoalition.org/>

## STUDENT SUCCESS INITIATIVES

**What are the significant CPE-led initiatives promoting student success?** The overarching framework that guides CPE's work is the LEAP States Initiative, promoted by the Association of American Colleges & Universities, which centers on high-impact educational practices, authentic assessment of student learning, and liberal education that is inclusive of all students.

- **Developmental Education Transformation:** The success of students in traditional developmental education program models is limited, and students often do not complete the prerequisite requirements to enroll in gateway courses needed for credential and degree completion. Kentucky's "Guiding Principles for Developmental Education and Postsecondary Intervention Programming," created by faculty and educators and based on research and evidence, guides institutions as they develop transformational developmental education and student success pathways. The co-requisite model (credit-bearing coursework that includes enhanced supports) and the inclusion of additional quantitative reasoning pathways, such as statistics, are examples of program reform measures incorporated into the guiding principles. These practices have increased students' success in subsequent gateway courses.
- **Student Success Summit:** This annual event provides postsecondary faculty, staff, and administrators an opportunity to learn from leading student success experts and to engage in stimulating discussions with colleagues from across the state. The two-day summit offers sessions highlighting high-impact practices (HIPs) and other topics related to the promotion of student success and inclusive excellence.
- **Targeted Workshops:** CPE also hosts workshops that build upon the topics from the annual summit. While the summit provides general information about topics, these workshops are designed to provide more detail and technical assistance for campuses implementing student success practices.
- **Multi-State Collaborative to Advance Student Learning Outcomes Assessment (MSC):** The Massachusetts Department of Higher Education, with the support of SHEEO and AAC&U, initiated the MSC to create a model of learning outcomes assessment based on students' authentic work that would provide campuses with a means of formative assessment and allow for segmental and cross-state comparisons. Three Kentucky institutions – Bluegrass Community and Technical College, Northern Kentucky University, and the University of Kentucky—participate in this pilot project.
- **Multi-State Collaborative on Military Credit (MCMC):** Coordinated by the Midwestern Higher Education Compact, this partnership of 13 states (Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin) works to ease the transition of veterans and their families from military life to college campuses, with special emphasis on articulating competencies acquired through military training and experiences into college credit. The partnership shares best practices in articulation of credit, licensure and certification, communications, and technology.
- **Academic Common Market (ACM):** ACM is a cooperative, tuition-reduction agreement among 15 SREB states. The program enables Kentucky students interested in baccalaureate and graduate programs not offered at Kentucky public institutions to pay in-state tuition at participating public institutions.

- **Contract Spaces:** Contract Spaces is a cooperative, tuition-savings agreement with Auburn University's and Tuskegee University's School of Veterinary Medicine, and with the University of Alabama-Birmingham, Indiana University, Southern College of Optometry and the University of Pikeville for optometry graduate education. This program enables students to attend either veterinary or optometry medicine programs at in-state tuition rates at public university partners and at reduced tuition rates at private partner institutions.

***Where can I find more information?***

<http://cpe.ky.gov/ourwork/dualcredit.html>

<http://cpe.ky.gov/ourwork/developmentaleducation.html>

<http://cpe.ky.gov/studentsuccess/index.html>

<http://cpe.ky.gov/ourwork/acm.html>

<http://cpe.ky.gov/ourwork/cs.html>



## TRANSFER

Many students begin their education at KCTCS and then transfer to a public university. CPE oversees efforts to make this transition as seamless as possible. Transfer efforts are guided by both legislation and the statewide *General Education Transfer Policy and Implementation Plan*.

***Are there transfer-related statutory mandates?*** KRS 164.2951, enacted in 2010, requires KCTCS and the public universities, in collaboration with CPE, to plan and implement a comprehensive process for aligning arts and sciences coursework at KCTCS with related bachelor's-degree programs at four-year schools to create consistency among core courses that students need in order to succeed. The statute also requires CPE, in collaboration with the public universities and community and technical colleges, to establish a statewide course classification system and procedures to monitor the transfer and crediting of lower-division coursework, including a system of ongoing assessment that ensures comparability for transfer purposes.

***What is The General Education Transfer Policy and Implementation Plan?*** In addition to KRS 164.2951, the Council's transfer activities are guided by the statewide General Education Transfer Policy and Implementation Plan revised in June 2011. It predicates the transfer of general education credits on the acquisition of competencies in broad academic areas, rather than course-specific content. To that end, faculty groups from across the institutions worked to develop student learning in the areas of communications (encompassing written and oral), quantitative reasoning, arts and humanities, natural sciences (with science lab), and social and behavioral sciences

***What are degree pathways?*** A degree pathway is a comprehensive set of courses that allows a student to complete an associate degree at a KCTCS institution and transfer those credits into a specific baccalaureate program at a public university. Teams of faculty and advisors from each university and KCTCS have developed numerous degree pathways for each university, and the pathways are available at KnowHow2Transfer.org.

***What is KnowHow2Transfer.org?*** CPE developed the KnowHow2Transfer.org website to provide students and their advisors with a central location for identifying how courses transfer from KCTCS to the public universities. Users can view degree pathways to specific baccalaureate degrees and access other information pertinent to the transfer process.

***Where can I find more information about transfer?***

<http://cpe.ky.gov/ourwork/transfer.html>

<http://knowhow2transfer.org/>

## BUDGET AND FINANCE

***What is the CPE's role in the biennial budget?*** The Council, working closely with the university presidents as directed by KRS 164.020, develops and submits to the Governor and the General Assembly a biennial funding recommendation for the postsecondary education system. The recommendation reflects the Council's proposed distribution of funds for operating expenses and capital construction. The biennial budget process includes the submission by each institution of a six-year capital improvement plan.

***What if a capital request is not included as part of the biennial budget request?*** The CPE has statutory responsibility to review and approve public college and university capital projects costing \$1,000,000 or more and equipment items costing \$200,000 or more, regardless of fund source, that have been approved by an institution's governing board. If below the threshold, the universities and KCTCS can approve projects on their own. During the interim, capital projects are evaluated under KRS 45.760 (6), (7), and KRS 45.763. The interim authorization process for a project that meets the requirements above and exceeds the \$1,000,000 capital construction (or \$200,000 equipment purchase) threshold is as follows:

- The project must be approved by an institution's board of trustees or board of regents.
- The project must be submitted to the Council for review and action.
- If approved by the Council, projects at KCTCS and KSU are submitted to the secretary of the Finance and Administration Cabinet for review and action, and subsequently submitted by the secretary to the Capital Projects and Bond Oversight Committee for review.
- If approved by the Council, projects at EKV, MoSU, MuSU, NKU, UK, UofL, and WKU are submitted by the institution to the Capital Projects and Bond Oversight Committee for review, and a copy is provided to the Finance and Administration Cabinet as information.
- Following review and action by the appropriate agencies, the project may be initiated by the requesting institution.

***What is the process for establishing tuition and mandatory fees?*** Tuition rates for an academic year are typically set annually or biennially as part of the institutional budgeting process. For the academic years 2017-18, the Council used a collaborative process to develop the tuition and mandatory fee ceiling recommendations, which included sharing information and engaging in discussions with the Council's Tuition Development Work Group, additional Council members, campus presidents and chief budget officers, student groups, and the Governor's office. The tuition ceiling recommendation was approved by the Council in April 2017 for academic years 2017-18, and the accompanying rates requested by the institutions were approved at later Council meetings.

***Where can I find more information about budget and finance?***

<http://cpe.ky.gov/committees/budgetdevwgrp/>

<http://cpe.ky.gov/committees/tuition/default.htm>

## ENDOWMENT MATCH PROGRAM (“BUCKS FOR BRAINS”)

***What is the Endowment Match Program?*** The Endowment Match Program is a component of Kentucky’s postsecondary reform agenda passed by the General Assembly in 1997. With the help of this program, Kentucky’s research universities have recruited and retained world-class faculty, more than tripled their collective endowment market values, more than doubled federal research funding, and shown significant progress in translating that research into new products, businesses, and jobs. The program has been a primary catalyst for growth.

The Endowment Match Program matches public dollars with private donations to encourage research at the University of Kentucky and the University of Louisville and to strengthen key programs at Kentucky’s comprehensive universities. All funds, both public and private, must either be endowed, which provides a perpetual source of funding for research-related activities, or expended on capital projects, including research facilities at UK and UofL and education and general facilities at the comprehensive universities. The program encourages private giving by enabling donors to double the value of their contributions to public universities by having those contributions matched dollar-for-dollar by the state. It also provides a means for the state to target that giving toward disciplines and research activities of strategic benefit to Kentucky (e.g., 70 percent of program funds at the research institutions must support New Economy disciplines).

***What are the goals of the program?*** The short-term goals of the Endowment Match Program are to encourage private investment in public higher education research activities, grow university endowments, increase endowed chairs and professorships, and generate federal and externally sponsored research. Long-term goals include stimulating business development, creating better jobs and a higher standard of living, and facilitating Kentucky’s transition to a knowledge-based economy.

***What is the investment in the program?*** The General Assembly has appropriated a total of \$410 million to this program over 18 years. Of that amount, \$350 million was allocated to the state’s two research universities, and \$60 million was allocated to the state’s six comprehensive institutions. There have been four rounds of funding for the program, each appropriated in conjunction with the state’s two-year budget cycle: (a) \$110 million in 1999; (b) \$120 million in 2001; (c) \$120 million in 2004; and (d) \$60 million in 2009. The state’s \$410 million investment has been used to leverage an additional \$410 million in private contributions, through a dollar-for-dollar matching feature. This program has not received an allocation from the General Assembly since FY 2010.

***Where can I find more information about the Endowment Match Program?***

<http://cpe.ky.gov/policies/funding.html>

## PERFORMANCE FUNDING

***How was performance funding established?*** The enacted 2016-18 Budget of the Commonwealth (HB 303) directed the Council to establish a working group comprised of university presidents, the KCTCS president, the Council president, and legislative leaders and the Governor, or their representatives, for the purpose of developing a comprehensive funding model for the distribution of state appropriations for postsecondary operations that incorporated elements of campus performance, mission, and enrollment. The working group met five times between July 2016 and November 2016, culminating in the development of a funding approach that gained support from all nine public postsecondary institution presidents.

A report containing the working group's findings and recommendations was submitted to the Governor and Interim Joint Committee on Education on December 1, 2016. That report and the recommendations it contained formed the basis for Senate Bill 153 (the *Postsecondary Education Performance Funding Bill*), which passed the House and Senate with no changes and was signed into law by the Governor on March 21, 2017.

***How does the new performance funding model distribute funds?*** The newly enacted legislation establishes and codifies in statute two models for distributing postsecondary institution appropriations net of mandated programs and a small school adjustment—one for the public universities and one for KCTCS institutions. The two models are similar in overall structure and function, but differ in terms of student success metrics included in the models. Each model has three basic components:

- **Student Success** - (35% of allocable resources distributed based on relative success in achieving student progression milestones and producing more degrees and credentials);
- **Course Completion** - (35% of allocable resources distributed based on share of earned student credit hours); and
- **Operational Support** - (30% of allocable resources distributed in support of vital campus operations, services, and infrastructure related to student learning and success).

***How will Kentucky implement its new performance funding models?*** SB 153 calls for both models to be phased in over three years, beginning in 2018-19. A hold-harmless provision, which prevents the transfer of any funds among institutions, is included in the first year, and 1% and 2% stop-loss provisions, which limit the amount of potential transfers among institutions, are included in each of the next two years, respectively. Beginning in 2021-22, hold-harmless and stop-loss provisions will sunset, allowing 100 percent of allocable resources to be distributed as determined by the formula.

Once implemented, the funding models will offer clear guidance to elected officials regarding how to fairly and strategically invest public dollars in postsecondary education. It also will provide financial incentives for campus officials to adopt best practice approaches to achieve desired state goals.

***What behaviors do the performance funding models encourage?*** The primary objective of the new performance funding models is to help the Commonwealth reach the projected national average in educational attainment (60 percent) among the state's working-age population by the year 2030. To achieve this goal, Kentucky postsecondary institutions must:

- (1) increase the retention and progression of students;
- (2) increase the number of degrees and credentials earned by all types of students;
- (3) grow the number of degrees and credentials that garner higher salaries upon graduation, including STEM+H fields, and other high-wage, high-demand fields; and
- (4) close achievement gaps by increasing the number of degrees and credentials earned by low-income, minority, and underprepared students.

***Where can I find more information about performance funding?***

<http://www.lrc.ky.gov/Statutes/statute.aspx?id=45555>

## KENTUCKY ADULT EDUCATION (KYAE) “SKILLS U”

**What is Kentucky Adult Education Skills U?** Kentucky Adult Education (KYAE) Skills U, a unit of the Council on Postsecondary Education (CPE), provides free adult education services in each of Kentucky’s 120 counties. KYAE Skills U is charged by the *Adult Education Act of 2000* and Title II of the *Adult Education and Family Literacy Act (AEFLA)* of the *Workforce Innovation and Opportunity Act (WIOA)* to provide adult education services in order to:

- Assist adults in becoming literate and obtaining the knowledge and skills necessary for employment and economic self-sufficiency;
- Assist adults who are parents or family members in obtaining the education and skills that are necessary to become full partners in the educational development of their children, and lead to sustainable improvements in economic opportunities for their family;
- Assist adults in attaining a secondary school diploma and transitioning to postsecondary education and training, including through career pathways; and
- Assist immigrants and other individuals who are English language learners in (a) improving their reading, writing, speaking, and comprehension skills in English and mathematics; and (b) acquiring an understanding of the American system of government, individual freedom, and the responsibilities of citizenship.

The AEFLA states: “As one of six core programs under WIOA, the AEFLA program plays an integral role in the workforce development system by providing access to educational services for adult learners through the one-stop delivery system. The program seeks to increase opportunity in the educational and workforce development of adults as workers, parents, and citizens. While playing a critical role in adult attainment of a secondary school diploma, the program also aims to assist in the transition to postsecondary education and training through the use of career pathways.”

The vision of KYAE Skills U is that Kentuckians experience a higher standard of living and quality of life through increased educational attainment leading to meaningful employment that provides family-sustaining wages. To this end, KYAE Skills U provides free instructional services in foundational academic and workforce essential skills that increase a student’s ability to: (a) attain a high school diploma or its equivalent; (b) transition to postsecondary education; and (c) obtain employment. Other services include English language acquisition, family literacy, integrated English literacy and civics education; workforce preparation, and integrated education and training, including career pathways.

**Why is adult education important?** By 2020, 65% of all U.S. jobs and 62% of all Kentucky jobs will require some level of postsecondary education or training (Source: Georgetown University on Education & the Workforce, *Projections of Jobs and Educational Requirements through 2020*, 2013). While there has been a significant decrease in the number of working-age Kentuckians without a high school credential since 2000, there are still 354,000 individuals in this population lacking a high school diploma or its equivalent. To support Kentucky’s economic growth and ensure Kentuckians are earning family-sustaining wages, more adults must acquire college- and career-readiness skills. A high school or GED® graduate earns approximately \$9,600 more per year than a non-graduate, and the earnings increase as educational attainment levels increase. Of additional concern is the fact that low-skilled adults are two times more likely to be unemployed, three times as likely to live in poverty, four times as likely to be in poor health and eight times as likely to be incarcerated. KYAE Skills U

programs help individuals facilitate transformational, generational changes by affecting, not only the individuals themselves, but their families, their communities, and the Commonwealth at-large.

***How is KYAE Skills U meeting the challenge?*** Increasing Kentuckians' college- and career- readiness is at the core of KYAE Skills U's work. In order to ensure success, both local and state staff must employ innovative strategies to reach and teach more adults. Some of KYAE Skills U's key strategies follow:

- KYAE Skills U has integrated Employability Standards with College and Career Readiness Standards (CCR) and hosts a statewide lesson bank that enables all adult educators to develop and share high-quality lessons designed to prepare students for the GED® test and the workplace concurrently.
- KYAE Skills U is implementing pilot programs that offer contextualized instruction to provide seamless transition into two of Kentucky's highest growth sectors, manufacturing and construction/trades. Initial results are strong, with 35 of the 45 students served in the manufacturing pilot transitioning to employment in the sector, and two more accepted into employment in another sector.
- KYAE Skills U provides its local instructional staff and program directors with professional development (PD) that is aligned with performance metrics and the KYAE Skills U classroom observation tool, helping ensure that PD addresses identified needs.
- "Kentucky Adult Education" was rebranded to "Kentucky Adult Education Skills U" to signify the shift in adult education services reflected in the AEFLA of the WIOA, as well as to increase public awareness of the ever-expanding array of services offered. KYAE Skills U offers a multitude of outreach materials that are frequently updated and incorporate local strategies. The effectiveness of these materials is bolstered by ongoing TV/ radio spots incorporating a text-response campaign, as well as social media postings. Additionally, all local program directors complete training and coursework designed to help them better recruit and retain students.

***What are KYAE Skills U's outcomes?***

- From 2000 to 2015, Kentucky experienced a 34% decline in the percentage of working-age adults (ages 18-64) without a high school diploma or its equivalent; the third best in the nation.
- In 2016-17, Kentucky's GED® pass rate was 85%, exceeding the national average of 79%.
- The most recent statistics show that nearly one out of four Kentucky GED® enroll in Kentucky's colleges and universities within two academic years.

**Where can I find more information about Kentucky Adult Education?**

[www.kyae.ky.gov](http://www.kyae.ky.gov)

[www.facebook.com/KYAdultEducation](https://www.facebook.com/KYAdultEducation)

## KENTUCKY REGIONAL OPTICAL NETWORK (KyRON)

***What is the Regional Optical Network?*** A consortium formed by CPE, UK and UofL, KyRON provides the ultra high-speed “pipes” that connect students, faculty, and researchers at all public postsecondary locations to other education locations in Kentucky. KyRON connects Kentucky to research and educational networks across the country via the Internet2 national backbone.

***How is KyRON changing?*** The new National Broadband Plan calls for KyRON to expand to become Community Anchor Networks. This means providing the same high-speed network and services currently enjoyed by the postsecondary education community to K-12 schools, public libraries, health care providers, and public safety organizations. KyRON plans to evolve and serve the Community Anchor Institutions (CAI) of Kentucky. KyRON will merge with the Kentucky Wired network to form an ultra-high speed network to support all of the public universities and community colleges. All postsecondary institutions will be identified as Community Anchor Network nodes, providing service to the local communities and commercial businesses.

***Where can I find more information?***

[www.kyron.ky.gov](http://www.kyron.ky.gov)



## KENTUCKY VIRTUAL LIBRARY (KYVL)

**What is the Kentucky Virtual Library?** Kentucky Virtual Library, a unit of the Council, provides leadership to the library community of the Commonwealth through sharing financial and human resources, best practices, and digital content to serve Kentucky's education systems, the workforce and its citizenry. KYVL's 300 member colleges and universities, schools and public libraries enjoy lower costs and improved efficiencies through joint purchasing of services and consortial acquisition of digital content. KYVL's ground courier service facilitates sharing of books and other items among nearly 200 Kentucky colleges, universities and public libraries. Through its economies of scale, KYVL is highly cost-efficient and effective, and helps ensure equity of access to its valuable resources.

**KYVL's Vision:** Knowing how to find, evaluate and use information improves quality of life. KYVL envisions a Commonwealth in which all Kentuckians have equitable access to the information they need and the tools to use it effectively.

**KYVL's Mission:** The mission of KYVL is to provide all Kentuckians a common foundation of high-quality resources, and support in their use, to enhance lifelong learning, working and living.

**KYVL's Values:** In pursuit of its vision and mission, KYVL is committed to:

- fostering collaborative communities and innovative partnerships to further our common vision;
- equity and sustainability of funding and distribution of resources;
- conscientious stewardship of resources and efficiency of operations;
- providing prompt, courteous and knowledgeable service in all interactions with our members, users and partners;
- clear and timely communication on issues of interest to members and partners.

### **How does the Kentucky Virtual Library benefit the Commonwealth?**

- KYVL licenses approximately 60 databases at an annual cost of \$2.7 million. The same content purchased individually by Kentucky schools and libraries would approach \$20 million.
- Kentucky students, workers and citizens searched these databases 63.1 million times and downloaded 4.4 million articles in FY 2016-17. Since KYVL's launch in 1999, KYVL's licensed digital content has been searched 584 million times.
- Through KYVL's courier service, college, university and public libraries shared over 200,000 items (texts, books, lab kits, book kits, children's and adult programmatic materials) in FY 2015-16, at average cost of \$1.35 per item. KYVL's courier service has transported nearly 3 million items since its launch in 1999, saving participating institutions millions in shipping costs.
- 1.4 million digital artifacts in the Kentucky Digital Library, another project of the Kentucky Virtual library, preserve Kentucky's community and cultural memory.

### **Where can I find more information?**

[www.kyvl.org](http://www.kyvl.org)

## KENTUCKY VIRTUAL CAMPUS (KYVC)

***What is the Kentucky Virtual Campus?*** The mission of KYVC is to serve as: (a) a statewide advocate for access to learning through technology, (b) a convener of partners that use resources effectively, and (c) a catalyst for innovation and excellence in eLearning.

A searchable catalog of Kentucky's online courses and programs is available online for potential students. KYVC does not offer degrees; all academic courses and programs in its online catalog come from accredited postsecondary institutions. State agencies use the KYVC eLearning platform to provide supplementary education services and professional development offerings. KYVC is the foundation to record faculty professional development courses for Senate Bill 1, and statewide professional development courses for Kentucky Adult Education, EPSB, the Workforce and Education Cabinet, and the Department of Criminal Justice Training. KYVC provides research and consulting for online program development and evaluation, a quality certification program for online courses, and revolving loan funds, which were a critical resource in developing Learn On Demand, a competency-based degree program at KCTCS.

***Where can I find more information?***

[www.kyvc.org](http://www.kyvc.org)

## BOARD TRAINING

***Why do Kentucky's postsecondary education regents and trustees need board training?*** While many board members have expertise in their respective fields, most do not work in higher education and are unfamiliar with the industry.

***What are the provisions of the HB 15 legislation?*** In 2016, the Kentucky General Assembly passed legislation that requires new institutional and CPE board members to complete an orientation and education program within their first year of appointment. More specifically, it states the following:

- CPE must develop in cooperation with the public campuses a comprehensive orientation and education program for new board members and continuing education programs for all board members.
- For new members, the orientation shall include six instructional hours covering the following:
  - the role of the Council and governing board members;
  - the statewide strategic agenda and the strategic implementation plan;
  - the respective institution's mission, budget and finances, strategic plan, and priorities;
  - institutional policies and procedures;
  - board fiduciary responsibilities;
  - legal considerations including open records and open meetings requirements; and
  - ethical considerations arising from board membership.
- The orientation program must be developed in a way that allows new members to complete the requirements electronically or in person.
- Board members must complete the orientation within one year of appointment.
- CPE must provide a report to the legislature listing all new board members who do not complete the required orientation.
- Board members from private institutions must be invited to participate.

***How do institutional and CPE board members complete the mandatory orientation and training?*** The CPE delivers state-level content on higher education governance in Kentucky, the role and function of the CPE, fiduciary responsibilities, shared governance, and the characteristics of an effective governing board. The campuses provide training on their institution's policies and procedures and provide information trustees and regents need to make good decisions.

***How is board training delivered?*** CPE provides the state-level training on an annual basis, either in conjunction with the Governor's Conference on Postsecondary Education Trusteeship, or as a stand-alone event. An online course is available for those unable to attend in person. Individual campuses deliver training to their board members in the manner of their choosing.

***What happens if board members do not complete their statutory requirement?*** If a new board member does not complete both the state-level and campus-level orientation programs within the first year of appointment, he or she cannot be appointed to a second term.

## DATA SECURITY POLICY

***What is the Data Security Policy?*** The *Personal Information Security and Breach Investigation Procedures and Practices Act*, enacted in the 2014 Regular Session, also known as House Bill 5 or the “Cyber Security Bill,” requires state and local governments to implement policies and procedures to protect confidential, sensitive personal information and notify individuals if their information has been compromised. KRS 61.932(1)(b) requires that Kentucky public colleges and universities establish and implement “reasonable security and breach investigation procedures and practices” in accordance with policies established by the Council on Postsecondary Education. KRS 61.931(8) defines “reasonable security and breach investigation procedures and practices” as “data security procedures and practices developed in good faith and set forth in a written security information policy.”

***Where can I find more information?***

<http://cpe.ky.gov/policies/data.html>

## KENTUCKY OPEN MEETINGS LAW

**What constitutes an open meeting?** All meetings of a quorum of members of any public agency at which any public business is discussed or at which action is taken by the agency shall be public meetings. The term “meeting” is broadly defined to mean “all gatherings of every kind, including video teleconferences, regardless of where the meeting is held, and whether regular or special and informational or casual gatherings, held in anticipation of or in conjunction with a regular or special meeting.” The Kentucky Supreme Court has defined “public business” as “the discussion of various alternatives to a given issue about which the board has the option to take action.”

### **What entities are covered by the open meetings law?**

- Every state or local government agency, including the policymaking board of an institution of education.
- Any body created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act in the legislative or executive branch of government.
- Any entity when the majority of its governing body is appointed by a public agency member or employee of a public agency, a state or local officer, or any combination thereof.

**Do groups created by public agencies meet the definition of a public agency?** Yes. These include any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff or a committee formed for the purpose of evaluating the qualifications of public agency employees, established, created, and controlled by a "public agency."

### **What are some exceptions to the open meetings law, i.e. closed sessions?**

- Deliberations on the future acquisition of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency.
- Discussions of proposed or pending litigation against or on behalf of the public agency.
- Collective bargaining discussions between employers and their employees or their representatives.
- Discussions or hearings that might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret.
- Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussion would jeopardize citing, retention, expansion, or upgrading the business.
- State and local cabinet meetings and executive cabinet meetings.
- Meetings which federal or state law specifically require be conducted in private.

### **What are the rules concerning closed sessions?**

- Notice must be given in open session of the general nature of the business, the reason for the closed session, and the specific statutory exception.
- A majority of the board must approve the holding of a closed session.
- No final action may be taken in closed session.
- No matter may be discussed at a closed session other than those publicly announced.

***Other noteworthy issues:***

- Boards may not meet in small groups of less than a quorum to avoid conducting an open meeting. However, nothing in the law prohibits discussion among individual members when their purpose is to educate themselves on specific issues.
- Meetings may be held by videoconference as long as all members can both see and hear each other and the meeting is noticed in all locations where members are attending. Note that a closed session cannot be held via videoconference.

***Where can I find more information?***

<https://ag.ky.gov/civil/civil-enviro/orom/Documents/YourDutyUndertheLaw.pdf>

<https://ag.ky.gov/civil/civil-enviro/orom/Pages/outline.aspx>

*This summary is intended to acquaint board members with the Kentucky open meetings law and should not be relied on as legal advice. Regents and trustees should consult their board attorneys for advice on a particular issue or concern.*

## KENTUCKY OPEN RECORDS LAW

***What constitutes a public record?*** The term “public record” is defined as “all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, or retained by a public agency.” Generally, all public records shall be open for inspection by any person.

***How are “public agencies” defined in the open records statutes?***

- Every state or local government officer.
- Every state or local government department, division, bureau, board, commission, and authority.
- Every state or local government agency, including the policymaking board of an institution, created by or pursuant to state or local statute, executive order, ordinance, resolution, or legislative act.
- Any body that derives at least 25 percent of the funds expended by it in the Commonwealth of Kentucky from state or local authority funds.
- Any entity where the majority of its governing board is appointed by a public agency, by a member or employee of such a public agency, or by any combination thereof.
- Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff, established, created, and controlled by a public agency.

***What are some exceptions to the open inspection of public records?***

- Public records containing information of a personal nature where the public disclosure would constitute a clearly unwarranted invasion of personal privacy.
- Records confidentially disclosed to an agency and compiled and maintained for scientific research.
- Test questions, scoring keys, and other examination data used to administer a licensing examination, employment exams, or academic examination before the exam is given.
- The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired.
- Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication.
- Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency.
- Preliminary recommendations and preliminary memoranda in which opinions are expressed or policies formulated or recommended.
- The disclosure of public records prohibited by federal law or regulation.
- Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.

***What are the policies about releasing public records?*** An agency may require that a person submit a written request describing the public records they wish to inspect. An agency must make public records available within three days unless it provides a detailed explanation of the cause for delay and the date on which the records will be available. A person may inspect the documents in person or receive copies upon the agency's receipt of copy fees and the cost of mailing. If the requested records are exempt from public inspection, the agency must identify the exemption and provide a brief explanation of how the exemption applies to the records withheld. An agency may deny a request that is unreasonably burdensome or if it has reason to believe that repeated requests are intended to disrupt the agency's other essential functions. However, this refusal will only be sustained by clear and convincing evidence.

***Where can I find more information?***

<https://ag.ky.gov/civil/civil-enviro/orom/Documents/YourDutyUndertheLaw.pdf>

<https://ag.ky.gov/civil/civil-enviro/orom/Pages/outline.aspx>

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## CPE'S STATUTORY DUTIES AND RESPONSIBILITIES (As of August 2017)

The Council on Postsecondary Education is charged with guiding the reform efforts envisioned by state policy leaders in the *Kentucky Postsecondary Education Improvement Act of 1997*. The Council has multiple responsibilities to ensure a well-coordinated and efficient postsecondary and adult education system. Among its many responsibilities, the Council:

- Develops and implements a strategic agenda and accountability system for the postsecondary and adult education that includes measures of educational attainment, effectiveness, and efficiency.
- Produces and submits a biennial budget request for adequate public funding of postsecondary education.
- Monitors and determines tuition rates and admission criteria at public postsecondary institutions.
- Defines and approves all academic programs at public institutions.
- Licenses non-public postsecondary institutions to operate in the state.
- Coordinates statewide efforts to improve college readiness, access to postsecondary education, and student success, including statewide transfer agreements, adult learner initiatives, KY GEAR UP, and postsecondary work related to SB1 (2009) implementation (college and career readiness legislation).
- Administers Kentucky's statewide adult education program and GED testing service.
- Administers Kentucky's Virtual Library, used by all postsecondary, public and K-12 libraries.
- Ensures the coordination and connectivity of technology among public institutions.
- Collects and analyzes comprehensive data about postsecondary education performance.

The listing below provides a more comprehensive overview of statutory duties and responsibilities assigned to the Council.

### Postsecondary Education Coordination

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- Approve minimum qualification for college admissions - *KRS 164.020(8)*
- Define and approve all postsecondary education technical, associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in the public postsecondary education institutions - *KRS 164.020(15)*
- Eliminate existing programs or make any changes in existing academic programs at the state's postsecondary educational institutions - *KRS 164.020(16)*
- Establish course credit, transfer, and degree components, including a statewide course classification and transfer system to help ensure transferability of credit - *KRS 164.020(14)*, *KRS 164.2951*
- Ensure an integrated, cooperative postsecondary system - *KRS 164.020(5)*
- Serve as primary advocate and advisor on matters related to postsecondary and adult education with Governor and General Assembly - *KRS 164.013(4)*
- Create and manage advisory groups of campus representatives - *KRS 164.020(32)*
- Receive reports and updates from campuses on the performance of their duties- *KRS 164.020(12)*
- Implement/manage various funding programs as required by statutory or budget language (i.e. Regional Stewardship, College Level Learning Assessment)
- Manage Kentucky participation in the SREB Academic Common Market
- Make recommendations to the Governor regarding creation of new public universities - *KRS 164.020(18)*
- Coordinate conferences and professional development around issues of student success and diversity

- Serve as the portal agency for Kentucky colleges and universities seeking to participate in the national State Authorization Reciprocity Agreement (SARA), which authorizes member institutions to offer distance education courses in member states

### Planning, Research and Accountability

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- Develop and implement strategic agenda and strategic implementation plan for postsecondary and adult education - *KRS 164.020(1), (2), KRS 164.0203*
- Review, revise and approve institutional missions - *KRS 164.020(4)*
- Prepare accountability and status reports for Governor and legislature- *KRS 164.020(3), (30)*
- Develop planning documents required by federal legislation. The Council shall for all purposes of federal legislation relating to planning be considered the "single state agency" - *KRS 164.020(7), KRS 158.840(5)*
- Conduct research on performance and to determine needs of postsecondary education and adult education in Kentucky - *KRS 164.020(6)*
- Develop a system of public accountability, monitor performance, evaluate effectiveness of institutions - *KRS 164.020(3), KRS 164.095*
- Maintain comprehensive database of student records - *KRS 164.095*

### Finance, Budget and Tuition

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- Develop and manage strategic investment and incentive funding programs, including "Bucks for Brains" - *KRS 164.7911-.7927*
- Develop and advance a unified postsecondary and adult education funding recommendation to Governor and General Assembly - *KRS 164.020(9), (10)*
- Determine annual tuition levels for all public postsecondary institutions - *KRS 164.020(8)*
- Manage tuition reciprocity agreements for Kentucky residents with border states
- Manage Kentucky participation in the Contract Spaces program (Veterinary Science and Optometry)
- Review and approve all capital projects for postsecondary education, establish capital priorities, and develop biennial recommendation - *KRS 164.020(11)*
- Maintain comprehensive database of capital projects and conduct capital studies and space utilization analyses as required
- Develop and maintain financial reporting system for public postsecondary institutions - *KRS 164.020(26)*
- Implement a comprehensive funding model for the allocation of general fund appropriations to public postsecondary institutions – *KRS 164.092*

### Diversity and Equal Opportunity

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- Develop a state equal opportunity plan for minority students, and monitor implementation and progress through the Council's Committee on Equal Opportunities - *KRS 164.020(19)*
- Set equal educational opportunity goals for public postsecondary institutions and postpone academic program approval if goals are not met - *KRS 164.020(19)*
- Manage the Governor's Minority Student College Preparation program and Kentucky's participation in the SREB Doctoral Scholars Program

## Private Colleges

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- License private postsecondary education institutions to operate in the state and monitor ongoing compliance with state regulations - *KRS 164.945, 164.922*
- Review and facilitate resolution of private college student complaints
- Perform a Southern Association of Colleges and Schools-like accreditation review of out-of-state campuses seeking eligibility to participate in the Kentucky tuition grant program - *KRS 164.785(7)*
- Ensure maximum cooperation and limited duplication between public and private systems - *KRS 164.020(13), (31)*

## P-20 Partnerships and Teacher Quality

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- Develop and lead implementation of a unified strategy to improve college readiness and improve college completion rates, in partnership with the Kentucky Department of Education (KDE) - *KRS 164.020(35)*
- Coordinate all postsecondary work surrounding Senate Bill 1 (2009) to revise academic content standards in K-12 education - *KRS 164.302 (1),(2), 164.020(35)*
- Develop guidelines and regulations for awarding dual credit and Advanced Placement - *KRS 164.098,13*
- Approve all teacher education programs that comply with standards set by the Education Professional Standards Board (EPSB) - *KRS 164.020(21)*
- Administer the federal Improving Educator Quality grant program
- Coordinate federal and state programs to assure student achievement in reading and mathematics (i.e. Center for Math Achievement, Collaborative Center for Literacy Development) - *KRS 164.525, KRS 158.840(5)*
- Coordinate educational leadership program redesign, in partnership with EPSB – *initiated by HJR14, 2006*
- Develop teacher education admissions standards, in partnership with EPSB
- Coordinate teacher professional development redesign, in partnership with KDE, to align with Senate Bill 1 (2009) readiness standards - *KRS 164.020(36)*
- Coordinate and facilitate work of local P-16 councils - *KRS 164.033*
- Administer Kentucky’s federal GEAR UP program, with direct outreach and support services to low-income middle and high schools students
- Manage Kentucky’s participation in the “Know How To Go” college readiness campaign

## Cancer Research

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- Administer state Cancer Matching Research Fund (supported through excise tax) - *KRS 164.043*
- Administer Lung Cancer Research Fund (supported through Tobacco Settlement Funds) and provide staff to the Kentucky Lung Cancer Research Program Governance Board - *KRS 164.476*

## Technology Support and Coordination

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- Develop and implement a statewide technology plan to ensure coordination and connectivity of technology among campuses - *KRS 164.020(20)*
- Collect and maintain student level, finance, and facilities data from Kentucky’s postsecondary institutions
- Partner with the Office for Education and Workforce Statistics in activities supporting the Kentucky Longitudinal Data System - *KRS 164.020(37) and KRS 151B.131-.134*

- Coordinate and facilitate Kentucky postsecondary involvement in state and national technology initiatives (KyRON, Internet 2, Connect Kentucky, Commonwealth Tech Council, Distance Learning Advisory Committee, etc.) - *KRS 164.020(20), KRS 164.800*
- Manage joint purchasing technology agreements
- Develop and manage the Kentucky Virtual Campus (and online academic programs for K-12 students, adult education providers, and teacher educators) - *KRS 164.800*
- Manage the Kentucky Virtual Library. Membership includes all postsecondary and K-12 school, public libraries and private colleges (includes KY digital library, statewide, interlibrary loan program, and virtual library databases) - *KRS 164.800*

### Educating Adult Kentuckians

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- Administer Kentucky's adult education program - *KRS 164.023*
- Manage state and federal funds, award grants/contracts, provide adult education services in all 120 counties - *KRS 164.0234*
- Administer KY's GED testing program - *KRS 164.0064*
- Maintain information and accountability systems to monitor student success and program performance - *KRS 164.0234*
- Develop and implement a State Plan for Adult Education - *KRS 164.020(34), KRS 164.023*
- Communicate/market the value of GED and literacy programs for adults - *KRS 164.020(34)*
- Develop, review, and implement learning standards and professional development for 900+ adult educators - *KRS 164.0234*
- Lead policy development in the areas of adult basic education and adults returning to college - *KRS 164.020(34)*
- Facilitate partnership with CCLD, KDE, KCTCS, Workforce Investment Board, and other organizations - *KRS 164.035*
- Coordinate Kentucky's "Project Graduate" program – located on all public and several private college campuses – to encourage adults to return to college and complete degrees

### Economic Development

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- Administer knowledge-based economy funding programs outlined in the Kentucky Innovation Act, either directly or through a contract with the Kentucky Science and Technology Corporation. Programs include, but are not limited to, Rural Innovation, Kentucky Enterprise Fund, Kentucky Commercialization Fund, and EPSCoR - *KRS 164.6011-.6041, budget language*
- Create and administer Kentucky's STEM initiative task force and coordinate implementation of taskforce recommendations - *KRS 164.0286-.0288*
- Submit an annual report on the knowledge-based economy funding programs to the Governor and legislature - *KRS 164.6017(5)*

### Other Key Duties

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- Promulgate regulations as required by statute - *KRS 164.020(29)*
- Implement statewide faculty development program – *budget language*
- Provide annual report to LRC on AIDS education on Kentucky public campuses - *KRS 164.020(24), KRS 164.351*

- Administer funding for the Washington Intern Program – *budget language*
- Administer Professional Education Preparation Program (PEPP) funding - *KRS 164.028*
- Develop and maintain a state repository for alternative format textbooks for disabled students - *KRS 164.477*
- Coordinate annual reporting and institutional compliance with the campus safety (Minger) act - *KRS 164.948-.9495*
- Maintain information regarding designated receiver of student records for closed institutions and respond to student requests - *KRS 164.020(23)*
- Review and approve sites for interpreter training programs for deaf and hard of hearing students - *KRS 164.478-.4785*
- Administer the Equine Revolving Trust Fund and staff advisory committee - *KRS 138.510*
- Contract with a state university to operate the State Autism Training Center; receive/evaluate annual report - *KRS 164.9811*
- Develop a comprehensive orientation and education program for members of KCTCS and university boards comprising six hours of instruction delivered in person and electronically - *KRS 164.020(25)*
- Investigate and make non-binding recommendations to the Governor regarding the removal of individual institutional board members and full institutional boards for cause – *KRS 164.020(38)*
- Respond to postsecondary education-related information requests from the legislature, Governor, media and other organizations, and to consumer complaints/questions that have not been resolved by the attending campus



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