

KENTUCKY COUNCIL ON POSTSECONDARY EDUCATION BOARD RETREAT



June 8, 2023 @ 9:00 a.m. ET
Cumberland Falls State Park, Dupont Lodge, Moonbow Room

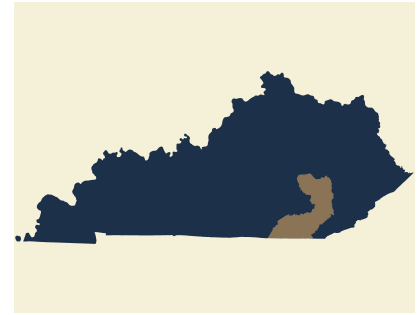
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| I. Welcome and Establishing Goals for the Retreat | |
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| VII. Adjournment <i>The Council will join for a networking dinner at the Dupont Lodge restaurant at 6:00 p.m.</i> | |

Senator Robert Stivers (R)

Senate President



Bio



Born December 24, 1961. Attorney. Presbyterian. UK, BS Industrial Mgt, minor Econ. UofL, JD. CSG Chair, SLC Chair. Governing Magazine Legislator of Year. Am Council of Young Political Leaders. Majority Floor Leader 2009-2012.

Service

Senate 1997 - Present

Committees

Senate Session Standing Committee

- Committee on Committees (S) (Chair)
- Rules (S) (Chair)
- Education (S) (Member)
- Judiciary (S) (Member)

Interim Joint Committee

- Education (Member)
- Judiciary (Member)

Statutory Committee

- Legislative Research Commission (Co-Chair)

Special Committee

- Task Force on Local Government Annexation (Member)

Caucus

- 2022 Budget Conference Committee (Member)
- Mountain Caucus (Member)
- Pro-Life Caucus (Member)
- Kentucky Taiwan Caucus (Member)

- Tennessee Valley Authority Caucus (Member)

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25

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2022 Report Card

What Gets Measured Gets Done

Degree & Credential Completion 

Social Mobility 

Reducing Student Debt 



the
POWER of
SYSTEMS



How Did We Get Here?

The COVID-19 pandemic exacerbated issues that became drivers of higher education reform. From limited access to health care for vulnerable populations, to the overwhelming effects of systemic injustice, and extreme gaps in economic opportunity - the rules were changing. When colleges and universities were forced into an immediate transition to remote learning, public systems “got on the balcony” to reimagine how they would play a role in strengthening our country.

NASH saw that its network of higher education systems could build on a tradition of collaboration to increase equitable student success with a concept called “systemness” – leveraging diverse campus assets across systems to create value greater than the sum of their parts.

Together, we moved beyond competition and toward collaboration. Integrated services, shared academic programs, and predictive data analytics all provide the foundation of a compelling vision for how to close equity gaps and deliver access, completion, and success for all students, state by state, by 2030.

Through our Power of Systems transformation agenda, NASH is advancing prosperity for the nation.



Over an 18-month period during 2020-21, a group of 100 system leaders supported by five design teams developed a strategic plan. Through what is now known as the Power of Systems, public higher education systems are collaborating to deliver student success at scale. To hold ourselves accountable to the American public, we have established common metrics to measure progress toward our goals. Simply put, we know we can't improve what we can't measure.

What Gets Measured Gets Done

NASH convened a Systems Metrics Task Force drawn from a broad group of stakeholders and content experts to draft recommendations for system-level metrics and targets. We partnered with NCHEMS to create a novel dataset and baseline report, which allows a view of NASH member system performance across the three metrics from 2019-2020.

Next Steps

Now that the baseline data is published and goals have been set, NASH and its member systems will move expeditiously to get the work done. We will identify opportunities to improve data infrastructure and share and develop robust tools for systems to leverage efforts to advance equity and prosperity. We will collaborate to identify evidence-based practices to collectively improve outcomes for millions of students. And we will disseminate our research findings and best practices to accelerate progress. This is the start of something big – together, in holding ourselves accountable, we can advance prosperity for the nation.





Degree and Credential Completion



The Degree and Credential Completion metric captures public higher education systems' contributions to state and national attainment goals. The metric encapsulates students' completion of degrees and credentials across time and place, while also allowing for ongoing measurement of completion and equity gaps. The result of meeting our targets would produce an estimated over 1,000,000 degrees and credentials by 2030.

NASH Improvement Community on STUDENT TRANSFER

In May, 2022 the NASH Institute for Systems Innovation and Improvement launched the first NASH Improvement Community (NIC) focused on transfer, which adapts Improvement Science methods to the public higher education system context. By 2030, the project aims to increase the percentage of in-state students enrolling at two-year institutions who transfer and complete baccalaureate degrees within six years by 7%. Four systems are participating: University of Illinois, Kentucky Council on Postsecondary Education, PASSHE, and Texas A&M. A total of 11 campus teams were convened to develop and test change ideas aimed at improving transfer student outcomes in areas such as advising, registration, and campus partnerships. Within the first 45 days alone, these teams successfully executed 33 change ideas. Successful ideas will be scaled within and across NASH systems. Collectively, the four participating systems represent 37 campuses and 425,000 students.



Baseline

On average, NASH member systems increased degree completion by 34.7% between 2009-10 and 2019-20, resulting in over 1.26 million additional awards over that period. Over the same period, a roughly 10-point absolute equity gap persisted between white non-Hispanic students and minoritized students.

Collective Impact by 2030



Targets

We propose to maintain NASH members' demonstrated 10-year rate of improvement through collective impact and that NASH member systems collectively increase degree and credential completion by 35% from 2019-20 baseline levels by 2030.

We propose that equity gaps should be reduced by 50% from 2019-20 baseline levels. Reducing the equity gap by 50% between 2019-20 and 2029-30 would result in an additional 80,000 degrees and credentials for minoritized students.

2022 REPORT CARD WHAT GETS MEASURED GETS DONE



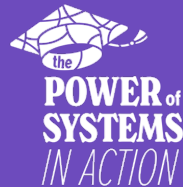
Social Mobility



The Social Mobility metric is designed to capture public higher education systems' contributions to social mobility of degree-seeking undergraduate students. The metric tracks students' movement between income distributions over time, relative to their parents' household income. Meeting this target in conjunction with the others would result in an additional 1.5 million graduates who would improve their prosperity trajectory.

NASH Improvement Community on EQUITY

One key driver of social inequities over time are gaps in access to learning opportunities in higher education between white students and minoritized students. In November, the NASH Institute for Systems Innovation and Improvement launched the third NASH Improvement Community (NIC) focused on student interventions to close equity gaps. Four systems are participating: Nebraska State Colleges, Minnesota State Colleges and Universities, University of Nebraska System, and Southern University System. The group is currently in the Design Phase of the project, with the campus teams scheduled to convene in February, 2023. Collectively, the four participating systems represent 49 campuses and 470,000 students.



Baseline

NASH members have advanced 71% of students from families in the bottom 40% of the income distribution to the top 60% of the income distribution. In addition, among students who attended college on a traditional timeline (aged 19-22), 48% from the 1st income quintile rose to either the 4th (24%) or 5th (24%) quintile compared to only 13% of individuals who did not attend college. ***This means that individuals were over 3.5 times more likely to rise out of the 1st income quintile if they attended college than if they hadn't.***

Collective Impact by 2030



1.5
MILLION

**graduates improve
their prosperity trajectory**

Targets

By 2040, we propose that NASH member systems will advance 85% of students from families in the bottom 40% of the income distribution to the top 60% of the income distribution, and 65% of students in the bottom 40% to the top 40%. To chart interim progress toward the 2040 goal, by 2030 the median income of students in the bottom tertile 8 years after enrollment will exceed the national median.

48%

percentage of individuals
that did attend college
who rose from the 1st income
quintile to the 4th/5th

13%

percentage of individuals
that didn't attend college
who rose from the 1st inco
quintile to the 4th/5th

Student Debt Reduction

The Student Debt Reduction metrics are designed to capture both the amount that student debt borrowers accrue during their postsecondary undergraduate education, as well as their ability to repay this debt over time. To that end, two separate metrics were developed:



- Metric one, median debt at graduation or withdrawal, tracks the median cumulative amount of federal loans borrowed by undergraduates, measured either at their point of graduation or withdrawal from the institution.
- Metric two, three-year repayment rates, tracks the percentage of a system’s borrowers who are making progress, or whose loans are discharged or fully paid, three years after entering repayment.

NASH Improvement Community on CURRICULAR FLEXIBILITY



One key driver of student debt is a lack of access to courses – particularly at under-resourced institutions. In August, 2022 the NASH Institute for Systems Innovation and Improvement launched the second NASH Improvement Community (NIC) focused on curricular flexibility. This project will develop and test methods for successful course sharing between campuses at the system level to relieve course bottlenecks for students, improving time-to-degree while reducing cost and debt. Four systems are participating: The University of Hawaii System, Southern Illinois University System, Texas State University System, and Montana University System. A total of 11 campus teams were convened to develop and test change ideas aimed at collaborative course sharing among campuses. The campus teams are currently in the first 45 day test cycle. Collectively, the four participating systems represent 35 campuses and 238,000 students.

Baseline

The median levels of student debt and repayment rates averaged across NASH member systems are:

| Median debt | Percent making progress in repayment at 3 years | Student type |
|-------------|---|--------------------------------|
| \$19,134 | 44% | Completers (c) |
| \$8,171 | 27% | Non-completers (nc) |
| \$13,786 | 48% | Pell recipients (c and nc) |
| \$12,544 | 29% | Non-Pell recipients (c and nc) |

Collective Impact by 2030

\$7
BILLION

**reduction in borrowing
for low-income students**

Targets

By 2030 we propose that NASH member systems collectively decrease the median debt borrowed by Pell students (completers and non-completers), by 25% from 2020-21 baseline levels. In addition, we propose that the equity gap in three-year repayment rates between Pell recipients and non-Pell recipients should be reduced by 50% from 2019-20 baseline levels (19 points).

Collectively, achieving this goal in conjunction with the other NASH targets would result in an estimated \$7 billion reduction in borrowing by low-income students by 2030.

How are we getting it done?

Systems will work to achieve these goals with assistance from the foundational framework of the Power of Systems and NASH's major initiatives.



The **Institute for Systems Innovation and Improvement** works with groups of systems to implement the key strategies emanating from the Power of Systems. Using improvement science and NASH Improvement Communities, they support a renewed focus on five key imperatives: learning; talent; equity; investment; and systemness.



The **Systems Center for State Policy** will enable state higher education leaders to better address outmoded state and system policies, roles, functions, and practices as they redesign infrastructure to maximize impact in the face of lessening support. Systems will demonstrate a unique ability to leverage innovation at scale in pursuit of the social, economic, and civic goals of their states.



The **Partnership for Federal Support of Systems** targeted improved advocacy and investment in a network of the 65 systems that oversee higher education across America. These systems historically have not been officially recognized by the federal government and, consequently, have been constrained in their ability to contribute to the more cost-effective and efficient delivery of federal resources to the institutions in their states.



The **Refugee Resettlement Initiative** aims to create welcoming campuses and promote the inclusion of refugees and displaced communities at universities across the U.S. It does this by advancing three goals: raising awareness of a new role that universities can play as refugee sponsors; providing technical and coordination support; and advocating for this work with the federal, state, and private sectors.

The **Equity Action Initiative** is a network of systems working together to advance the integration of essential equity practices. Recognizing that systems are at different stages in this work, a framework was created to assess progress. Equity is measurable and should be attended to along the student success continuum, ensuring access to, and completion of, quality education programs across student populations.

The **Education to Work Initiative** will empower higher education to bridge the skills and attainment gap for students as they begin their careers. Systems will develop best practices in this area and leverage cross-sector partnerships to support a diverse, ready workforce. NASH and its members will cultivate working relationships with business and industry to ensure training and preparation for opportunities that meet the needs of the student and our nation's economy.



**Our funders make this incredible work possible,
helping to improve the lives of students across the nation.**



To learn more about how to support the Power of Systems, visit nash.edu



Q&A with Nancy Zimpher, National Association of System Heads director

March 22, 2022

Throughout her career, Dr. Zimpher has embraced the expansive responsibilities of public higher education in the 21st century. “To educate more people and to educate them better” is at the center of her collective-impact theory of action, which she exercises in several key areas, including building on university strengths to drive regional and local economic development; creating seamless cradle-to-career education pipelines in every community; and systemically transforming teacher education into a rigorous practice that reliably creates great teachers for every classroom and student.



Nancy Zimpher.

*Dr. Zimpher will hold a session, *How Collaboration Leads to Innovation Through a State Culture of Systemness*, at the 2022 Student Success Summit, April 11-12 in Louisville. Register for the summit here: [cpe.ky.gov/studentsuccess\(/studentsuccess/index.html\)](https://cpe.ky.gov/studentsuccess(/studentsuccess/index.html)).*

What is systemness and what are its practical applications in higher education?

Systemness is the coordination of multiple components that, when working together, create a network of activity that is more powerful than any action of individual parts on their own. Rather than seeing systems as collections of disparate actors, systems can be coordinated actors who leverage their power to convene and facilitate, along with their governing and policy making authority, to build collaborations to support students and campuses. The whole is greater than the sum of its parts.

The most obvious benefit of a concept like systemness is teaching us all how to work together more effectively. Systemness is a concept that really requires collaboration and collective impact.

We've talked about the value of systemness within statewide higher education systems. Does this also apply across different stakeholders like employers and the K-12 system?

I really learned about collective impact when I was working as a university president in Cincinnati with our K-12 partners. We were obviously interested in getting more kids to graduate high school and head straight to college. What we learned over a decade or more of work is how working together we could increase the ability of both our school districts and our colleges to get more students into college. That notion began to be called collective impact. It brought multiple sectors together to make sure the pipeline from high school to college was seamless. So collective impact and systemness can work at any level and across any systems, and I guarantee it will result in a more thoughtful outcome.

“ Rather than seeing systems as collections of disparate actors, systems can be coordinated actors who leverage their power to convene and facilitate, along with their governing and policy making authority, to build collaborations to support students and campuses. - Nancy Zimpher

COVID brought new and difficult challenges to colleges and universities, and, in many cases, they came together to share resources and strategies for addressing those

challenges. Do you see the momentum of that collaborative spirit continuing?

We learned a lot from COVID; not only was it a health crisis, but it also exposed racial inequities and economic pitfalls. I don't think we'll ever be the same. We saw how these factors interact with each other, and I think we are absolutely required to take the lessons of learning how to work more effectively together as systems and apply them to solve our most challenging problems. We've learned that a leadership body or system head is a good cover and helps people work together safely. That was an important lesson too.

Coordinating boards and convenors like CPE and NASH have a role in creating systemness through setting goals and metrics across campuses and communicating a unified vision. What is the role of college and university leadership in encouraging cross-campus collaboration?

I'm a huge advocate of the kind of leadership that a council like CPE can do to guide people to better collaboration. But to dance takes two or more—we need everyone on the dance floor. So, it flows both ways. It is imperative for people who lead these integrated and statewide systems to be at the table, and it is also on us to be good team players within our organizations. The wisdom of systemness has to apply to all parties or it won't be collaborative or collective.

You've written about the power of systemness to expand higher education's role in addressing societal issues like the health care crisis, racial injustice and economic recovery. Why is higher education uniquely positioned to help take on these challenges?

I think we can all agree that there is nothing more powerful than educating more people and educating them better. In fact, I've heard the pundits say that is the best bet any country can make. I think what COVID exposed is the inequities that occur when some people don't have access to education. We know that if you are better educated, your children will be better

educated, you are all going to be healthier, you are going to be better citizens. We have a lot of work to do to make sure that everybody has access to an advanced education. That is a great lesson to learn from a horrible situation.

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Last Updated: 3/22/2022

Top Public Policy Issues Facing Governing Boards in 2023–2024

By AGB | May 3, 2023 | AGB Reports

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Executive Summary

The most pressing public policy issues facing college and university boards of trustees and foundation boards in 2023 and 2024, in the estimation of the Association of Governing Boards of Universities and Colleges and a higher education advisory panel, are the following:

- **Affordability and Value**
- **Accountability and Regulation**
- **Judicial Rulings**
- **Political Intrusion**
- **Federal and State Funding**
- **College Athletics**

These issues are gaining strength in a **tumultuous context** that is very likely to continue over the next several years and beyond. Governing boards and institutional leaders will be called upon to make decisions at a time of acute economic uncertainties, divisive partisan politics, declining enrollment and diminished public

confidence in higher education. The long-term effects of the COVID-19 pandemic will still ripple through the system as institutions hope for a return to normalcy, including a rebound from the widespread enrollment drops that began in 2019. But whether that hope will be fulfilled remains a question, as recent polls show growing public skepticism over whether expensive college degrees are worth the cost when it comes to outcomes in the job market. And inflation, fears of recession, and a standoff between Republicans and Democrats over raising the debt ceiling are adding significant economic uncertainty to the environment in which colleges and universities will have to recruit and educate students in the future.

Meanwhile, the country's political divide, manifested in Washington, D.C., and state capitals, has sparked controversies especially in the public sector over diversity, equity, and inclusion efforts and, in some states, what can be taught in classrooms about race and racism. Race-conscious admissions, a hallmark of most selective institutions at least since the 1970s, await a new determination of their constitutionality by the U.S. Supreme Court. Rulings are forthcoming, too, on President Biden's plan to wipe out \$400 million in student debt, and perhaps on the legality of the Obama-era program that has allowed hundreds of thousands of young people born outside the United States but raised here to remain in school and work.

These challenges make it more urgent than ever for those who govern and lead colleges and universities to make their voices heard about the importance of higher education not only to the economy but to the country's civil discourse and cohesion, as well as its vital role as an engine of opportunity and advancement.

We provide a brief introduction of the major issues below, followed by a description of the context in which colleges and their boards, will be grappling with them. We then take a deeper dive into each issue and how it is playing out in higher education today.

Affordability and Value

College affordability and crushing student debt loads are twin issues that affect millions of American families—both those deciding where to send their children and those still struggling to pay off loans from years and even decades ago. Private, nonprofit, four-year institutions, in particular, face growing resistance to tuitions that average nearly \$40,000, not counting tuition discounts. Students, families, and the public at large are questioning the fundamental value of a college degree, and government auditors have criticized as confusing the information colleges give prospective students about financial aid and net costs. Meanwhile, proposals by the Biden Administration to increase college affordability—such as larger Pell Grants and

tuition-free community college—are likely to hit roadblocks in the Republican-controlled U.S. House of Representatives.

Accountability and Regulation

Despite the political divide in Congress, some measures related to affordability and accountability may attract bipartisan support, including an excise tax on and further scrutiny of the returns of billion-dollar endowments. Other areas where the government may demand greater accountability or impose new regulations are:

- **Title IX.** These regulations remain in flux, with the Biden Administration seeking changes to the 1973 law against sex discrimination in education to further protect the rights and gender identity of LGBTQ students. The U.S. Department of Education also plans to publish a separate rule on Title IX's application to sports, including criteria for determining students' eligibility to play on male or female teams.
- **Gainful employment.** The Biden Administration is reestablishing the Obama Administration's gainful employment rule for programs at career colleges and certificate programs at all other higher education institutions. It is also seeking to make student aid eligibility dependent on whether those who complete such programs earn as much as high school graduates.
- **Accreditation.** The Department of Education said it will seek to amend its standards for accreditation agencies. In addition, after Florida passed a law requiring its public institutions to switch accreditors every five years, the department stepped in to offer guidance, warning it would not allow switches "to lessen oversight or rigor, or evade inquiries or sanctions."
- **Intellectual property and China.** Colleges and universities will be tasked with enforcing new CHIPS and Science Act rules to lessen America's reliance on foreign semiconductor suppliers and prevent China's theft of high-tech intellectual property. Those institutions applying for National Science Foundation grants must disclose agreements and gifts from China and "other countries of concern."
- **Student outcomes.** Both the federal government and state governments are requiring higher education institutions to provide more information about the tuition they charge as well as their students' job prospects, post-college incomes, and other measure of student success.

Judicial Rulings

A number of cases that could significantly impact colleges are on the dockets of not only a newly conservative-leaning Supreme Court but also various appellate and

state courts, including the following:

- **Race conscious admissions.** The fate of race-conscious admissions hangs in the balance with the Supreme Court set to rule on two major cases by the end of its 2022-2023 term in June. While most colleges are not highly selective, a high court repudiation of affirmative action could have wide ripple effects, impacting any educational institution that relies on federal student aid.
- **Deferred Action for Childhood Arrivals (DACA).** The legal challenge to DACA, which protects undocumented young people from deportation, is still at the appellate level, with no new students accorded that status and no likelihood that the divided 118th Congress will strike a comprehensive deal on immigration reform and border protection. Thus, the odds are that, in the coming months, the Supreme Court will ultimately determine DACA's future.
- **“Divisive Topics.”** Disputes also are being waged in state legislatures and the courts on bills, statutes, and executive orders that restrict what may be taught in college classrooms about race, the legacy of slavery, and other hot-button issues—notably state efforts to outlaw or curtail legal abortion following the Supreme Court decision to overturn a constitutional right to terminate pregnancies. With long legal battles likely to ensue in state and federal courts, none of these issues will be settled soon.

Political Intrusion

Real or perceived threats to independent board governance, institutional autonomy, and academic freedom are likely to intensify as state lawmakers fight over funding for diversity programs and what public schools and colleges can teach about race and gender. Dozens of bills have been introduced and some enacted in red states to counter what conservatives view as ideological “indoctrination” of students by largely liberal faculty members and to protect the free speech rights of those who claim they are muzzled by the “woke” majority. As long as politicians perceive an advantage in attacking what they regard as liberal bias on campuses, expect higher education to remain a punching bag in the run-up to the 2024 elections.

Federal and State Funding

There was some good news on the financial front for college and university presidents and their governing boards at the outset of 2023. While it took years for state spending on higher education to rebound after the Great Recession of 2008, the near-term outlook for state budgets is positive. A survey by the State Higher

Education Executive Officers Association found “cautious optimism” among public higher education leaders.

The outlook for federal funding, however, is cloudy. The federal omnibus spending bill for fiscal 2023, enacted while both houses of Congress were still in the hands of Democrats, raised funding across the board for programs that benefit higher education, including Pell Grants and scientific research. But the House is now in Republican hands, with GOP lawmakers’ insisting on large cuts as the price to pay for lifting the \$31-trillion ceiling on federal debt. Uncertainty over when and how the U.S. Treasury will avert default by summer 2023 adds to fears that the economy could nosedive, jeopardizing college budgets and enrollments along with much else.

College Athletics

College sports will also most likely continue to be the subject of legislative activity and legal decisions. As a result of a 2021 decision by the National Collegiate Athletic Association to allow students to be paid by for marketing their name, image and likeness, some student athletes are now being compensated. Numerous states also have enacted variants of California’s 2019 Fair Pay to Play Act, and Congress may soon want to jump into the regulatory act, as well, and enact legislation to supersede those state statutes.

Meanwhile, the National Labor Relations Board office in Los Angeles in December 2022 ruled that college athletes can be classified as employees with the right to unionize. In addition, on yet another athletics-related front, presidents and boards will be forced to grapple with the rapid-fire spread of legalized sports gambling on both collegiate and professional games.

And the jump by football teams to conferences far from home demonstrate how intent universities are on maximizing television ratings and revenues, despite subjecting players to more transcontinental flights and time away from campus. Such moves could expose the vulnerabilities of big-time collegiate sports to further political or judicial scrutiny.

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- **Natalie T. Sinicrope**, deputy CEO & executive director of legal resources, National Association of College and University Attorneys (NACUA)

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Top Public Policy Issues Facing Governing Boards in 2023–2024: Affordability and Value

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Addressing concerns about the cost of college.

Affordability is the issue that is, or should be, of most concern to all those charged with leading and charting the future of U.S. higher education. It may not be a front-burner topic in political debates leading up to the November 2024 elections, but it is one that every institution must confront. There is no guarantee that over the next few years the market demand for higher education will return to its historical growth pattern, and a large part of the reason may be that students, their families, and the public in general find college too costly or of questionable value.

Updated May 4, 2023.

Student Debt

A \$1.76-trillion mountain of debtⁱ has been the elephant in higher education's parlor for years, fueling concerns about whether a college degree is still worth the price. It is a question not only for private colleges and universities with steep tuition rates but for public institutions, as well. Tuition increases, which have far outpaced overall price inflation for decades, have finally met intransigent resistance, ironically after a period of low inflation (around 2 percent) when many colleges finally exercised restraint. Tuition discounting by private colleges and universities—seen as a necessity to keep their institutions affordable for many students and families—have risen from 45 percent to 55 percent of the “sticker” prices.ⁱⁱ And now, the COVID-19 pandemic and other factors have triggered a resurgence of inflation in the U.S. economy to the highest levels in 40 years, which could not have come at a worse time as many institutions deal with enrollment declines.

Meanwhile, the fate of President Joe Biden's plan to forgive \$400 billion in student debts—a quarter of the total owed by 43 million Americans—remains unsettled, with the Supreme Court expected to decide by the end of its 2022–2023 term in June whether to allow those debts to be wiped off the books by administrative action. A half-dozen Republican state attorneys general have challenged the plan, and

Congressional Republicans have decried debt forgiveness as unfair to the 100 million Americans who never went to college.ⁱⁱⁱ

With generous income limits, the Biden plan would wipe out \$10,000 in debt for individuals with incomes below \$125,000 and for married couples up to \$250,000; former Pell Grant recipients would enjoy \$20,000 in debt relief. In addition, the U.S. Department of Education in January 2023 proposed regulations that would dramatically reduce income-driven loan repayments for low and middle-income borrowers, with individuals making \$30,600 or less having zero-dollar monthly loan payments and those in a family of four with incomes up to \$62,400 also paying zero each month. The revised rules would also cut in half monthly payments on undergraduate loans for others in income-driven repayment plans.

Even with modest in-state tuition at public campuses, attending a four-year college is expensive, particularly for those living away from home. While the median U.S. household income in 2021 this decade was \$70,784,^{iv} the College Board's "Trends in College Pricing and Student Aid" report found tuition and fees recently averaged:

- \$10,950 for public four-year in-state students
- \$28,240 for public four-year out-of-state students
- \$39,400 for private, nonprofit four-year institutions
- \$3,860 for public community colleges

And the total costs of a year in college, including room and board, had climbed to:

- \$27,940 in-state at public four-year institutions
- \$45,240 out-of-state at public four-year institutions
- \$57,570 at private four-year institutions
- \$19,230 at community colleges^v

It should also be noted that colleges are now facing scrutiny not only about their prices but also for lacking transparency about what exactly students and their families must pay in tuition. The U.S. Government Accounting Office (GAO) has reported that 91 percent of the colleges it surveyed did not divulge their net price or understated it when they made financial aid offers to prospective students, making it difficult for students and parents to compare offers and college affordability. The GAO

has recommended changes in federal law to give all students the same standardized information they are now required to give veterans.^{vi}

ⁱ Federal Reserve, Fiscal 2023, 3rd Quarter 2022 figures, <https://fred.stlouisfed.org/series/SLOAS>.

ⁱⁱ “Tuition Discount Rates at Private Colleges and Universities Hit All-Time Highs,” National Association of College and University Business Officers, May 19, 2022, <https://www.nacubo.org/Press-Releases/2022/Tuition-Discount-Rates-at-Private-Colleges-and-Universities-Hit-All-Time-Highs>.

ⁱⁱⁱ “Biden’s Student Loan Scam,” U.S. House of Representatives Committee on Education and the Workforce, <https://edworkforce.house.gov/biden-s-student-loan-scam/>.

^{iv} “Income in the United States: 2021,” U.S. Bureau of the Census, September 13, 2022, <https://www.census.gov/library/publications/2022/demo/p60-276.html#:~:text=Highlights,and%20Table%20A-1>).

^v “Trends in College Pricing and Student Aid 2022,” College Board, October 2022, <https://research.collegeboard.org/media/pdf/trends-in-college-pricing-student-aid-2022.pdf>.

^{vi} “Financial Aid Offers: Action Needed to Improve Information on College Costs and Student Aid,” U.S. Government Accounting Office, November 2022, <https://www.gao.gov/assets/gao-23-104708.pdf>.

Pell Grants

Besides lowering student debt and monthly payments on loans, federal and state governments are strengthening or initiating other programs to help make college more affordable, notably through free tuition and grants. President Biden campaigned on a promise to make the first two years of community college tuition-free, and he has again requested funding in his FY 2024 budget to transition to free community college over the next decade. Although it is unlikely that Congress will approve free community college, more than half the states already provide free tuition for at least the neediest students.ⁱ

In addition, the president has secured a hefty \$500 increase in the maximum Pell Grant for 2023-2024 to \$7,395—the highest jump in a dozen years—on top of a \$400

increase for 2022-2023, and he is seeking \$820 more in his FY 2024 budget for academic year 2024-2025. With Congress now divided, however, the run of big increases could be over.

Although Pell Grants are means-tested, they are not just for those raised in poverty. They help seven million students pay for college, or more than a third of the entire college population. Some selective colleges now boast about their rising enrollments of Pell-eligible students. The grants are awarded on a sliding scale, with students from families with incomes up to 175 percent of the federal poverty level (\$30,000 for a family of four in 2023) receiving the maximum. Still, even with increases, the grants now cover a much smaller percentage of college costs than when they started in 1973-1974 at \$443, the equivalent of \$3,000 today.

ⁱ “Public colleges & universities should be tuition free,” Campaign for Free College Tuition, <https://www.freecollegenow.org/>.

Value

In the wake of questions about the affordability of college, the once unshakeable belief that a college degree is a ticket to a better life has given way to doubts about whether it’s even worth the price. In the New America survey of public attitudes toward higher education, only 27 percent said they believe that all Americans need at least a bachelor’s degree to achieve financial security, while a third felt a high school diploma sufficed. Nonetheless, and perhaps paradoxically, over three-quarters believe “that education beyond high school offers a good return on investment for students.”ⁱ

It’s worth noting that the debate over the value of a college diploma is not new. Newsweek ran a cover story in 1976 that posed the question, “Is College Worth It?” But that question is not a theoretical one these days as more major public and private sector employers drop degree requirements for the people they are hiring. On his first day in office, Pennsylvania Governor Josh Shapiro eliminated a degree requirement for 92 percent of state jobs. He was following the example of governors in Maryland and Utah, and he won praise from the New York Times, which editorialized, “This demonstrates both good policy and good leadership, representing a concrete change in hiring philosophy that stops reducing people to a credential and conveys that everyone—college-educated or not—has experience and worth that employers should consider.”ⁱⁱ Meanwhile, in a burst of bipartisanship on Capitol Hill, the House

voted 422-2 in January 2023 to pass the Chance to Compete Act, which seeks to further deemphasize degree requirements and accelerate use of skills assessments in filling federal jobs.

ⁱ “Varying Degrees 2022: New America’s Sixth Annual Survey on Higher Education,” New America, July 26, 2022, <https://www.newamerica.org/education-policy/reports/varying-degrees-2022/>.

ⁱⁱ “See Workers as Workers, Not as a College Credential,” New York Times Editorial Board, January 28, 2023. <https://www.nytimes.com/2023/01/28/opinion/jobs-college-degree-requirement.html>.

Associated AGB Resources

- AGB Policy Alert: President Biden Signs 2023 Omnibus Appropriations Package, with Changes for Multiple Higher Education Programs (December 2022)
- AGB Policy Alert: President Biden and Department of Education Cancel Some Student Loan Debt (September 2022)
- Community Letter to Congress in Support of the Tax-Free Pell Grant Act (October 2022)

Questions for Boards

- How does our institution strive to keep college affordable? If we discount tuition, what is our discount rate?
- How dependent are our students on state and federal financial assistance?
- If we are in a state where the first two years at a public college are free, what are the implications for our institution?
- What do we know of the student loan indebtedness of our current students and recent graduates, such as average debt, range of indebtedness, and numbers of graduates in repayment?
- What is the percentage and number of Pell recipients at our institution(s)?
- How effective are we at communicating the value of our particular institution and higher education in general to students, policymakers and other important audiences?

The AGB Perspective

AGB supports robust investments that would help ensure that all students are able to access and complete a higher education. Specifically, AGB supports doubling the

maximum Pell Grant and improving income-driven repayment plans to better support students.



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Monitoring increased regulations in a divided Congress.

With control of Congress split between a narrow Republican majority in the House and the Democrats' slim edge in the Senate, Capitol Hill watchers at higher education associations in Washington anticipate increased regulation and renewed and invigorated efforts to attach more strings to federal dollars. Some of the key issues on policymakers' radars that boards should stay abreast of relate to endowments, Title IX, gainful employment, accreditation, intellectual property, and student outcomes.

Updated May 4, 2023.

Endowment Bills

Although most college endowments posted dramatically higher investment returns in 2021, according to the National Association of College and University Business Officers, that rise was followed by the stock market's worst year since 2008.ⁱ As a consequence, NACUBO's endowment study for 2022 showed roughly a 4 percent decline in endowment market values.ⁱⁱ

Despite that decline, however, colleges and universities with large endowments continue to draw the attention of Republican lawmakers. Several bills were introduced in the 117th Congress that sought to increase the endowment excise tax passed as part of the 2017 Tax Cut and Jobs Act. Other bills would have required colleges with endowments of a certain size to limit tuition increases or devote substantial endowment funds to institutional student aid to avoid higher levels of taxation. Still other legislation has sought to prohibit investment of endowment assets in entities and governments deemed hostile to the United States, China foremost.

Look for many of those bills to be re-introduced in the 118th Congress, with private institutions with the largest endowments the chief target. Some higher education advocates fear such a move could be, in fact, a first step toward undermining the sector's tax-exempt status.

ⁱ “Stocks fall to end worst year since 2008,” CNBC, December 30, 2022, <https://www.cnbc.com/2022/12/29/stock-market-futures-open-to-close-news.html>.

ⁱⁱ “In Challenging Year, Higher Education Endowments See Declines in Returns and Values but Boost Overall Spending, NACUBO-TIAA Study Finds,” National Association of College and University Business Officers, February 17, 2023, <https://www.nacubo.org/Press-Releases/2023/Higher-Education-Endowments-See-Declines-in>Returns-and-Values-but-Boost-Overall-Spending>.

Title IX

A half-century after the enactment of Title IX, the civil rights law that bars discrimination by sex in schools and colleges, the federal government is still wrestling with its scope and how to enforce it. Former President Trump pushed rule changes to “restore fairness” and provide due process rights to those accused of sexual harassment, whom he said often faced decks stacked against them by college bureaucrats.ⁱ As a presidential candidate, Biden decried the Trump rules, saying they would “shame and silence survivors” of sexual abuse, and when Biden came into office, he immediately set out to undo the Trump changes.

On June 23, 2022, the law’s 50th anniversary, Biden and Education Secretary Miguel Cardona proposed far-reaching changes including barring discrimination by sexual orientation or gender identity. Cardona said they would “ensure all our nation’s students—no matter where they live, who they are, or whom they love—can learn, grow, and thrive in school.” The rules drew nearly 350,000 public comments in the two-month window that was open to them.

It is no easy matter to change rules as complex and far reaching as the Title IX regulation.

Trump entered office in 2017 intent on overhauling Title IX, yet it took his Secretary of Education, Betsy DeVos, until his last year in office to publish a 2,000-page final rule. A federal judge in Massachusetts vacated a section of the DeVos rule that barred campus investigators from relying on complainants’ or witnesses’ testimony unless they were subjected to cross-examination in a live hearing.ⁱⁱ Biden’s proposed changes would permanently eliminate the live hearing requirement, revert to the pre-Trump definition of sexual harassment, and add gender protection for LGBTQ

students. Those changes could become final in 2023, but court challenges are inevitable.

The Department of Education has also proposed a separate rule on Title IX's application to sports and specifically "what criteria recipients may be permitted to use to establish students' eligibility to participate on a particular male or female athletic team," a controversial issue in some states. Already 18 states bar transgender students from playing on teams other than the sex listed on their birth certificates.

ⁱ "President Donald J. Trump is Working to Protect Students from Sexual Misconduct and Restore Fairness and Due Process to Our Campuses," White House, May 6, 2020, <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-fact-sheet.pdf>.

ⁱⁱ "Letter to Students, Educators, and other Stakeholders re Victim Rights Law Center et al. v. Cardona," U.S. Department of Education Office for Civil Rights, August 24, 2021, <https://www2.ed.gov/about/offices/list/ocr/docs/202108-titleix-VRLC.pdf>.

Gainful Employment

The Biden Administration also announced its intent to reestablish the gainful employment rule for programs at career colleges and certificate programs at all other higher education institutions, which first went on the books in the Obama Administration in 2015 but was withdrawn under President Trump. In addition to adopting the Obama Administration's requirements for programs to meet certain debt-to-earnings ratios or lose Title IV funding, the most recent Biden proposal would tie student aid eligibility to whether program completers are making as much money as high school graduates. The intent of the rule from the beginning was to stop programs at for-profit career colleges and certificate programs at other colleges from saddling their students with large debt for low-paying careers. DeVos repealed it in 2019, but the Biden Administration is in the process of bringing the rule back this year.

Accreditation

The Department of Education, in unveiling its regulatory agenda for 2023, said it will seek to amend its regulations setting standards for accreditation agencies and accreditation procedures. Without that federal seal of approval, the colleges that an agency accredits can lose eligibility to participate in the federal student aid programs.¹

Separately, the department issued guidance in July 2022 telling institutions they must demonstrate "reasonable cause" for changing their accreditation agency. It said it would not allow an institution to change accreditation agencies "to lessen oversight

or rigor, evade inquiries or sanctions, or the risk of inquiries or sanctions by its existing accrediting agency.”ⁱⁱ Antoinette Flores, a senior adviser at the department, wrote that the goal was to prevent “a race to the bottom” by institutions’ seeking looser accreditation standards.ⁱⁱⁱ

The guidance was issued in response to a Florida law requiring state colleges and universities to switch accreditors every five years. Its Republican governor, Ron DeSantis, smarting from criticism by the Southern Association of Colleges and Schools over the University of Florida’s attempt to bar professors from testifying against a law they viewed as restricting voting rights, pushed through the law requiring institutions to regularly switch accreditors.

ⁱ “Accreditation and Related Issues,” 1840-AD82, U.S. Department of Education and Office of Management and Budget, January 2023, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=1840-AD82>.

ⁱⁱ “Guidance for Institutions Seeking to Change or Add Accrediting Agencies,” U.S. Department of Education, July 19, 2022, fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-07-19/guidance-institutions-seeking-change-or-add-accrediting-agencies.

ⁱⁱⁱ “Postsecondary Accreditation Cannot Become a Race to the Bottom,” Antoinette Flores, U.S. Office of Postsecondary Education, July 19, 2022, <https://blog.ed.gov/2022/07/postsecondary-accreditation-cannot-become-a-race-to-the-bottom/>.

Intellectual Property and China

Also on the regulatory front, colleges and universities will be tasked with enforcing new CHIPS and Science Act rules to prevent the potential theft of high-tech intellectual property by China. The bipartisan bill, signed into law in August 2022, will funnel \$280 billion to grow domestic semiconductor manufacturing and research to make the United States less reliant on foreign suppliers, especially China. The law requires the U.S. Secretary of Energy to “manage and mitigate research security risks” and impose penalties on funding recipients that violate protocols to prevent loss of U.S. intellectual property and safeguard national security.

Some provisions will steer CHIPS research grants to historically Black colleges and universities and other minority-serving institutions, as well as tribal colleges and community colleges. Senator Roger Wicker of Mississippi, the then top Republican on the Senate Committee on Commerce, Science, and Transportation, said the CHIPS Act includes “important research security guardrails,” including a training requirement for researchers to beware of “so-called malign foreign talent recruiting programs.”

It also requires universities’ applying for National Science Foundation (NSF) grants to disclose agreements and gifts from China and “other countries of concern,” and bars institutions with Confucius Institutes from getting NSF funding.ⁱ More than 100 U.S. colleges and universities once hosted Confucius Institutes supported by China’s government to promote Chinese language and culture. That number rapidly shrank, however, after Congress prohibited host institutions from receiving U.S. Department of Defense funding due to charges of nefarious Chinese influence.

A National Academies of Sciences, Engineering, and Medicine panel recently recommended changes that would make it easier for institutions to get waivers from the U.S. Department of Defense, allowing them to again host a Confucius Institute. The National Academies experts said they were “not aware of any evidence at the unclassified level that (Confucius Institutes) were ever associated with espionage or intellectual property theft. While incidents affecting academic freedom, freedom of expression, and shared governance did take place, the most egregious of these happened at (institutes) outside of the United States.”ⁱⁱⁱ It remains to be seen whether any colleges will seek to reopen institutes in this climate or whether China will want to keep supporting them.

If early discussions in Congress and the Biden Administration are any indication, concerns about the Chinese Communist Party, the theft of intellectual property, propaganda, espionage, and undue influence will intensify over the next two years. Colleges and universities will need to proceed with caution.

ⁱ “Wicker Praises Research, STEM education provisions in new CHIPS Act,” Office of Sen. Roger Wicker, R-Miss., July 22, 2022, <https://www.commerce.senate.gov/2022/7/wicker-praises-research-stem-education-provisions-in-new-chips-act> .

ii “Confucius Institutes at U.S. Institutions of Higher Education: Waiver Criteria for the Department of Defense,” National Academies, January 10, 2023, <https://nap.nationalacademies.org/download/26747#>.

Student Outcomes

The federal government is not alone in calling upon colleges to be more accountable and transparent; states are increasingly demanding that, as well. They are considering or have taken action to ensure that institutions aren’t obfuscating the costs of college for students and are being more forthcoming to students about the job prospects in their chosen fields. According to the nonprofit Data Quality Campaign, eight states—Arizona, Arkansas, Kansas, Kentucky, Maine, Tennessee, Virginia, and West Virginia—now require disclosures about student outcomes. In addition, seven more considered legislation in 2022—and are likely to consider it again in current legislative sessions—that would go beyond the federal College Scoreboard in reporting student indebtedness and post-college incomes by major. (The Scorecard extrapolates data only from Pell Grant recipients.)ⁱ

ⁱ “What’s a College Degree Worth? States Start to Demand Colleges Share the Data,” Washington Post, January 21, 2023, <https://www.washingtonpost.com/education/2023/01/21/college-data-state-legislation/>.

Associated AGB Resources

- AGB Policy Alert: Department of Education Publishes Proposed Title IX Regulations on Sex-Based Discrimination (July 2022)
- AGB Trending Topic: Title IX and Sexual Misconduct
- AGB Policy Alert: Accreditation and State Authorization Regulations (November 2019)

Questions for Boards

- In the context of accreditation and institutional quality, how well does our institution perform in graduating students in a timely fashion and helping them find gainful employment?
- Is the institution staying abreast of student completion rates and employment attainment rates and communicating that data clearly to its major constituencies, including legislators and other policy makers?

- Given that the Title IX regulations issued by the Trump Administration are being revised by the Biden Administration, how will our necessary administrative and legal processes be managed?
- What, if any, programs, research, contract or grant support does our institution receive from China or Chinese entities? Are we confident that this support conforms to government and institutional policies on transparency, academic freedom, free expression, and the like?



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Awaiting decisions on key cases.

We've discussed in another section how the changing composition of the U.S. Supreme Court might impact the Biden Administration's proposals regarding college affordability and student debt. Below, we describe other major cases—notably those concerning affirmative action, immigration, academic freedom, and abortion—that will soon be decided by courts at various levels across the nation.

Updated May 4, 2023.

Race-conscious Admissions

The fate of race-conscious admissions hangs in the balance with the Supreme Court set to rule by the end of its 2022-2023 term in June on whether the University of North Carolina at Chapel Hill and Harvard University can keep weighing race as a factor in admission decisions. Oral arguments in October 2022 convinced many observers that the court will strike down the practice of giving minorities some advantage in securing places in selective colleges. Angel Pérez, chief executive officer of the National Association for College Admission Counseling, predicted to Higher Ed Dive the court's expected decision would “bifurcate America's higher education ecosystem,” with wealthier institutions enrolling more students who can afford to pay full tuition and less well-off ones struggling to fill their classes.¹

Although most colleges are not highly selective, a high court repudiation of affirmative action at elite institutions could have far wider ripple effects, impacting any college or university that relies on federal student aid. How much freedom would colleges retain to select and shape their student bodies without government interference? Would such a decision undermine special programs and support to help minority students advance toward degrees? Will it affect faculty and staff hiring next? How soon would a ruling against affirmative action take effect? With selection of the Class of 2027 already almost complete, institutions probably would have to revamp their admission processes starting with the Class of 2028, now rising seniors in high school.

Edward Blum, the affirmative action foe who created Students for Fair Admissions and enlisted rejected Asian-American students to sue Harvard, believes America will be better off and truer to its ideals without affirmative action. “I think this is just the beginning of the restoration of really the founding principles of our civil rights movement,” he told The Washington Post. “The founding principles were that your race and your ethnicity should not be used to help you or harm you in your life’s endeavors. I think the majority of Americans will think of this as a good outcome and then be a steppingstone to other good outcomes, not just in the law but in the way we see each other.”ⁱⁱⁱ The cases before the high court, SFFA v. Harvard and SFFA v. University of North Carolina, hark back to the original Regents of the University of California v. Bakke decision in 1978 that outlawed racial quotas but upheld affirmative action. They also follow upon the ruling in Grutter v. Bollinger in 2003 that allowed “narrowly tailed use of race in admissions decisions” at the University of Michigan Law School.

ⁱ “Six College Admission Experts Share their Biggest Predictions for 2023,” Higher Ed Dive, January 23, 2023, <https://www.highereddive.com/news/6-college-admissions-experts-share-their-biggest-predictions-for-2023/640903/>.

ⁱⁱ “How One Man Brought Affirmative Action to the Supreme Court. Again and again,” Washington Post, October 24, 2022, <https://www.washingtonpost.com/politics/2022/10/24/edward-blum-supreme-court-harvard-unc/>.

Deferred Action for Childhood Arrivals (DACA)

When earlier sessions of Congress produced no agreement on immigration reform, including a bipartisan Development, Relief, and Education for Alien Minors (DREAM) Act, the Obama administration in 2012 unilaterally instituted the Deferred Action for Childhood Arrivals (DACA) program that gave hundreds of thousands the right to attend college and work afterwards, without fear of deportation, while their permanent status was worked out on Capitol Hill.

That did not happen, and it’s highly unlikely that the current divided Congress will agree on an immigration reform deal that could provide a pathway to citizenship for DACA students. As a result, the fate of the DACA program is in the courts’ hands, and while still being considered at the appellate level, it’s expected that the Supreme Court will ultimately decide DACA’s future.

By allowing them to seek postsecondary education, work, and maintain U.S. residency, DACA applied to a discreet group of students: children who came to the United States before age 16 and lived here for at least five years before June 15, 2012, when President Barack Obama signed his executive order. The number of active DACA participants was roughly 600,000, according to U.S. Citizenship and Immigration Services figures, but advocates for immigrants say as many as three million current or past Dreamers might benefit if lawmakers found a way to untie the immigration Gordian knot.ⁱ

ⁱ “Breakdown of Dreamer Populations—Both With and Without DACA,” Presidents’ Alliance on Immigration and Higher Education, December 6, 2022, <https://www.presidentsalliance.org/breakdown-of-dreamer-populations-both-with-and-without-daca/>.

"Divisive Topics"

Disputes are being waged in state courts, too, on laws that restrict what may be taught in college classrooms about race, the legacy of slavery, and other hot-button issues. A good many focus on the ramifications of the Dobbs decision that reversed a constitutional right to abortion and resumes the pre-1974 standard whereby states set their own restrictions. Questions that colleges, universities, and medical schools in states with strict anti-abortion laws must now face include whether campus health clinics can dispense birth control devices and prescriptions or medical students can be trained to perform abortions. Some members of Congress have reintroduced bills that would bar federal funding of any type to institutions if their student health clinics perform abortions or dispense abortion pills.ⁱ

ⁱ “Protecting Life on College Campus Act of 2023,” H.R. 435 and S. 16, sponsored by Rep. Chip Roy (R-Texas) and Sen. Steve Daines (R-Mont).

Associated AGB Resources

- Amicus Brief in Support of Universities’ Race-Conscious Admissions Protocols (August 2022)
- Community Letter to Congress Urging Support for Legislation Protecting DACA Recipients and Other Dreamers (August 2021)

Questions for Boards

- If the Supreme Court strikes down affirmative action at colleges and universities, what could be the effects on our institution(s), and how might we respond?
- Does our institution enroll DACA students? What defines success for them and the institution?
- Are we concerned about how the Dobbs decision affects our students, staff, and campus health providers?

The AGB Perspective

AGB believes that institutions should be able to exercise academic freedom to select a diverse student body through holistic admissions programs that include an array of academic and nonacademic factors. A diverse student body is essential to important educational objectives of colleges and universities. Within judicial parameters, each institution should be able to use holistic admissions to comprise a student body that will advance its own particular mission.

AGB has remained an ally of DACA recipients. DACA students enrolled in higher education enrich our communities, contribute to institutional research and service missions, pay taxes, and are an important part of our country's workforce pipeline. AGB encourages Congress to pass a permanent legislative solution to allow these individuals to remain in the United States and be placed on a path to citizenship. Additionally, since institutions benefit from the international exchange of students, scientists, and researchers, AGB supports sensible visa policies that encourage and enable foreign students and scholars to study and work in the United States.



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Increasing pressure on governing boards and institutions.

Real or perceived threats to independent board governance, institutional autonomy, and academic freedom are likely to intensify as state lawmakers fight over funding for diversity programs and what schools and colleges can teach about race, gender, and American history. Numerous bills have been introduced, and some passed, in various states by conservatives to combat what they view as ideological “indoctrination” of students by liberal faculty members and to protect students’ free speech rights. The most controversial laws affecting both higher and K-12 education have been enacted in states such as Florida where Republican governors have solidly Republican legislative majorities with which to work.

Updated May 4, 2023.

Diversity, Equity, and Inclusion

The state of Florida has become, in fact, ground zero for the fight over efforts to promote diversity, equity, and inclusion (DEI) in higher education, from faculty hiring to success programs for minority and other underrepresented students. Florida Governor Ron DeSantis, a likely contender for the GOP presidential nomination, has donned the mantle of champion of statutes and policies aimed at forcing curricular and other changes on campuses he contends are dominated by “woke” liberal faculty members and administrators hostile to conservative viewpoints. In signing his signature “Stop WOKE Act” in April 2022, DeSantis declared, “We believe in education, not indoctrination. We believe an important component of freedom in the state of Florida is the freedom from having oppressive ideologies opposed [sic] upon you without your consent.” A federal judge called that statute “positively dystopian” and blocked parts of it.

Separately, DeSantis demanded to know how much state colleges and universities are spending on diversity, equity, and inclusion efforts. According to the Tampa Bay Times, the sum amounted to \$34.5 million at Florida’s 12 public universities and ranged from \$63 for a graduation ceremony for LGBTQ students at Florida Gulf Coast

University to \$4.1 million for an Upward Bound program at the University of South Florida.ⁱ

DeSantis launched a further push against DEI and “ideological indoctrination” in January 2023, saying he would seek passage of legislation “to bring more accountability to the higher education system,” including putting faculty hiring decisions into the hands of boards of trustees and presidents and allowing them to call a post-tenure review at any time. His legislative agenda also would bar public institutions from promoting DEI and teaching critical race theory, as well as ban the use of “political filters like DEI statements in hiring practices.”ⁱⁱ

DeSantis earlier took steps to turn the public New College of Florida, a small liberal arts institution, into what an education appointee said would become the Hillsdale College of the South. Hillsdale is a private, Christian college in Michigan that eschews federal student aid and considers itself a defender “of our Western philosophical and theological inheritance.” At New College, DeSantis appointed six conservative academics and activists to the board of trustees, who promptly removed the president and installed a former Republican speaker of the Florida House of Representatives to reorient the institution, which enrolled 650 students in 2020-2021, a tiny fraction of the state’s one million public college students. One of the new trustees, Christopher Rufo, is the co-author of model legislation from the conservative Manhattan Institute to abolish DEI offices and end mandatory diversity training at public universities.ⁱⁱⁱ

That blueprint could provide a template for states seeking to hamstring DEI efforts in higher education, as DEI programs has come in for scrutiny elsewhere, too. Outgoing Oklahoma Secretary of Education Ryan Walters, for instance, asked the chancellor of the State Regents for Higher Education, Oklahoma’s constitutional state coordinating agency, to document “every dollar that has been spent over the last ten years on diversity, equity, and inclusion.”

ⁱ “Universities Respond to DeSantis, Saying They Spend \$35M on Diversity Programs,” Tampa Bay Times, January 19, 2023, <https://www.tampabay.com/news/education/2023/01/19/universities-respond-desantis-saying-they-spend-35m-diversity-programs/>.

ii “Governor DeSantis Elevates Civil Discourse and Intellectual Freedom in Higher Education,” Office of the Governor, January 31, 2023, <https://www.flgov.com/2023/01/31/governor-desantis-elevates-civil-discourse-and-intellectual-freedom-in-higher-education/>. Also, “Higher Education Reform,” Office of the Governor, <https://www.flgov.com/wp-content/uploads/2023/03/Higher-Ed-Reform-V7.pdf>.

iii “Abolish DEI Bureaucracies and Restore Colorblind Equality in Public Universities,” Christopher Rufo, Ilya Shapiro, Matt Beienburg, Manhattan Institute, January 2023, https://media4.manhattan-institute.org/sites/default/files/model_dei_legislation013023.pdf.

Tenure

Tenure, the traditional safeguard of academic freedom, has also become a primary target for higher education’s critics. Even before Governor DeSantis proposed letting boards of trustees in Florida institute post-tenure reviews at any time, the State University System of Florida’s Board of Governors, which oversees Florida’s 12 public universities, was considering requiring post-tenure reviews every five years instead of seven. Anyone who received a final performance rating of “unsatisfactory” after appeals would receive a notice of termination from the chief academic officer. It remained to be seen whether this potential regulation would be superseded by the tenure provisions in Governor DeSantis’ new proposed legislation.

Other states are trying to pass similar measures. After the University of Texas at Austin Faculty Council voted overwhelmingly in support of teaching race and gender theory, Texas Lieutenant Governor Dan Patrick, a Republican, announced a flurry of bills affecting all Texas higher education institutions that would prohibit any teaching and spending on justice, diversity, and inclusion; eliminate tenure at all public universities in the state; and require six-year reviews of those who already hold tenure. “Tenured professors must not be able to hide behind the phrase ‘academic freedom,’ and then proceed to poison the minds of our next generation,” said Patrick, who also called for giving Boards of Regents more authority to address tenure issues.ⁱ In response, American Association of University Professors President Irene Mulvey said the damage to the reputation of the University of Texas System and to student and faculty recruitment would be “devastating” and “and poses a real and present danger to the future of higher education in the United States.”ⁱⁱⁱ

In Mississippi, the Board of Trustees of State Institutions of Higher Learning ceded the authority to award tenure to the presidents of its eight public universities while also

changing some criteria for obtaining tenure. The Foundation for Individual Rights and Expression (FIRE) and PEN America, two free expression advocates, said that giving presidents decision-making authority was not in itself cause for alarm, but they criticized new “amorphous standards” that the trustees set, including consideration of faculty members’ “effectiveness ... and integrity in communications” and their “collegiality.”ⁱⁱⁱ

Meanwhile the Board of Regents for the University System of Georgia in 2021 changed its rules for post-tenure reviews of tenured faculty members, making it easier to terminate professors for poor performance. In addition to those states, look for others to seek changes to the tenure and post-tenure processes over these next two years, whether or not their public governing boards support such actions.

ⁱ “Lt. Gov. Dan Patrick: Statement on Plans for Higher Education and Tenure,” Office of the Lieutenant Governor of Texas, February 18, 2022, <https://www.ltgov.texas.gov/2022/02/18/lt-gov-dan-patrick-statement-on-plans-for-higher-education-and-tenure/>.

ⁱⁱ “AAUP President Slams Threat to Destroy Academic Tenure in Texas,” American Association of University Professors, February 19, 2022, <https://www.aaup.org/news/aaup-president-slams-threat-destroy-academic-tenure-texas>.

ⁱⁱⁱ “FIRE and PEN America Letter to Institutions of Higher Learning Board of Trustees,” April 27, 2022, <https://www.thefire.org/research-learn/fire-and-pen-america-letter-institutions-higher-learning-board-trustees-april-27>.

Free Speech

Public institutions and their boards are also dealing with a spate of “free speech” laws aimed at curbing the alleged hostility to conservative views on campuses. Members of public governing boards may feel torn between the duty to defend academic freedom and independence and their reluctance to go against the wishes of the elected officials who appoint and confirm them.

In June 2022, PEN America and the American Association of Colleges and Universities decried the spate of state bills—they counted 70 in 28 states—that impose restrictions on teaching and learning. “The majority of these restrictions are focused on concepts

related to race, racism, or gender that legislators regard as divisive or otherwise objectionable. (They) infringe upon freedom of speech and academic freedom, constraining vital societal discourse on pressing questions relating to American history, society, and culture,” they said. Circumscribing free inquiry and expression “to hew to political directives and agendas ... undermines our society’s democratic future.”ⁱ

To help campus leaders navigate this difficult terrain going forward, PEN America and the American Council on Education joined together to produce a resource guide in February, “Making the Case for Academic Freedom and Institutional Autonomy in a Challenging Political Environment.” The Association of Governing Boards is updating its own guidelines on the topic of undue external influence.

As long as governors, legislators, and other policy makers perceive an advantage in attacking higher education, such attacks will continue in 2023 and 2024. At the same time, leaders of the major higher education groups in Washington, including the Association of Governing Boards, are laying the groundwork to create a national coalition to recognize the importance of higher education as a strategic asset of the United States. The primary intent is to present an action plan to the President and Congress by June 2024 for meeting the challenges and needs that the country and its colleges and universities now face.

ⁱ “Statement by the American Association of Colleges and Universities and PEN America Regarding Recent Legislative Restrictions on Teaching and Learning,” June 8, 2022, <https://pen.org/wp-content/uploads/2022/06/Statement-by-AACU-and-PEN-2.pdf>.

Associated AGB Resources

- Freedom of Speech and Diversity, Equity, and Inclusion on Campus
- AGB Board of Directors’ Statement on Justice, Equity, and Inclusion and Guidance for Implementation
- Community Letter on Free and Open Academic Inquiry and Debate on Our Campuses is Essential to Our Democracy and National Well-being (March 2022)

Questions for Boards

- What is the status of the board's and institution's efforts toward justice, diversity, equity and inclusion? How have these efforts been received on the campus(es) and by external constituents? How is the board addressing any controversies that have developed or may do so?
- Has the board found a need to defend faculty members or administrators in the past year, or does it anticipate that it might have to do so in the near future?
- What percent of the faculty is tenured at our institution? Is the board supportive of the institution's tenure and post-tenure policies, or are revisions deemed necessary?
- What policy guidance exists at our institution(s) regarding campus free speech for students, faculty members, and invited speakers?



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Preparing for funding challenges.

There was good news on the financial front when it came to federal and state support for college and university presidents and their governing boards as the new year began. Going forward, however, questions remain, given the potential political and financial uncertainties.

Updated May 4, 2023.

The Federal Budget

President Biden submitted his proposed budget for fiscal 2024 to Congress in March, which included increased investment in areas of concern to higher education. He requested \$90 billion in discretionary spending for the Department of Education, a further increase of nearly \$11 billion or 13.6 percent. In addition, after securing a \$900 hike in the maximum Pell Grant over the past two years, he proposed raising it further by another \$820 to \$8,215 for the 2024-2025 academic year and reiterated his goal of doubling the maximum by 2029 “to ensure college is accessible and affordable,” his budget office said. On the unsettled question of forgiving student debt, it stated further that “the Administration looks forward to working with Congress on reforms that improve outcomes for student loan borrowers and make the administration of student loans more effective and efficient.”

Biden also asked Congress to fund a new \$500-million competitive grant program for community colleges to offer two years tuition-free, and he proposed creating a partnership with states, territories, and Tribes to offer free community college tuition to first-time students and workers. The chances of getting the House to approve such big increases are remote, but nevertheless, the President’s budget will be a starting point for fiscal 2024 discussions—as it will be for fiscal 2025—including debates in Congress and between Republican leaders and the administration over spending cuts and the debt ceiling.

The \$1.7-trillion omnibus spending bill for fiscal 2023 that the Biden Administration hammered out with the Congress, then still under full Democrat control at the end of the last session, was meant to fix spending levels through the end of September 2023, but that is now up in the air. The omnibus bill provided sizable increases for the

National Science Foundation (NSF) and the National Institutes of Health (NIH), the principal funders of basic science research on campuses which traditionally draw strong bipartisan support. It did not include the ban on funding research in labs in China and other “foreign adversary countries” that some House members sought.ⁱ On top of the sizable increases hammered out in December, NIH and NSF are both proposed for more increases in the President’s FY 2024 budget.

Elements of the Inflation Reduction Act (IRA)—the major piece of legislation passed in August 2022 that addresses domestic energy production, climate change, prescription drug prices, and other priorities—is also coming under pressure in the Republican-led House. Funding for clean energy and Internal Revenue Service staffing and modernization, in particular, is being attacked and figuring in the mix of desired spending cuts Republicans seek in any compromise on the debt ceiling. The clean energy provisions of the IRA have several potential benefits for colleges and universities—rebates and tax credits for climate friendly renovations, adaptations, and new construction, as well as funding for R&D.

ⁱ “Research Gets a Boost in Final 2023 Spending Agreement,” *Science*, December 20, 2022, <https://www.science.org/content/article/research-gets-boost-final-2023-spending-agreement>.

Congressional Earmarks

After a decade-long moratorium on earmarks, Congress once again allowed lawmakers in 2022 to bring home dollars for favored projects without going through the regular appropriations process. Some 540 institutions—including university hospitals and medical centers, public and private four-year colleges, and community colleges—received more than \$1.7 billion in earmarks for more than 800 projects, according to an Inside Higher Ed analysis. While the median earmark was \$1.25 million, retiring Sen. Richard Shelby (R-Ala.) secured more than \$200 million for Alabama colleges and universities, followed by the \$186 million that former Sen. Roy Blount (R-Mo.) got for Missouri schools and the \$75 million that went to campuses in Kansas courtesy of Sen. Jerry Moran (R-Kan).ⁱ

The ground rules for earmarks in the current Congress will be different, however. While the Senate is largely expected to stay with last Congress’ rules, the House has announced that the total dollar amount of earmarks will be 0.5 percent of total

discretionary spending versus 1 percent last year and that no earmarks will be allowed in the Labor, Health and Human Services, Education and Related Agencies Appropriations (LHHS)' bill. That could be a significant blow to colleges hoping to use this appropriations cycle to secure targeted funds from the Department of Education. It remains to be seen how the Senate, which will allow earmarks in the Labor HHS bill, and the House will resolve this major difference in approach.

ⁱ “Transformational’: Federal Earmarks a Boon for Higher Ed,” Inside Higher Ed, January 23, 2023, <https://www.insidehighered.com/news/2023/01/23/federal-earmarks-boon-higher-ed>.

State Budgets

The near-term outlook for public higher education budgets in the states looks promising, thanks in no small measure to massive infusions of pandemic funds in the past three years. According to a survey by the National Association of State Budget Officers (NASBO), overall state spending jumped 18.3 percent in fiscal 2022, and the budgets enacted for fiscal 2023 provide for a further 6.7 percent increase to almost \$1.2 trillion.ⁱ

In a survey by the State Higher Education Executive Officers Association (SHEEO) public higher education leaders expressed “cautious optimism.” “State budget surpluses provide an opportunity for new investments in public higher education that will accelerate progress toward meeting state educational attainment goals, closing equity gaps, and advancing economic and workforce objectives,” SHEEO reported.

Asked to rank the most important public policy priorities, SHEEO leaders cited the following, in rank order: (1) economic and workforce Development, and K-12 teacher shortages (tied), (2) addressing equity gaps, (3) college affordability, (4) enrollment decline, (5) financial aid, (6) higher education’s value proposition, (7) public perception of higher education, (8) state support, and (9) college completion/student success.ⁱⁱ

SHEEO also found that state support for higher education in FY 2023 reached \$112.3 billion, a 6.6 percent increase over 2022 and a 27.5 percent increase over five years, well above the overall rate of inflation. Excluding federal stimulus funding, state support

has increased 16.4 percent nationally since 2021.ⁱⁱⁱ The bulk of state and local support—85 percent—goes to public colleges and universities.

The shower of stimulus funds that helped colleges and universities survive the pandemic is over and will not return. One cloud of uncertainty over current state spending levels is whether the economy will slip into a recession. Since all but two states are required by their constitutions or laws to spend no more than they collect in revenues, a prolonged downturn could quickly crimp public college and university budgets along with funding for state student aid that benefits many private college students.

It took years for institutions to recover from the deep cuts inflicted during the Great Recession of 2008–2009, which forced them to resort to stiff tuition increases—24 percent at four-year public institutions between 2008 and 2012. One hopes that higher education won't see a replay of those difficult times and that current state appropriation trends continue their positive momentum.

ⁱ “Fiscal Survey of States,” National Association of State Budget Officers, Fall 2022, <https://www.nasbo.org/reports-data/fiscal-survey-of-states>.

ⁱⁱ “State Priorities for Higher Education: Survey of SHEEOs,” State Higher Education Executive Officers Association, January 18, 2023, <https://sheeo.org/wp-content/uploads/2023/01/Policy-Issue-Survey.pdf>.

ⁱⁱⁱ “Annual Grapevine Compilation Shows Initial 6.6 Percent Increase in State Support for Higher Education,” SHEEO, February 2, 2023, <https://sheeo.org/grapevine-fy-2023/>.

Associated AGB Resources

- AGB Policy Alert: President Biden Signs 2023 Omnibus Appropriations Package, with Changes for Multiple Higher Education Programs (December 2022)
- AGB Policy Alert: President Biden Signs Consolidated Appropriations Act, Providing Funding for Multiple Higher Education Programs and Initiatives (March 2022)
- Trusteeship Podcast Episode 19: Higher Ed Budgets for the Post-COVID Era (April 2021)

Questions for Boards

- Does the board know the categories, dollars and percentages of state and federal funding our institution or system receives? How would reductions in government funding affect key operating aspects of the institution(s), such as tuition levels? Has the institution discussed or developed strategies to adapt to such reductions?
- If our institution conducts significant research, does the board have a firm understanding of how many federal research dollars flow to the institution and from which agencies?
- Are board members, particularly the board leadership, actively engaged in advocacy efforts with the institution's chief executive and government relations staff about current funding issues?

The AGB Perspective

AGB believes that higher education is a private *and* public good, one that benefits both graduates and society. Colleges and universities produce individuals with practical and soft skills, preparing them to contribute in innumerable ways to our democracy and society. AGB supports increases in public investments in higher education, as well as heightened communication and advocacy about its value and benefits.



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Navigating changes in college sports.

An athletic director once famously likened collegiate athletics “to the front porch of the university. It’s not the most important room in the house, but it is the most visible.” This is especially true for Division I universities that compete in men’s football and basketball, where teams appear regularly on national television, pack 100,000-seat stadiums and 15,000-seat arenas, and pay head coaches multimillion-dollar salaries. But it is true, too, for institutions that compete at lower levels and where sporting contests forge one of the strongest bonds with alumni, attract new students, and help shape institutions’ reputations.

As the Top Public Policy Issues 2021–2022 report noted, college athletics often intersect with both legislative activity and legal decisions, including Title IX policies and over the issue of compensation for student athletes. The latter of late has been much in the news—and on front pages as well as in sports sections.

Updated May 4, 2023.

Name, Image, and Likeness

The debate over whether college athletes—or at least some—should be compensated is over. It is already happening. The once imperious National Collegiate Athletic Association (NCAA), under pressure from a spate of state laws, changed its rules in 2021 to allow athletes to reap the financial benefits from marketing their own name, image and likeness (NIL). Once limited to meager allowances on top of full scholarships, student athletes now can hire agents and make a cut from sales of jerseys and posters, as well as appear in television ads for casinos, car dealerships, sports drinks, and more. Congress has not yet jumped in to impose federal regulation on this NIL marketing free-for-all, but more than 30 states have enacted variants of California’s 2019 Fair Pay to Play Act, which just took effect.¹

Charlie Baker, a former Massachusetts governor, Republican career politician, and businessman, is succeeding Mark Emmert, a former University of Washington president and Louisiana State University chancellor, as president of the NCAA—a change that is likely to increase the possibility of passage of bipartisan federal legislation to supersede the state statutes and, as the departing Emmert put it, “provide clarity on a national level.” The NCAA

also relaxed a rule that required athletes to sit out a year after transferring higher education institutions, so now the recruiting wars are endless.

NIL compensation can be serious money. LeBron James's basketball-playing son attracted \$7.5 million in sponsorships while still in high school. Louisiana State gymnast Olivia Dunne pulls down \$3 million from streaming photos to 10 million followers on Instagram and TikTok, and another social media "influencer," University of Texas track star Sam Hurley, pockets over \$1 million.ⁱⁱ Meanwhile, football powerhouses are lining up groups of donors, called collectives, to promise lucrative deals to recruits. A high school quarterback from California was reportedly in line for \$10 million-plus pledged by University of Miami boosters before that deal fell apart.

And while the biggest money to be made by athletes is at the powerhouse universities and in top divisions, athletes at every college, small or large, now control their name, image, and likeness. Some may be a credit to their institutions—and some a discredit. And, of course, only a fraction of the half-million college athletes will actually benefit from NIL sponsorships—just as only a tiny few will make it into the pros.

ⁱThe states include Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas and Virginia, according to the law firm Saul Ewing's legislation tracker. <https://www.saul.com/nil-legislation-tracker>.

ⁱⁱ "NIL Valuations and Rankings," On3, <https://www.on3.com/nil/rankings/>.

Classifying Athletes as Employees

Meanwhile, the National Labor Relations Board (NLRB) office in Los Angeles in December 2022 found merit to a complaint by a players' association who want college athletes to be classified as employees with the right to unionize and bargain. NLRB General Counsel Jennifer Abruzzo reiterated her 2021 guidance that athletes do have the right to organize and were employees, not "mere student athletes."ⁱⁱⁱ The National College Players Association brought the complaint against the University of Southern California (USC), the PAC-10, and the NCAA. The NCAA has long insisted athletes are amateurs and should be treated as such.

The University of California, Los Angeles, and USC decided their football teams weren't making enough competing in the venerable PAC-12. Both decided to bolt to the storied Big Ten to play the powerhouse universities in the Midwest and on the East Coast. While the

move leaves the PAC-12 without two of its biggest draws, the Big Ten expects each of its institutions to garner \$60 million to \$70 million a year from its new television contract,ⁱⁱ double what they would make playing late night games with lower ratings on the West Coast.

The switch means repeated transcontinental flights throughout the fall semester, thereby imposing a greater burden on the student-athletes. UCLA Chancellor Gene D. Black and Athletics Director Martin Jarmond said that they now can afford “more efficient transportation options” with the added revenues from Big Ten membership. To secure the University of California Board of Regents’ approval, UCLA agreed to pay several million dollars to rival University of California at Berkeley for its revenue losses and to spend additional millions on expanded academic support, mental health, and other services for all its athletes (As a private university, USC could make the jump to the Big Ten of its own accord.) The move could further expose the vulnerabilities of big-time collegiate sports to political or judicial scrutiny.

ⁱ “NLRB General Counsel Jennifer Abruzzo Issues Memo on Employee Status of Players at Academic Institutions,” NLRB, September 29, 2021, <https://www.nlr.gov/news-outreach/news-story/nlr-general-counsel-jennifer-abruzzo-issues-memo-on-employee-status-of>.

ⁱⁱ “U.C.L.A. is allowed by California Regents to join Big Ten,” New York Times, December 14, 2022, <https://www.nytimes.com/2022/12/14/sports/ncaafootball/ucla-big-ten.html>.

Medical and Gender Protections for Athletes

An NCAA “transformation” panel recommended a raft of changes for Division I schools, including a requirement to provide at least two years of medical coverage after college for injured players and funds to complete their degree if they leave college without a diploma.ⁱ And as discussed in a previous section, new Title IX regulations also are being finalized that would add gender protection for LGBTQ students and the Biden Administration has proposed a rule specifically addressing transgender students’ eligibility to play on male or female teams. Eighteen states bar transgender students from playing on teams other than the sex listed on their birth certificates.

ⁱ “Final Report,” NCAA Division I Transformation Committee, January 3, 2023, https://ncaaorg.s3.amazonaws.com/committees/d1/transform/Jan2023DITC_FinalReport.pdf.

Sports Gambling

The explosion of legal sports gambling across America presents complications for colleges and university, in part due to a dizzying array of state rules. Two-thirds of states legalized sports betting after a 2018 Supreme Court ruling allowed it in New Jersey.ⁱ And today, some states permit betting on college teams but not on in-state teams, with exceptions for March Madness. Some allow wagers not only on outcomes, but on point spreads, half-time scores, and other so-called “props.”

An unholy alliance is forming between state legislatures that allow betting on college sports, online betting companies and casinos that sponsor on-line betting, and university athletic administrators that benefit from the large sums to promote gambling on their campuses (even on their own teams and by their own student body) saying that it provides needed revenues for their athletic programs.

But history offers a cautionary scandal. Players on the City College of New York basketball team, then reigning national champions, and six other colleges and universities were caught up in a notorious point-shaving scandal in 1951, the largest since the infamous “Black Sox” baseball players conspired to throw the World Series in 1919.

A related issue emerging as cause for concern is gambling addiction. How many students will be affected? A photo accompanying a recent New York Times article on collegiate gambling showed a massive digital message scrolling below a prominent Big 10 institution’s football stadium scoreboard just above the student section that said, “Download the Caesars Sportsbook & Casino App” and “Official Sports Betting Partner of Spartan Athletics.”ⁱⁱ

In response, federal and state lawmakers and regulators are taking action. Sen. Richard Blumenthal (D-Conn.) has threatened legislation to regulate advertising on sports betting on or near college campuses. The introduction of bills in Massachusetts, New Jersey, and Maryland—as well as regulatory actions in Ohio and New York that prohibit certain advertising, ban betting on in-state teams or require full transparency on any contracts or partnerships between gambling companies and universities—suggest other states, awakening to new-found concerns, will follow suit.ⁱⁱⁱ

Elected leaders are proud graduates of their alma maters, and many are strong supporters of those with Division I athletic programs. Nevertheless, the large dollars involved—

in NIL compensation, in the courting of sports betting to attain more revenue, and in skyrocketing coaches’ salaries increasingly comparable to those offered in professional sports—force the question whether big-time athletics can continue to sustain the amateur

athletics model before policy makers or the courts determine that model is no longer viable or defensible.

ⁱ “Americans Bet \$125 Billion on Sports in 4 Years Since Legalization,” Associated Press, May 18, 2022, <https://www.usnews.com/news/sports/articles/2022-05-13/americans-bet-125b-on-sports-in-4-years-since-legalization>.

ⁱⁱ “A Risky Wager: How Colleges and Sports-betting Companies ‘Caesarized’ Campus Life,” New York Times, November 20, 2022, <https://www.nytimes.com/2022/11/20/business/caesars-sports-betting-universities-colleges.html>.

ⁱⁱⁱ “Maryland, New York Latest to Examine College Sports Betting Partnerships,” Legal Sports Report, March 1, 2023, <https://www.legalsportsreport.com/105019/maryland-new-york-examine-college-sports-betting-partnerships/>; “Colleges and Universities are Betting on Sports Gambling,” 1A WAMU 88.5 FM March 13, 2023, <https://wamu.org/story/23/03/13/colleges-and-universities-are-betting-big-on-sports-gambling/>.

Associated AGB Resources

- College Athletics: What’s New, What’s Next? (March 2023)
- Name-Image-Likeness: Are You and Your Foundation Ready? (January 2023)
- AGB Policy Alert: Supreme Court Rules against NCAA in Student-Athlete Compensation Case, and the NCAA Votes to Allow Athletes to Benefit from Their Names, Images, and Likenesses (July 2021)
- AGB Board of Directors’ Statement on Governing Boards’ Responsibilities for Intercollegiate Athletics (September 2018)

Questions for Boards

- Has the board considered the implications related to compensating our student-athletes for their name, image, or likeness?
- Is our university considering a financial relationship with an online gambling company? If so, has the board been engaged in discussions regarding, or been made fully aware of, any pending contract?

The AGB Perspective

Board members are fiduciaries first, and fans second. In keeping with fiduciary duty and recognizing that boards should delegate administrative responsibility for intercollegiate athletics to the institution’s chief executive officer, institutional governing boards are ultimately accountable for athletic policy at colleges and universities. Boards of institutions

that choose to offer these enhanced educational benefits to athletes must accept responsibility for upholding the integrity of the athletics program and ensure that the program continues to advance the institution's educational mission.



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Kentucky Council on Postsecondary Education

2022-23 Organizational Review

The 2022-30 Strategic Agenda for Postsecondary Education sets an overarching goal that 60% of Kentucky’s working-age population will have earned a postsecondary degree or credential by 2030. The 60x30 KY goal is the foundation for the priorities, objectives, and strategies of the agenda, and it guides the work of the agency.

The following report provides a look at the high-level actions and outcomes of the agency’s work from April 2022 through April 2023. It is organized by the five priority areas of the agenda (Affordability, Transitions, Success, Talent, and Value), with Equity as a cross-cutting priority. A final section, State Leadership, was added to include the agency’s work in key areas that are not immediately reflected in the agenda.



AFFORDABILITY

Kentucky will ensure postsecondary education is affordable for all Kentuckians.

- 1. Reduce financial barriers to college enrollment and completion.**
- 2. Improve the public's understanding of how to pay for college.**

KEY INITIATIVES AND ACCOMPLISHMENTS IN 2022-23

CPE is working on efforts to increase college access and affordability for all Kentuckians. Key strategies include limiting tuition and fee increases; recommending operational efficiencies; educating students and families about college savings programs, grants, scholarships, and responsible borrowing; and advocating for additional state general fund appropriations.

CPE's Student Success Collaborative has been leading state efforts to meet [college students' basic needs](#) to improve food and housing security. Earlier this year, CPE launched the [Student Basic Needs Action Network](#), a broad state coalition of over 40 organizations and agencies that has been studying student basic needs and auditing student supports at colleges and universities in Kentucky. The network has used this information to develop policy recommendations for CPE and state policymakers to increase students' access to public benefits and scale and replicate effective campus support programs.

In March 2023, CPE published a [comprehensive analysis of unmet financial need](#) among Kentucky's postsecondary students. The analysis identified the tipping point at each public university and the Kentucky Community and Technical College System (KCTCS) beyond which unmet need diminishes the probability of student persistence and completion. This first-of-its kind report also includes research on best practice approaches and recommended state-level actions to address unmet financial need.

As part of the annual tuition-setting process, CPE staff gathered and analyzed relevant state and national data and identified key issues that formed the basis for staff's tuition and mandatory fee recommendation. Following four years of historic lows (i.e., system average tuition increases of 1.4% per year), [staff recommended a slightly higher increase in tuition ceilings for academic years 2023-24 and 2024-25](#). The new rates are designed to provide an appropriate balance between the resource needs of institutions and college affordability for students and families.

Kentucky Virtual Library's (KYVL) [Affordable Learning Kentucky](#) initiative promotes student success and fosters educational equity by supporting the adoption, adaptation and creation of affordable, open educational resources in the Commonwealth. CPE hired a full-time program coordinator, developed a series of lunch-and-learns attended by over 80 faculty and staff, and administered a survey to Kentucky undergraduates regarding the impact of textbook and course materials costs on their learning experiences.

RaiseMe is an exciting new program CPE launched this year that allows students to earn micro-scholarships at participating colleges and universities. Students can earn money for college by doing things like having good attendance, taking an honors course, participating in extracurricular activities and more. Maysville Community College, Western Kentucky University (WKU) and the University of Louisville (UofL) signed on to pilot the program.



AFFORDABILITY

Kentucky will ensure postsecondary education is affordable for all Kentuckians.

Early postsecondary opportunities like [dual credit](#) are a key state strategy to help lower college costs and improve affordability. CPE spent much of the last year reviewing and revising the state's [Dual Credit Policy](#) to improve program and teacher quality. Importantly, the new policy includes that goal that by 2030, 50% of high school graduates will have completed at least one dual credit course with a qualifying grade of a "C" or higher.

Last summer CPE, in partnership with the Kentucky Higher Education Assistance Authority (KHEAA), launched the [Kentucky Innovative Scholarship](#) to support undergraduate students displaced by crises in their home countries. As part of this process, CPE determined that these displaced students would receive in-state resident rates so that funding could be spread more widely. In addition, CPE partnered with the National Association of System Heads (NASH) to launch the Kentucky Innovative Scholarship community of practice, which provides a forum to share and scale proven practices, offers professional development for faculty and other campus practitioners serving displaced student populations, and provides resources to help leverage other state, federal or private resources.

CPE's [Kentucky Advising Academy](#) (KAA), launched in 2022, provides free professional learning and resources for school counselors, Family Resource/ Youth Service Center coordinators and other professional educators. KAA also provides flexible opportunities to connect with higher education and postsecondary advising leaders. This year KAA hosted face-to-face and virtual learning opportunities and published an [online toolkit for K-12 advisors and staff](#). The toolkit includes advising strategies and opportunities focused on college affordability, grants, scholarships and FAFSA completion.

Last fall, CPE coordinated Kentucky's annual [Go!vember campaign](#), a collaboration between CPE, GEAR UP Kentucky, KAA, KHEAA and the Prichard Committee. The campaign directs students and their families to the resources they need to navigate college application and financial aid processes. The 2022 campaign featured a Facebook live event and an enhanced student resource hub.

CPE's GEAR UP Kentucky (GUK) program coordinated a [FAFSA Frenzy campaign](#) among its 12 partner schools that led to a 54% FAFSA statewide completion rate in 2022, a three percentage-point increase over the previous year.





TRANSITIONS

Kentucky will ensure more students transition to college prepared to succeed.

- 3. Increase students' readiness to enter postsecondary education.**
- 4. Increase enrollment in postsecondary education.**

KEY INITIATIVES AND ACCOMPLISHMENTS IN 2022-23

Over the last decade, Kentucky has experienced a decline in its in-state college-going rate. There are actions educators and advisors can take to help high school students successfully navigate their transition to college. We can remove tripwires that cause individuals to stumble on their path to college, particularly if they are first-generation or historically underserved by postsecondary institutions. We also can simplify bureaucratic and onerous admission processes and help demystify financial aid and borrowing.

CPE facilitated the [Commonwealth Education Continuum](#) (CEC), a P-20 initiative that promotes statewide conversations and actions among P-12 education, higher education, and workforce leaders aimed at strengthening Kentucky's education pipeline. Work groups focused on high school college readiness, early postsecondary opportunities, and first-year postsecondary success have recommended strategies to improve advising programs and increase dual credit opportunities.

The [Kentucky Advising Academy](#) (KAA), launched in 2022 and referenced above, got off to a great start. In the past year, KAA produced monthly podcasts, webinars and other advising content through social media channels. Last year, 61% of K-12 public school districts were engaged in KAA professional learning and resources, while 75% of public four-year institutions and 50% of public two-year institutions participated.

[GEAR UP Kentucky](#) (GUK), also mentioned in the Affordability section, served over 5,000

students in 12 school districts and eight partner institutions last year with a central goal of improving transitions between secondary and postsecondary education. It provided 4,000 instances of coaching to GUK first-year college freshmen, college visits for over 750 middle and high school students, and over 15,000 hours of student advising (a 67% increase from the previous year).

Staff also developed [GEAR UP 4 Success](#), a postsecondary transition readiness curriculum for high school students aligned to Kentucky's Academic Standards for Career Readiness and Financial Literacy. As a result, 10 of the 12 GUK high schools exceeded the statewide graduation rate in 2022, and the GUK average high school graduation rate has surpassed the statewide rate for the past four years. Additionally, the percentage of GUK students scoring at or near benchmark on college readiness assessments increased in all subject areas in both cohorts in 2021-22 (grades 7 – 8 to grades 8 – 9).

[One of CPE's newest initiatives](#) through KAA, in partnership with the Kentucky Department of Education (KDE), is OneGoal. The initiative aims to eliminate equity gaps and improve postsecondary education outcomes for students. Twelve school districts were chosen for the 2022-23 cohort of the Postsecondary Leadership Series, and their work has centered on improving college readiness, academic performance and leadership coaching. This partnership impacts over 16,000 students, 68% of which participate in federally-assisted



TRANSITIONS

Kentucky will ensure more students transition to college prepared to succeed.

school meal programs, and 19% of which are minority. After 16 months of implementation, the average postsecondary enrollment rate across these districts is 57%, higher than the statewide average.

CPE continued to promote the power of [Summer Bridge Programs](#) by awarding \$1.2 million in campus grants in 2023. These programs bring rising first-year college students on campus before the beginning of the school year to improve their academic preparation, which lowers academic disparities among underrepresented students and improves retention and graduation rates. Grants were awarded through a competitive RFP process based on specific criteria, including an independent evaluation of effectiveness and impact. In 2023, 23 campuses received up to \$50,000 each. CPE also convened summer bridge program personnel to learn from state and national experts and each other.

CPE recently joined a national initiative called "[Launch: Equitable and Accelerated Pathways for All](#)." CPE is serving as the lead agency with 10 state partners, with the goal of expanding access to high-quality and equitable college

and career pathways for all learners. The Launch initiative has a foundational focus of equity and four corresponding areas of work: Alignment of Credentials of Value; Seamless Transitions between K12, Postsecondary and the Workforce; Advising and Student Supports; and Next Generation Work-Based Learning (WBL).

CPE staff continued development of a web-based portal that will provide prospective students (high school students, adults, military veterans and active-duty personnel) with opportunities to explore career interests and related postsecondary programs and services. The platform will provide essential information about college affordability, enrollment requirements at public postsecondary institutions and occupational outlook data for the state. This platform is being created in partnership with KDE and the Kentucky Center for Statistics (KYSTATS), with feedback provided by multiple stakeholder groups representing all intended audiences.

Photo: Business leaders and educators talk with President Thompson and CPE staff about how to provide work-based learning and dual credit opportunities that align with college and career needs for all students. (October 22, 2022)





SUCCESS

Kentucky will ensure more students earn high-quality degrees and credentials.

5. Increase persistence in and timely completion of postsecondary programs.
6. Maximize transfer of academic and experiential credit.
7. Ensure academic offerings are high-quality, relevant and inclusive.

KEY INITIATIVES AND ACCOMPLISHMENTS IN 2022-23

CPE has doubled down on its promotion of high-impact practices that research has proven to be effective in increasing student persistence and completion. Staff works with campuses to implement both academic and non-academic policies and services to support holistic student development and workforce readiness.

To remove barriers preventing adults from enrolling or returning to college, CPE released a [statewide adult learner action plan](#), “Moving Up,” in the fall of 2022. The plan, developed after nearly a year of work from stakeholders around the state, recommends strategies to increase postsecondary accessibility for adults, promote institutional innovation to better serve adult learners, and reinforce partnerships to make transitions into postsecondary education easier.

CPE’s [Kentucky Student Success Collaborative](#) (KYSSC) continued its work with both two-year and four-year institutions through a grant funded by the James Graham Brown Foundation. In the last year, staff focused on three issues: meeting student basic needs, improving the transfer process, and redesigning gateway courses. Key accomplishments include:

- The Collaborative promoted resource sharing through the Impact exChange, [an online platform for faculty and practitioners](#). KYSSC facilitated communities of practice to promote research-based practices, provide professional development, encourage cross-institutional and community collaboration, and drive
- continuous improvement of promising and best-practice implementation. More than 300 practitioners have participated.
- KYSSC partnered with Complete College America (CCA) to work with nine institutions on the Purpose First initiative. Through this work, CPE provided technical assistance related to the first-year experience with embedded career exploration to ensure students find a major suited to their career interests. Campus partners focused on four specific approaches to student support: advising and onboarding to purposeful career pathways, advancing employer engagement, connecting competencies to programs of study, and dissecting policy.
- KYSSC facilitated a virtual Program Onboarding Institute with Community College Research Center (CCRC) in the fall of 2022, in which seven community and technical colleges learned about ways to redesign the student onboarding process. Topics included identifying opportunities, developing communication and engagement strategies, and using data to make informed decisions.
- KYSSC launched the [Statewide Vision for Transfer Student Success](#), which outlines strategies to make the transfer experience for students moving between Kentucky higher education institutions more transparent and efficient. The vision is organized around three strategic priorities and includes a student-



SUCCESS

Kentucky will ensure more students earn high-quality degrees and credentials.

facing transfer website to map degree pathways, identify barriers to seamless transfer, create more network improvement communities, provide professional development opportunities, evaluate existing state-level policies, and work with institutions to create state-level initiatives to facilitate transfer.

- Through a National Association of System Heads (NASH) led initiative to use improvement science to accelerate baccalaureate completion of transfer students, KYSSC staff facilitated a network improvement community of representatives from CPE and two-year and four-year institutions to identify issues and implement rapid action cycles of change.

CPE selected 21 participants from public two-year and four-year institutions for the fifth cohort of the [Academic Leadership Development Institute](#) (ALDI), which prepares minority faculty and staff for leadership roles in Kentucky higher education. Participants are nominated based on their leadership ability, interest in professional advancement and dedication to higher education.

CPE staff and the Committee on Equal Opportunities provided an annual review of public institutions' progress toward diversity, equity and inclusion goals, as well as highlighting institutional best practices over the life of the 2016-20 Diversity, Equity and Inclusion (DEI) agenda. CPE staff is finalizing a report to be presented to the CPE board in the summer of 2023.

This spring, CPE hosted the [2023 Student Success Summit](#) that engaged over 500 faculty and staff from Kentucky institutions on such topics as student basic needs, transfer, equitable learning, and essential workplace skills.

CPE continued work on the [Kentucky Graduate Profile](#), which is now being used by all public two-year and four-year institutions. Teams consist of four experts who are considered voices of influence on their campus. These teams conduct an environmental scan of their programs to determine which impact project to pursue, with the goal of infusing these 10 essential skills throughout the curriculum and co-curriculum.

Photo: Opening Keynote session of the Spring Student Success Summit, February 27, 2023.





TALENT

Kentucky will increase talent and innovation to support our communities, employers and economy.

8. Improve the career outcomes of postsecondary graduates.

9. Increase research and service to support strong communities and economies.

KEY INITIATIVES AND ACCOMPLISHMENTS IN 2022-23

A primary purpose of postsecondary education is to produce adaptive, highly skilled workers to fuel the economy. CPE collaborates with government, education, and workforce partners to ensure Kentucky's graduates earn high-value degrees that lead to professional employment opportunities.

In the summer of 2022, CPE launched the [Healthcare Workforce Collaborative](#) to grow the pipeline of healthcare workers in Kentucky. The Collaborative is made up of healthcare professionals, institutional representatives, and government and community partners, and it met bimonthly over the last year to develop short- and long-term solutions to meet the state's demand for qualified healthcare professionals. In addition to reviewing the effectiveness of current campus- and state-level programs, the Collaborative oversaw \$8 million in grants awarded to campuses to support and grow programs that train healthcare providers in high-demand disciplines that lead to professional certification and/or licensure.

The CLIMB Initiative, Career Ladders for Mental and Behavioral Health, was created in the spring of 2023 to create postsecondary pathways for Kentuckians recovering from substance use disorders. This \$1.5 million program funded by the Cabinet for Health and Family Services will provide participants with an initial peer support specialist certification, with the goal of encouraging them to obtain a series of stackable certifications culminating in an Associate of Applied Science in Human Services through KCTCS, and/or a bachelor's degree in social work at a participating four-year university.

CPE launched the Career Development Officers affinity group in the fall of 2022. This group meets

bi-monthly and is comprised of workforce and career services professionals from the state's public and private postsecondary institutions. Currently, this group is exploring workforce and labor market data, hearing from state and national experts, and sharing best practice models to assist students in their transition to meaningful employment.

CPE continues to act as a liaison with state workforce and economic development agencies to ensure higher education is part of the state's overall economic development strategy, including membership on the Kentucky Workforce Innovation Board, strategy development with sister agencies about improving business outreach and support, and participation in state conversations about support and development of emerging industries and the state's science and technology goals.

Kentucky's nationally recognized [KY Students' Right to Know](#) interactive web tool provides information about postsecondary program costs and allows students and others to research programs and view salaries of in-state program graduates before choosing a major. CPE, in partnership with KYSTATS, maintains and promotes this site.

In the fall of 2022, CPE worked with postsecondary campuses, policy makers and others to develop [guidelines for the distribution](#) of the state's recent investment of \$40M to the Bucks for Brains initiative and \$2.2 million for the Workforce Development Trust Fund. Both programs are designed to spark economic and workforce activity through support for innovative programs, research, and scholarship.



VALUE

Kentucky will improve public understanding that postsecondary education is key to greater opportunity and economic growth.

10. Increase public belief in the power of postsecondary education.

11. Build support for greater investment in postsecondary education.

KEY INITIATIVES AND ACCOMPLISHMENTS IN 2022-23

In the state and nation, people are questioning the value of a college. This skepticism, however, is based more on feeling than fact. Research clearly shows that higher education benefits individuals and society in countless ways. College graduates earn higher salaries, are less likely to be unemployed, and have better health outcomes than individuals without a postsecondary credential. Through research, opinion pieces and other products, CPE is determined to show how much higher education matters.

The agency's [statewide advocacy campaign](#), [#KYHigherEdMatters](#), continued to gain steam and exceeded industry benchmarks with its multi-level approach to reach prospective students and their families. The campaign had over 20 million impressions, including 165K PSA placements on radio and TV, almost 100K views on YouTube, and over 28K visits to the campaign website.

CPE advocated for the value of higher education by holding Community Conversations throughout the state to discuss with business and government leaders and other community stakeholders how Kentucky can fill workforce gaps through higher education and workforce collaboration. This work is broadening the agency's reach and helping CPE to secure additional investment opportunities.

CPE promoted its work through multiple avenues including news releases, monthly newsletters, and weekly infographics. CPE now reaches over 4,500 subscribers through its direct messaging, exceeding benchmark standards for government organizations. Additionally, the news releases

and infographics often are the catalyst for media stories and interviews.

In the fall of 2022, CPE launched the [Higher Ed Matters Podcast](#), where guest speakers discuss how higher education impacts every aspect of our lives – from the economy to health to civic engagement and community development. Listenership is growing, and staff will work to gain new audiences during the 2023-24 academic year.

CPE increased its social media presence on both the [CPE](#) and [President Thompson's](#) accounts, which furthers the Higher Education Matters message and promotes the work of the Council, its President, and its units. As a result, social media engagement rates (likes, comments and shares) greatly exceed the benchmarks for government and higher education.

President Thompson received the [2023 Lucy Harth Smith-Atwood S. Wilson Award for Civil and Human Rights in Education](#). The award was presented at the 151st Kentucky Education Association (KEA) Delegate Assembly. The Smith-Wilson Award is given annually to a person or organization that has made notable contributions in any of the following areas:

- Encouraging and supporting minorities to enter the teaching profession.
- Advancing opportunities, especially educational opportunities, for youth of color.



STATE LEADERSHIP

Strengthen CPE's role as an effective and respected postsecondary education coordinating agency.

In addition to strategic priorities, CPE has many administrative and statutory duties to fulfill. Key accomplishments in agency operations are highlighted below.

CPE continued its deep engagement with Kentucky State University (KSU) through the implementation of HB 250 (2022). In addition to distributing \$23 million in financial recovery dollars in 2021-22, CPE acted in an advisory capacity on the following:

- A review of all academic programs;
- A performance review of all faculty and staff;
- The adoption and implementation of a comprehensive management improvement plan, comprised of eight elements covering all aspects of campus operations and encompassing over 120 deliverables to be completed by KSU in phases over the next three years; and
- The approval of all expenditures over \$5,000, as well as monthly updates on KSU's financial status.
- Assistance with the hiring process of a new President.

In response to the passage of [SJR 98 \(2023\)](#), CPE staff identified three internal teams to begin work on a research framework and identify the data necessary for each of the three requests in the resolution, which are to determine: (1) the effectiveness of the current structure of higher education governance in Kentucky; (2) the feasibility of adding a four-year university in Southeastern Kentucky; and (3) the feasibility of splitting the KCTCS system into technical colleges overseen by a system office, and associate-degree programs overseen by comprehensive universities. A great deal of resources will be dedicated to the completion of the study through the rest of 2023, with the final report being due to the legislature by December 1, 2023.

To ensure statewide strategies outlined in the strategic agenda are implemented uniformly, CPE staff worked with campus leadership to finalize Campus Action Plans, which identify strategies campuses are implementing to advance statewide objectives. Staff negotiated targets on key performance indicators and continued to monitor and report progress.

President Thompson and his leadership staff have engaged in countless conversations with the governor, executive branch staff, legislators, legislative staff, and members of state and federal education organizations on issues impacting higher education in Kentucky. Additionally, they advised key legislators and staff on bill development on a wide array of topics, as well as provided testimony leading up to and during the 2023 Regular Session of the Kentucky General Assembly.

Throughout 2022 and the spring of 2023, CPE facilitated numerous meetings with the campus presidents and legislative liaisons to discuss legislative strategies and provide a coordinated approach to statewide issues.

CPE [released several key research reports and publications](#), including the annual enrollment and degrees reports, a study of degrees and credentials awarded by program, and the annual progress report on strategic agenda key indicators. These publications build CPE's reputation as a trusted and reliable provider of higher education content.

CPE staff developed a process for assessing the financial health of campuses. The analysis evaluates fiscal stability and sustainability, and it can help determine institutional susceptibility to market risk factors. As part of this analysis, staff identified methods, metrics, and data sources for assessing institutional viability in their respective markets and determined whether institutions are making efficient



STATE LEADERSHIP

Strengthen CPE's role as an effective and respected postsecondary education coordinating agency.

and effective use of state resources.

CPE held the [2022 Postsecondary Education Trusteeship Conference](#) in September. This conference brought together regents and trustees from all of the public institutions (as well as some from private institutions) to contemplate the future of higher education. The conference also featured new board member education, as required by HB 15 (2016), and continuing education from state and national partners like the Association of Governing Boards, the Gardner Institute, and state legislators. Newly appointed board members unable to attend the conference were invited to complete their required training through [online orientation courses](#).

When an academic program is not available in Kentucky, students are able to participate in the [Academic Common Market](#). This program, managed by CPE staff, enabled approximately 600 students in the 2022-23 academic year to attend out-of-state institutions at the in-state tuition rate.

CPE led Kentucky's [licensure functions](#) for non-public institutions operating within the state and managed the state's participation in the State Authorization Reciprocity Agreement (SARA) and NC-SARA requirements. Staff renewed 77 licenses and approved four new licenses;

approved 157 new program applications and 213 program modifications; audited faculty in 142 new programs; and issued eight new conditional licenses in 2022, with five of those satisfying conditions.

CPE managed the statewide [Kentucky Virtual Library \(KYVL\)](#), a consortium of nearly 350 Kentucky libraries and institutions, as well as the Kentucky Digital Library, a platform housing more than 1.2 million items in 40 collections to enhance scholarship, research and lifelong learning. KYVL facilitated more than 97 million database searches, and 72,000 items were transported via KYVL courier in academic year 2020-21. The library's shared services and collaborative purchasing resulted in a savings of approximately \$20 million for postsecondary education in Kentucky.

Thanks to several grants and other non-state funds, CPE has 111 employees (27 of those support GUK and eight are part-time student success interns). Staff also operated and managed a \$7,205,700 FY 23 budget for operations and strategic initiatives. We are pleased to report that the results of the FY22 agency audit showed no deficiencies or material weaknesses and a fair presentation of financial data.





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MAY 2023

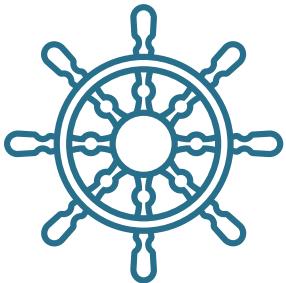
The Council does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services, and provides, upon request, reasonable accommodation, including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.



Taking Stock: 2022-23 Organizational Review

Board Retreat, June 8, 2023

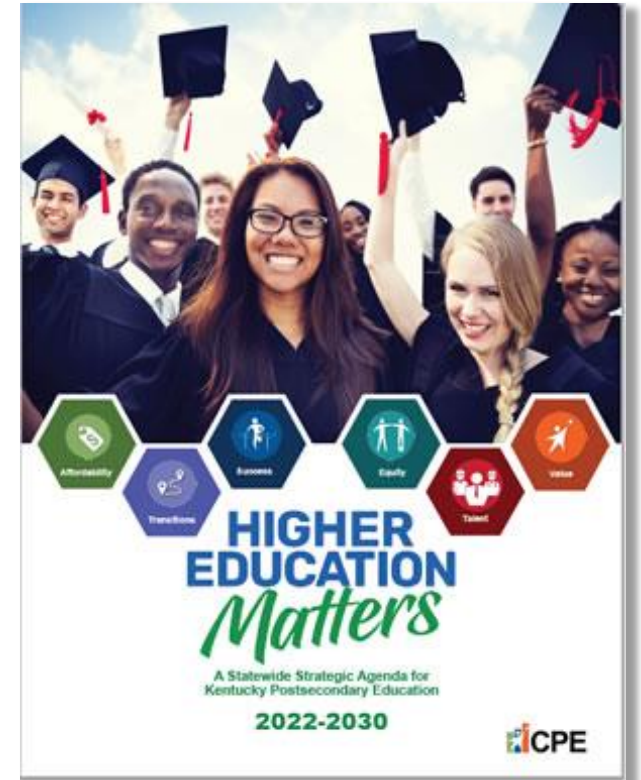
Priorities Driving CPE's Work



- **Affordability** – Making higher education more affordable for more Kentuckians
- **Transitions** - Ensuring more students transition to college prepared to succeed
- **Success** – Ensuring more students earn high quality degrees and credentials
- **Talent** – Increasing talent and innovation to support communities and employers
- **Value** – Improving the public's understanding that higher education is key to greater opportunity.
- **Equity** – Cross Cutting Priority
- **State Leadership** – Strengthening CPE's role as an innovative and trusted leader.

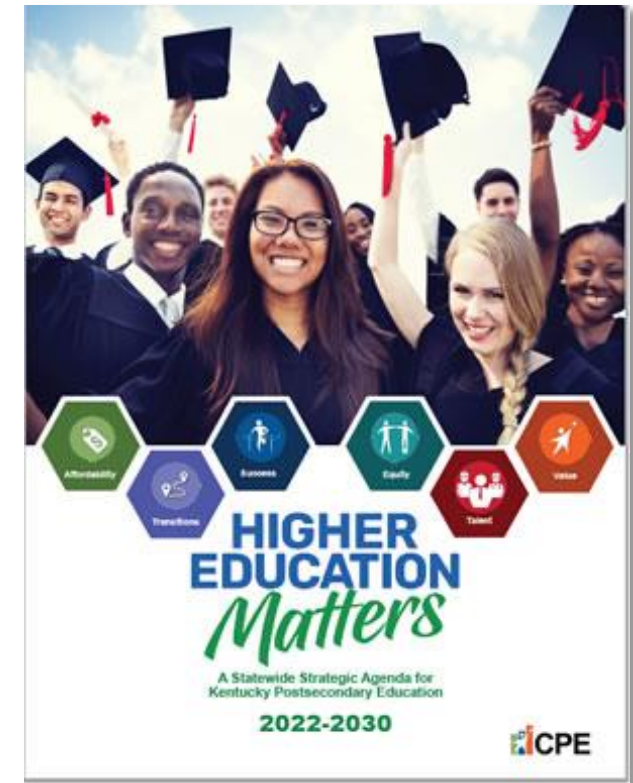
CPE has been reimagined to support student outcomes

- Created a new operational unit focused on **economic and workforce development**; first area: Healthcare Workforce.
- Launched the nation's first **Student Success Collaborative** for two- and four-year campuses.
- Added staff focusing on the needs of **adult learners**.
- Developed a new unit focusing on P-12-to-Postsecondary policies and programs; launched the **Commonwealth Education Continuum**.
- Built a stronger focus on **college affordability and campus financial health** – tuition capped in last five years to historic lows.



CPE has been reimagined to support student outcomes

- Created a core CPE team who work daily with KSU to develop and monitor the university's **management improvement plan**.
- Shaped a stand-alone **Diversity, Equity and Inclusion unit**, to drive state programming and close achievement gaps.
- Refocused agency communications on **higher education's value** to individuals, communities and the state.
- Expanded focus of GEAR UP Kentucky to include **first-year college success**.
- Focus on **essential skills**/quality in academic programs.





Affordability

- **Launched the Student Basic Needs Action network to address student house and food insecurity.**
- **Approved two-year tuition ceilings to help students plan for college**
- **Conducted a comprehensive analysis of unmet financial need**
- **Created the Kentucky Advising Academy & online toolkit of resources**
- **Launched and supported the new Kentucky Innovative Scholarship**
- **Coordinated Go!vember and FAFSA Frenzy Campaign**
- **Expanded Affordable Learning Kentucky**

**FINANCIAL AID
APPLICATION**



Transitions

- **Launched student-focused initiatives and partnerships including – “OneGoal” and “Launch: Equitable and Accelerated Pathways for All”**
- **Continued implementation of Commonwealth Education Continuum**
- **Awarded \$1.2M for summer bridge grants to campuses**
- **Awarded Commonwealth Educator Diversity grants to three campuses**
- **Revised Kentucky’s dual credit policy with a stronger focus on quality and program access.**
- **GEAR UP 4 Success – postsecondary transition readiness curriculum**



Success

- Released “Moving Up” a statewide action plan to improve educational opportunities for adult learners
- **Organized and hosted the 5th cohort of the Academic Leadership Development Institute**
- **Implemented the KY Graduate Profile with all public campuses**
- Hosted the 2023 Student Success Summit
- **CPE’s Student Success Collaborative launched or advanced several initiatives this year including the Impact exChange, a state transfer plan and vision, and Purpose First.**



Talent

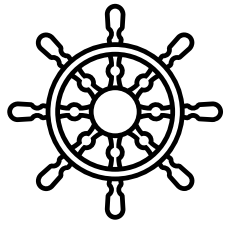
- Launched the Healthcare Workforce Collaborative
- **Secured funding for the CLIMB Behavioral Health Initiative**
- Worked with legislative leaders to pass HB 200, an innovative healthcare scholarship and incentive program
- Guided and administered \$40M for Bucks for Brains and \$2.2M for the Workforce Development Trust Fund
- **Continued to build out and support the Students Right to Know interactive web tool to help plan for careers.**



Value

- **Expanded the statewide advocacy campaign, Higher Education Matters.**
- **Launched the Higher Education Matters Podcast.**
- **Expanded the reach of CPE's social media to help promote the Higher Education Matter messaging.**
- **Released weekly data infographics to help tell the story of why higher education changes lives and improves communities.**





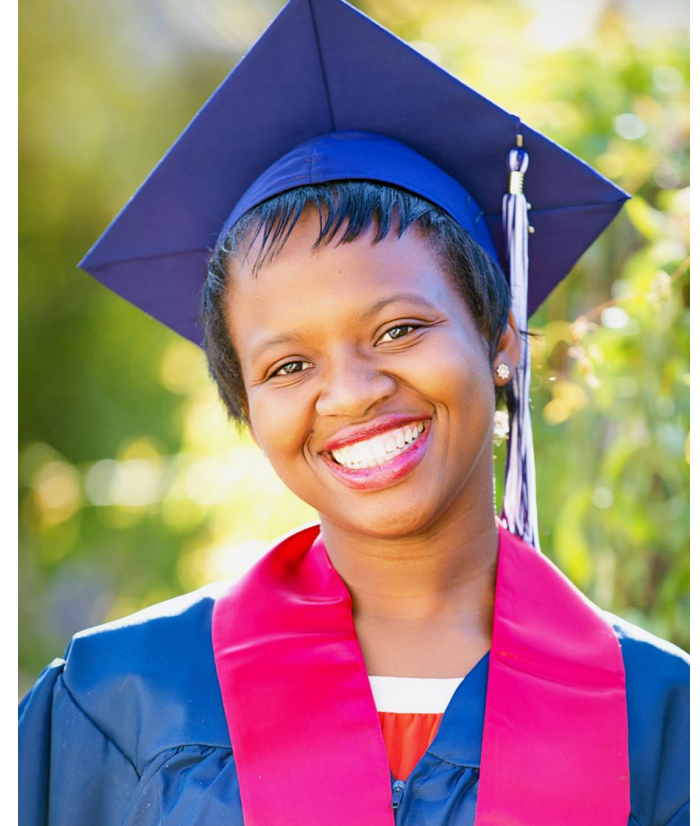
State Leadership

- Created and have begun implementation of a comprehensive management and improvement plan for KSU.
- Started work on fulfilling the requirements of SJR 98 to assess the performance and effectiveness Kentucky's higher education system.
- Grew advocacy and engagement with government leaders and agency partners.
- Hosted the 2022 Postsecondary Trusteeship Conference.
- **Administered several key programs including the Kentucky Virtual Library, non-public institutional licensure, and the Academic Common Market**



Are we making progress?

- ↑ Six-year graduation rates increased 7.6 percentage points.
 - ↑ URM Six-year graduation rates, up 9.5 ppt.
 - ↑ Low-Income six-year graduation rates, up 6.1 ppt.
- ↑ Three-year graduation rates increased 13.6 percentage points.
 - ↑ URM three-year graduation rates, up 2.2 ppt.
 - ↑ Low-income three-year graduation rates, up 14.5 ppt.



Are we making progress?

↑ Undergraduate degrees at state universities increased 2%

↑ URM Undergraduate degrees, up 25%.

↑ KCTCS credentials increased 28%.

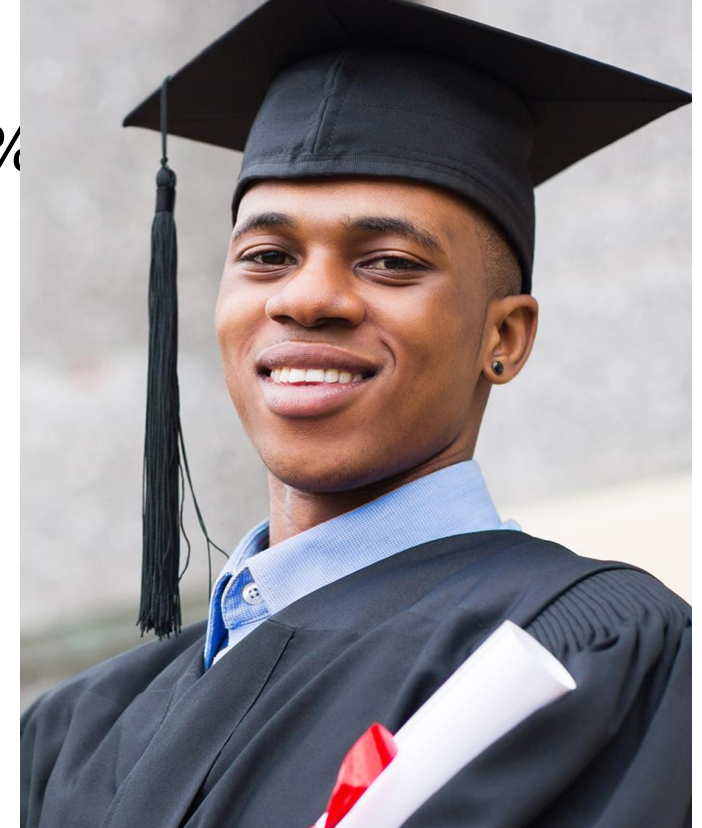
↑ KCTCS URM credentials, up 46%.

↑ KCTCS low-income credentials, up 17%.

↑ Graduate credentials at state universities increased 7%.

↑ URM graduate-level credentials up 42%.

↑ Low-income graduate-level credentials, up 12%.



Looking Ahead

- Strengthen the intersections between education and work and between P-12 and postsecondary
- Empower and support our most vulnerable populations
- Help Kentucky's campuses weather financial challenges and emerge nimble and innovative.
- Continue work to change the value equation in higher education.







Council on Postsecondary Education 2024-2026 Budget Planning Session

Cumberland Falls State Resort Park
June 8, 2023



Budget Development Update

Budget Development Update (2024-2026)

Statutory Responsibility

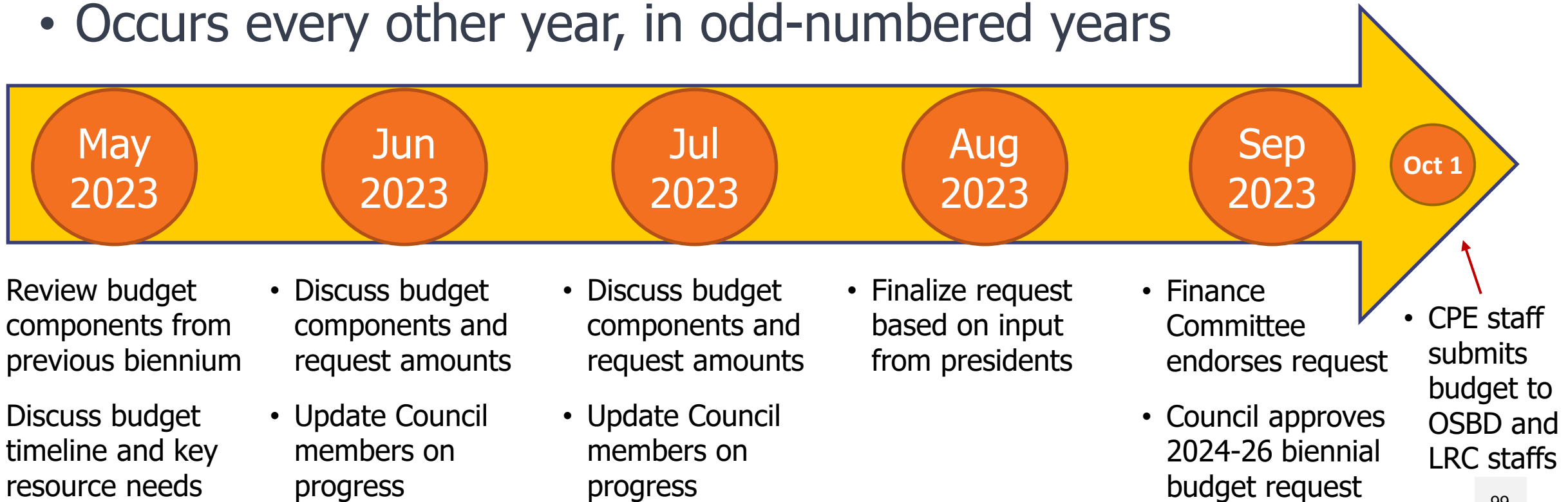
The Council on Postsecondary Education is directed in statute to make a biennial budget request for postsecondary education:

- 1) The Council on Postsecondary Education shall make a biennial budget request to the General Assembly and to the Governor with regard to:
 - a) Specific funding amounts to be appropriated to each individual **trust fund** in the Strategic Investment and Incentive Funding Program;
 - b) Specific funding amounts of all **capital projects** to be appropriated and funded from each individual trust fund in the Strategic Investment and Incentive Funding Program; and
 - c) Funding to be appropriated to the **base budgets** of the institutions, systems, agencies, and programs

Budget Development Update (2024-2026)

Process and Timeline

- Collaborative process involving CPE staff, campus presidents, chief budget officers, and Council members
- Occurs every other year, in odd-numbered years



Budget Development Update (2024-2026)

Funding Components

CPE's budget request typically contains four major components:

- Operating Funds

Appropriations for campus operations that support the instruction, research, and public service missions of Kentucky public postsecondary institutions (includes mandated program funding)

- Capital Investment

Funding that addresses new construction, asset preservation, and information technology needs of Kentucky's public institutions

- Trust Funds

Strategic funding that supports programs and provides incentives for Kentucky colleges and universities to pursue state goals for postsecondary education (e.g., Bucks for Brains)

- Agency Operating Funds

Funding that supports CPE's statewide coordinating board function and strategic programs, such as the Education Continuum and Healthcare Collaborative Initiative



Postsecondary Institution Request

Operating Funds

For the 2024-2026 biennium, CPE staff and campus officials have discussed the following **operating funds** components:

- Beginning Base
 - KERS Subsidy Reductions (Base Adjustment)
 - Inflation Adjustment
 - Earned Performance Funds
 - Performance Fund
- } **Additional Budget Requests**

Operating Funds

Beginning Base

Kentucky Public Postsecondary Institution
Table 1 - Calculated Beginning Base for the 2024-2026 Biennium
Fiscal Year 2023-24

Draft - For Discussion Purposes
June 6, 2023

| Institution | A | B | (A + B) C | D | E | (C + D + E) F |
|------------------------------|---|--|-------------------------------|--|--|-----------------------------|
| | 2023-24 Regular Appropriation ¹ | Performance Distribution ² | 2023-24 Total General Fund | Debt Service Adjustments ³ | Performance Adjustment ⁴ | 2023-24 Net General Fund |
| University of Kentucky | \$303,669,300 | \$33,338,500 | \$337,007,800 | (\$17,338,500) | (\$33,338,500) | \$286,330,800 |
| University of Louisville | 134,223,800 | 17,594,600 | 151,818,400 | (6,767,000) | (17,594,600) | 127,456,800 |
| Eastern Kentucky University | 81,901,300 | 3,222,900 | 85,124,200 | (8,464,000) | (3,222,900) | 73,437,300 |
| Kentucky State University | 28,690,800 | 0 | 28,690,800 | (870,000) | 0 | 27,820,800 |
| Morehead State University | 49,762,400 | 0 | 49,762,400 | (5,434,000) | 0 | 44,328,400 |
| Murray State University | 51,707,100 | 3,095,000 | 54,802,100 | (4,189,500) | (3,095,000) | 47,517,600 |
| Northern Kentucky University | 57,655,000 | 12,683,900 | 70,338,900 | (5,407,500) | (12,683,900) | 52,247,500 |
| Western Kentucky University | 83,951,300 | 5,858,400 | 89,809,700 | (6,360,000) | (5,858,400) | 77,591,300 |
| KCTCS | 187,833,700 | 21,513,800 | 209,347,500 | (12,487,500) | (21,513,800) | 175,346,200 |
| Performance Fund | 97,307,100 | (97,307,100) | 0 | 0 | 97,307,100 | 97,307,100 |
| Total | \$1,076,701,800 | \$0 | \$1,076,701,800 | (\$67,318,000) | \$0 | \$1,009,383,800 |

Operating Funds

KERS Subsidy Reductions

- HB 8 (21 RS) provides a subsidy to eligible state supported colleges and universities equal to the dollar value of the subsidy provided in 2021-22 multiplied by **70%** in 2024-25 and by **60%** in 2025-26

| Pension Subsidy Amounts | | | | | | |
|--------------------------|-------------------|---|-------------------|---|------------------------|-------------------|
| | (HB 192, 21 RS) | Actual Subsidies (HB 1, 22 RS) ² | | Planned Subsidies If Statute Followed (HB 8, 21 RS) | | |
| Institution ¹ | 2021-22 | 2022-23 | 2023-24 | 2024-25 (70%) | 2025-26 (60%) | 2026-27 (50%) |
| EKU | 8,909,700 | 8,909,700 | 8,023,100 | 6,236,800 | 5,345,800 | 4,454,900 |
| KSU | 558,200 | 558,200 | 503,400 | 390,700 | 334,900 | 279,100 |
| MoSU | 4,913,000 | 4,913,000 | 4,411,800 | 3,439,100 | 2,947,800 | 2,456,500 |
| MuSU | 3,270,900 | 3,270,900 | 2,929,600 | 2,289,600 | 1,962,500 | 1,635,500 |
| WKU | 3,592,500 | 3,592,500 | 3,237,200 | 2,514,800 | 2,155,500 | 1,796,300 |
| KCTCS | 854,900 | 854,900 | 765,200 | 598,400 | 512,900 | 427,500 |
| Total | 22,099,200 | 22,099,200 | 19,870,300 | 15,469,400 | 13,259,400 | 11,049,800 |

(4,400,900)

(6,610,900)

Operating Funds

Inflation Adjustment

- Additional operating funds of **\$54.7 million** each year of the biennium, representing an across-the-board **6%** increase at each postsecondary institution
- If authorized, these funds will help institutions offset some of the largest increases in higher education inflation in two decades
- The funds will also help Council and campus officials maintain affordability and access for Kentucky
- This request represents an increase of **5.4%** above the system total, fiscal year 2023-24 net General Fund base

Operating Funds

Earned Performance Funds

- Additional appropriations of **\$48.7 million** each year of the biennium, or the combined sum of half (**50%**) of each institution's earned 2023-24 performance distribution
- These funds will help cover operating costs at institutions that produced student outcomes at rates above the sector average
- The funds will also move institutions toward funding parity as determined by the funding models
- This request represents an increase of **4.8%** above the system total, fiscal year 2023-24 net General Fund base

Operating Funds

Performance Fund

- Appropriations of **\$22.7 million** each year of the biennium, added to \$97.3 million already in the Performance Fund, bringing the total in the fund to \$120.0 million
- If authorized, these funds will provide resources necessary for institutions to continue making progress toward the state's student success goals
- The funds will also help Council and campus officials maintain affordability and access for Kentucky citizens
- This request represents an increase of **23.3%** on the fiscal year 2023-24 Performance Fund base

Budget Development Update (2024-2026)

Operating Funds Summary

| Funding Category | Fiscal 2023-24 | Fiscal 2024-25 | Fiscal 2025-26 |
|---------------------------------------|-------------------|-------------------|-------------------|
| 2023-24 Net General Fund ¹ | \$1,009,383,800 | \$1,009,383,800 | \$1,009,383,800 |
| Base Adjustments: | | | |
| KERS Subsidy Reductions | | (4,400,900) | (6,610,900) |
| Adjusted Net General Fund | \$1,009,383,800 | \$1,004,982,900 | \$1,002,772,900 |
| Additional Budget Requests: | | | |
| Inflation Adjustment (@6.0% ATB) | | \$54,724,600 | \$54,724,600 |
| Earned Performance Funds (@ 50.0%) | | 48,653,700 | 48,653,700 |
| Performance Fund | | 22,692,900 | 22,692,900 |
| KSU Land-Grant Program | TBD | TBD | TBD |
| Total Operating Request | \$1,009,383,800 | \$1,131,054,100 | \$1,128,844,100 |
| Dollar Change | \$0 | \$121,670,300 | \$119,460,300 |
| Percent Change | 0.0% | 12.1% | 11.8% |

¹ Each institution's regular General Fund appropriation minus debt service. Includes \$97,307,100 in the Postsecondary Education Performance Fund.

Capital Investment

To date, CPE staff and campus officials have discussed four possible **capital investment** components:

- New Construction
- Scope Adjustments
- Asset Preservation
- Information Technology and Equipment

Capital Investment

New Construction

- At this time, CPE staff and campus leaders are not contemplating including a request for new capital construction projects in the Council's 2024-2026 budget recommendation
- However, institutions are free to propose and advocate funding for new and expanded space projects directly with state policymakers

Capital Investment

Scope Adjustments

- Stakeholders have discussed the possibility of including a request for **\$162.4 million** in the Council's 2024-2026 budget submission to help offset increases in construction costs for individual projects authorized in the 2022-2024 biennium
- This amount represents **20%** of \$811.9 million in state bond funds that were authorized for new construction projects in the 2022-2024 biennium
- If authorized, these funds would allow institutions to maintain the same quality of materials and quantity of square footage envisioned in their original capital plans (i.e., no scaling back)

Capital Investment

Asset Preservation

- For the upcoming biennium, stakeholders are considering a request for **\$700 million** in state bond funds to finance renovation and renewal projects at the public postsecondary institutions
- If authorized, requested funds would be the second installment of \$700 million provided to address a \$7.3 billion system total need
- Other ideas being discussed:
 - request \$350 million each year of the biennium (total \$700 million)
 - allocate funding based on each institution's share of total Category I and Category II square feet (method used in 2022-2024)
 - recommend funding without any required **institutional match (0%)**

Capital Investment

Information Technology and Equipment

- To date, campus officials have not advocated for staff to include a request for information technology and equipment in the Council's 2024-2026 budget recommendation
- Other capital investment components are perceived to be higher priority than information technology and equipment projects

Budget Development Update (2024-2026)

Capital Investment Summary

| Funding Category | Fiscal 2024-25 | Fiscal 2025-26 | Biennial Total |
|--------------------------------------|-------------------|-------------------|-------------------|
| New Construction | \$0 | \$0 | \$0 |
| Scope Adjustments (2022-24 Projects) | \$162,370,000 | \$0 | \$162,370,000 |
| – Debt Service | TBD | TBD | TBD |
| Asset Preservation | \$350,000,000 | \$350,000,000 | \$700,000,000 |
| – Debt Service | TBD | TBD | TBD |
| Information Technology and Equipment | \$0 | \$0 | \$0 |

Trust Funds

- HB 1 (97 RS) created six Strategic Investment and Incentive Trust Funds to provide financial incentives for Kentucky colleges and universities to pursue state goals for postsecondary education
- Every two years, CPE staff works collaboratively with campus presidents, chief budget officers, and Council members to identify priority programs and recommend funding
- At this time, stakeholders are not considering including a trust fund request in the Council's 2024-2026 budget submission



Agency Operating Funds Request

Agency Operating Funds



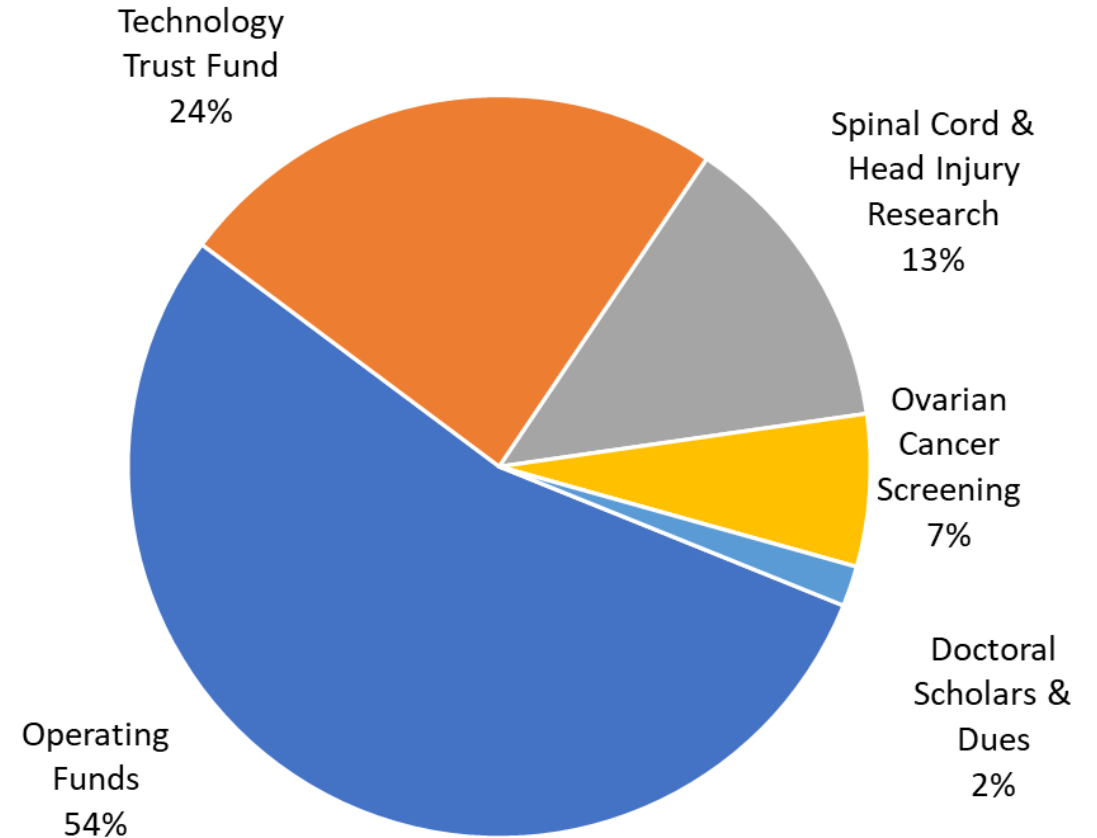
- General Fund Budget Overview
- 2022-2024 Request
- 2024-2026 Request

Agency Operating Funds

General Fund Budget Overview

| <u>Component</u> | <u>Fiscal 2023-24</u> |
|--------------------------------------|---------------------------|
| Operating Funds | \$8,152,700 |
| Technology Trust Fund | 3,653,200 |
| Spinal Cord and Head Injury Research | 2,000,000 |
| Ovarian Cancer Screening | 1,000,000 |
| SREB Dues and Doctoral Scholars | 264,800 |
| | <hr/> |
| | \$15,070,700 |

Excludes Debt Service for Bucks for Brains



Agency Operating Funds

2022-2024 Request

Funds Requested (Over CPE Agency Base Funding):

| <u>Component</u> | <u>2022-23</u> | <u>2023-24</u> |
|--------------------------------------|----------------------|----------------------|
| Defined Calculations | \$ 214,900 | \$ 323,900 |
| SREB Doctoral Scholars | 50,000 | 100,000 |
| Expanded Duties and Responsibilities | 1,032,500 | 1,383,400 |
| Education Continuum | 1,280,500 | 3,280,500 |
| Healthcare Initiative | 20,000,000 | 20,000,000 |
| | <u>\$ 22,577,900</u> | <u>\$ 25,087,800</u> |

Funds Received:

- Defined calculations COLAs of 8% in 2022-23 (\$500 K) and 6% in 2023-24 (\$1.0 M)
- \$10,000,000 in federal funds for the Healthcare Workforce Collaborative

Agency Operating Funds

2024-2026 Request

- The agency's budget request typically includes base funding, additional resources needed to support current operations (i.e., defined calculations), and funding for strategic initiatives
- The agency budget also includes a number of pass-through programs and funding that benefit institutions directly
- In recent years, private and federal funds have allowed CPE to expand its work improving the P-20 pipeline, promoting student success, and responding to the state's healthcare workforce needs
- We may be looking to include a request for General Fund to replace federal and grant funds which are expiring

Agency Operating Funds

2024-2026 Request (Cont'd)

- Staff is in the process of identifying the agency's most pressing resource needs and needs of the postsecondary system that can best be addressed with additional resources housed at CPE
- During the 2023 Regular Session, the deadline for state agencies to submit budget requests to OSBD and LRC was moved from November 15 to October 1, 2023
- Staff will ask the Council to review and approve the agency budget request as part of the unified budget request for postsecondary education at the September 19 Council meeting

Questions?



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