

KY COUNCIL ON POSTSECONDARY EDUCATION EXECUTIVE COMMITTEE



April 3, 2020 - 9:00 AM

ZOOM teleconferencing for Committee members

Livestream video for public: <https://youtu.be/c4C7kGhAbok>

I. Call to Order and Roll Call

II. Approval of the Minutes

III. Comments from the President and Legislative Update

IV. Action Items

A. 2020 Incentive Priorities for President Aaron Thompson

B. Strategic Initiatives Funding

C. Amendment to 13 KAR 1:050 - Licensed Out-of-State College's Eligibility for Kentucky Tuition Grant Amendment

V. Discussion Items

A. Agenda for April Council meeting

B. Planning Timeline for next Statewide Strategic Agenda

VI. Other Business

VII. Adjournment

Next Committee Meeting: May 7, 2020 @ 9:00 AM ET

DRAFT MINUTES
Council on Postsecondary Education

Type: Executive Committee Meeting
Date: March 6, 2020
Time: 9:00 a.m. ET
Location: Council on Postsecondary Education, 100 Airport Road, Frankfort

CALL TO ORDER

The Executive Committee met Friday, March 6, 2020, at 9:00 a.m., ET, at the CPE offices in Frankfort, Kentucky. Chair Ben Brandstetter presided.

ATTENDANCE

Members in attendance: Ben Brandstetter, Ron Beal, Kim Halbauer, Kristi Nelson, Robert Staat and Sherrill Zimmerman. All attended by teleconference.

Heather Faesy, CPE's senior associate for Board Relations, served as recorder of the meeting minutes.

APPROVAL OF THE MINUTES

The committee approved the minutes of the following Executive Committee meetings: June 28, 2019, July 3, 2019, September 5, 2019, October 8, 2019, December 11, 2019, and January 9, 2020.

COMMENTS FROM THE PRESIDENT AND LEGISLATIVE UPDATE

President Aaron Thompson discussed several areas including highlights of the budget released from the House and any legislative bills staff are monitoring for impact and potential action.

2020-21 COUNCIL MEETING SCHEDULE

Staff presented a meeting calendar for the academic year 2020-21. Dates proposed included those for full Council meetings and the standing committees. Upon

discussion, the Committee approved the dates and asked staff to move forward with finalizing the dates for approval at the April 24, 2020 meeting.

2020 SYMPOSIUM ON POSTSECONDARY EDUCATION TRUSTEESHIP

The Committee had a preliminary discussion on the program development of the 2020 Symposium on Postsecondary Education Trusteeship. The tentative date for the 2020 Symposium is September 14-15, with it will held in Lexington, Kentucky. Chair Brandstetter asked the Committee to provide feedback and suggestions to staff on potential speakers or topics they would like covered at the symposium.

PRELIMINARY DISCUSSION ON NEXT STATEWIDE STRATEGIC AGENDA

The Committee had a preliminary discussion on the timeline and steps involved in the development of the next Statewide Strategic Agenda. The planning process of the 2016-21 Agenda took approximately 18 months, beginning the fall of 2014 and concluding in late spring of 2016. It is set to run through 2021. Chair Brandstetter asked staff to truncate their previous timeline and have the next strategic agenda completed and ready for approval at the June 2021 Council meeting. He also asked for a potential timeline prepared for discussion at the next Committee meeting.

SETTING PRIORITIES FOR 2020

The Committee discussed the 2020 agency work plan and the potential 2020 incentive goals for President Thompson's contract. After the discussion, the Committee asked Chair Brandstetter and Vice Chair Halbauer to work on the language for the incentive goals and report back at the April 3, 2020 Executive Committee meeting.

ADJOURNMENT

The Executive Committee adjourned at 9:55 a.m., ET.

MINUTES REVIEWED AND APPROVED BY THE COMMITTEE: _____

TITLE: 2020 Incentive Priorities for President Aaron Thompson

RECOMMENDATION: The Committee will take action on President Thompson's incentive priorities for 2020

PRESENTER: Ben Brandstetter, CPE Chair

Background Information

At its November 16, 2018 meeting, the Council approved the two-year contract for Dr. Aaron Thompson as president of the Council on Postsecondary Education. On January 31, 2019, the Executive Committee approved an incentive structure that contained the following provisions:

- Incentives may be earned with a bonus compensation of up to 30 percent of base pay;
- Incentive amounts shall be awarded annually; and
- Incentive bonus amounts shall be determined by the executive committee, and are based upon their agreed completion level of the goals set for the calendar year.

2020 PRIORITIES

In September 2019, the agency released a planning document to help frame and advance the work and activities of CPE through 2020. The plan is driven by the board's key priorities (as identified at the 2019 retreat) while building on Kentucky's 2016-2021 Strategic Agenda for Postsecondary Education and the Commonwealth's goal to increase the percentage of adults with a postsecondary credential to 60% by 2030. Additionally, President Thompson identified specific areas of focus in his 2019 annual report and self-evaluation. Both of these documents helped guide the proposed incentive goals for President Thompson in 2020.

President Thompson's Priorities for 2020

****DRAFT****

COVID-19 Note: *Ben and Kim, given the seismic events that have occurred over the past several weeks, and likely will continue to occur for the foreseeable future, my role as head of CPE, and advisor to the Governor, legislature, other state leaders has already dramatically shifted. So, while I and the entire CPE staff will continue to push forward on all the items below, my highest priority during this crisis time will be supporting the campuses and students to the best of the agency's ability.*

The pandemic has already meant near constant communication with presidents (collectively and individually), legislators and others. My staff has been working overtime with the various campus groups they work with to assess and monitor changing policies on campus (grading, refund policies, etc). We're fielding questions from students and other state agencies. As the dust begins to settle, we may need to adjust some of our policies to accommodate campus and student needs, reassessing budget needs and requests, etc. It likely will mean negotiating budget reductions and special legislative sessions.

So, while all priorities and strategies below are important in advancing our larger educational attainment and academic quality goals, this crisis is and will continue to have a significant effect on higher education in Kentucky, and by extension, the work of CPE. I would ask you that as we think about my annual work plan, that we all remain flexibility and nimble in how we evaluate progress and success in 2020. Look forward to talking about this more next week.

Priority 1: Build broad understanding that higher education is the key to personal opportunity and Kentucky's economic growth.

- Visit as many of the KCTCS colleges and private colleges and universities in the state as my schedule will allow. Visits will include sessions with students, faculty, administrators and the larger community. While not branded as "listening tour stops," these visits would serve much the same purpose: to tell the story of why higher education matters, introduce myself and CPE as a valuable partner in their work, and continue to gather information about key issues affecting students and campuses.
- Expand speaking/interacting with our K-12 partners, civic groups, and business and industry organizations and groups across the state. Messages would be tailored to specific issues of interest to the organizations (i.e. workforce development, affordability, K-12 to college transitions) with data localized to their regions and communities.
- **Build relationships with the new administration and continue to orient/advise the governor's staff on higher education budget and policy issues. Ensure CPE is viewed as a valuable asset and advisor to the Governor on all matters related to higher education and workforce training.**

Updated March 28, 2020

- **In the area of legislative relations, continue relationship-building with the General Assembly, not just during the session but throughout the year with regular briefing sessions, more policy briefs and backgrounders, and more regular meetings and communications. As with the Governor, ensure CPE is viewed as a valuable asset and advisor to the General Assembly on all matters related to higher education and workforce training.**
- Develop a “student voices” communications campaign using personal stories of students and families whose lives have been transformed by higher education. Numbers and research can tell us a lot, but until we can put a face to an issue, challenge, or accomplishment, it is hard to truly communicate the power of education and why higher education matters.

Priority 2: Make higher education accessible and affordable for all Kentuckians.

- **Work with campuses, policy leaders and other state partners to develop a tuition policy and parameters for 2020-2021 (and perhaps 21-22) that balance the budgetary needs of campuses with CPE’s overarching priority to keep higher education affordable for all Kentuckians.**
- **Expand Kentucky’s 15-to-Finish communications and outreach campaign to encourage more students to complete 15 hours a semester or 30 hours a year. Added semesters (or years) to a student’s undergraduate program is a key cost driver. A key step in lowering college costs is highlighting to students and faculty the need to expedite the path to graduation. Related to this, we will be stepping up our work with campuses to help them streamline and simplify their curricular pathways. Often, due to no fault of their own, students’ progress to degree is slowed due to poor curricular design and course scheduling, adding additional time and college costs.**
- Work with presidents, board members, school leaders, parents, media and others to tell the story about why higher education matters and encourage the state to restore and/or increase appropriations to all public campuses (currently in progress this legislative session).
- Resources permitting, produce a public-facing, web-based tool that provides students and families with comprehensive program-level information about costs and debt levels, and workforce outcomes information. This tool would include a common application to facilitate pathways to postsecondary education.
- **Work with state policymakers, campuses and other state partners to develop innovative, effective need-based aid programs and strategies (both at the campus and state levels) and facilitate statewide conversations and policy proposals in these areas. This is a continuation of work that began last year and with the new administration.**

Priority 3: Ensure more students earn degrees regardless of race, income, age, or geography.

- **Launch CPE’s new electronic transfer system in the summer of 2020. The new system will include degree pathways (a semester-by-semester sequence of courses recommended for**

successful completion of a degree, diploma, credential or certificate) for all programs and course equivalencies to facilitate transfer from two- to four- year campuses and among state's universities.

- Continue work with campuses to enhance their general education programs of study to ensure they are relevant to student needs and sensitive to modern workplace demands.
- **Bring together members of the performance funding workgroup in the summer of 2020 to undertake a thorough evaluation of the model and propose recommended changes to metrics, measures, and weights in an effort to incentivize program completion, particularly for at-risk populations and in high-need employment areas.**
- Building on the Adult Promise Grant (completing in mid-2020), accelerate our efforts focused on adult learners and develop the kinds of outreach, support services, and adult-friendly programs that are needed to assure greater participation and success. To the extent our funds allow, I will be devoting personnel resources to at least one staff member in this area, and CPE will plan and host a second Adult Learner Summit later this year or early in 2021.
- Build out CPE's learning communities and advisory group structures to provide state-level forums for information sharing, presentation of effective practices and strategies and networking among faculty, advisors and other key member of the higher education communities.
- Launch Kentucky's cultural competency certification. One of the main objectives set forth in CPE's Policy for Diversity, Equity, and Inclusion is for campuses to foster an inclusive and supportive environment for all students on Kentucky's public college and university campuses. Campus representatives have expressed an interest in such an effort in order to emphasize the importance of cultural competency on their campuses.
- **Launch our new Gear Up Scholars program, which dedicates staff and resources to providing services to Gear Up students in their first year of postsecondary education. This is a significant expansion of our Gear Up mission and programming but will provide essential services for students during that challenging and vulnerable first year in college.**

Priority 4: Meet Kentucky's current and future workforce needs through high-quality, innovative programs

- Strengthen career pathways and alignment between postsecondary education and the workforce through stronger relationships with the workforce and economic development cabinets, strategies to increase experiential learning, and better advising and mentoring on campus focusing on career outcomes.
- **Complete the Academic Program Review reform project initiated in 2019-2020, review the resulting data and analyses, and amend CPE's Academic Review Policy accordingly. The new program review model incorporates market demand, student outcomes, and economic data to provide a more holistic overview of each program's performance and impact.**

- Advance the goal to have every Kentucky graduate having with a quality internship, co-op, apprenticeship, or other experiential learning opportunity by 2030. As an initial step in this process, CPE will be working with KCTCS to develop a Center for Work-Based Learning, to be housed at KCTCS. The Center will support and coordinate efforts to expand and other work-based opportunities.
- **Host and graduate Kentucky's second Academic Leadership Development Institute (ALDI) for early career faculty of color interested in academic leadership positions. A cohort of 19 faculty members will complete the Institute next fall. The Institute provides an array of professional development opportunities to participants.**
- **Review and establish a method of determining the value of sub-Associate certificates and industry certifications. In recent years, much of the overall growth in postsecondary credentials has been at the certificate level, but there has been little assessment of their value in the workplace. CPE is partnering with KDE and several other state organizations through the national Credentials of Value Institute (COVI) to review and categorize these credentials. Results may inform the performance funding model and the state's attainment goal.**
- Partner with KDE and local education entities to strengthen our educator preparation programs and build the pipeline of quality teacher candidates representing the demographic and geographic diversity of the state. A key step will be to dedicate internal resources to a dedicated staff member who will focus primarily on P-20 pipelines issues, teacher quality, and the possible reestablishment of Kentucky's P-20 Council to focus on educational transition and performance issues, including teacher quality, professional development, standards and accountability systems, placement policies, and dual credit.

TITLE: Strategic Initiative Funds

RECOMMENDATION: Staff recommends a change in use for monies budgeted for strategic initiatives to create a COVID 19 Emergency Response Fund.

PRESENTER: Lee Nimocks, CPE's Chief of Staff and Vice President of Strategic Initiatives

BACKGROUND INFORMATION

As part of the agency's FY 2020 budget approval last summer, the board budgeted Strategic Initiative monies to be used for: 1) grants to the campuses, including funds to support student success initiatives and Project Graduate in FY21; 2) expansion of the Quality Assurance Commons project; and 3) the annual Student Success Summit.

Given the current COVID-19 crisis, and the significant challenges facing campuses in a number of areas: addressing student needs; moving completely to an on-line learning environment; providing professional development and support to faculty and employees; and responding to community needs, CPE staff proposes that a COVID-19 Emergency Response Fund be created, and funding distributed to Kentucky's public campuses using the distribution methodology outlined below.

CPE COVID-19 Emergency Response Fund - Proposed Use and Distribution:

- Kentucky's public universities (UK, UofL, KSU, ECU, WKU, NKU, MoSU, MuSU) would receive \$40,000 each (\$320,000 in total). KCTCS would receive \$120,000 due to their size, the number of institutions within their system, and their high percentage of Pell Grant students.
- Institutions will submit a proposal outlining the proposed use of funding.
- Institutions will have until December 31, 2020 to expense all funds, and must provide a July 15, 2020 mid-term report and a final report on January 15, 2021 that provides a detailed accounting of how the funds were used to respond to the crisis and support students' success during this time.

TITLE: 13 KAR 1:050 Licensed Out-of-State College's Eligibility for Kentucky Tuition Grant Amendment

RECOMMENDATION: The staff recommends that the Council approve the proposed amendment of 13 KAR 1:050, authorize staff to file the proposed administrative regulation, and authorize Vice President and General Counsel, pursuant to KRS 13A.290(4) and KRS 13A.320(1)(b), to make such changes on behalf of the Council as necessary to comply with KRS Chapter 13A and obtain adoption by the Administrative Regulation Review Subcommittee and the Interim Joint Committee on Education.

PRESENTER: Travis Powell, CPE's Vice President & General Counsel
Sarah Levy, CPE's Executive Director of Postsecondary Licensing

Background Information

KRS 164.780 creates the Kentucky Tuition Grant (KTG) program to provide need-based aid up to \$3,000 per semester to qualified Kentucky residents attending eligible private colleges located in Kentucky. In order to be eligible to accept KTG awards on behalf of a student, private institutions must be licensed by the Council and accredited by the Southern Association of Colleges and Schools, Commission on Colleges (SACSCOC). If SACSCOC accreditation is not available to a licensed out-of-state institution due to its main campus being located outside SACSCOC's geographic region, an institution may petition the Council for approval per 13 KAR 1:050 as required by KRS 164.785(7)(c). KRS 164.785(7)(c) requires that the Council's process for approval mirror SACSCOC accreditation criteria.

Proposed Amendment Language

The proposed language set forth in the regulation aligns the standards for KTG participation with the SACSCOC Principles of Accreditation that went into effect on January 1, 2018 and makes other changes. Proposed amendments include, but are not limited to, the following:

- Reordering and removal of redundancies contained in the previous SACSCOC Principles.

- Focus on SACSCOC Core Requirements and elimination of requirements duplicative with those in the Council’s standards for licensure, 13 KAR 1:020.
- Require that the college’s board conduct regular self-evaluation.
- Require that the college provide information and guidance to help student borrowers understand how to manage their debt and repay their loans.
- Increase fee to \$10,000 for initial application and add renewal requirement every 10 years to align with SACSCOC accreditation cycle.
- Allow for site visits as an option at any time as issues arise, but generally provide that reviews be conducted by staff at no additional cost to the college.

Necessity of Proposed Revision to Regulation

Effective January 1, 2018, SACSCOC revised its Principles of Accreditation: Foundation for Quality Enhancement. KRS 164.785(7)(c) requires that the Council’s approval criteria for out-of-state, non-SACSCOC eligible institutional KTG eligibility “mirror” the SACSCOC criteria. House Bill (HB) 90, filed in the current legislative session, would have eliminated the requirement for the additional SACSCOC-like review process. Instead, licensure by the Council along with regional accreditation would have sufficed for eligibility to accept KTG awards granted to Kentucky residents. HB 90 will not pass and therefore the change in regulation is necessary.

Next Steps

The process of revising an administrative regulation, established by the Legislative Research Commission, will be initiated with Council approval of this revised regulation. Upon approval, the proposed revised administrative regulation will go through a public hearing and review by the Administrative Regulation Review Subcommittee and the Interim Joint Committee on Education.

1 COUNCIL ON POSTSECONDARY EDUCATION

2 (Amendment)

3 13 KAR 1:050. Licensed out-of-state college's eligibility for Kentucky tuition grant.

4 RELATES TO: KRS 164.020(37), 164.785, 164.945, 164.946, 164.947, 164.992

5 STATUTORY AUTHORITY: KRS 164.785(7)(c)

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.785(7)(c) requires the
7 Council on Postsecondary Education to promulgate an administrative regulation to imple-
8 ment the requirement that, beginning with the 2011-2012 academic year, programs or
9 campuses of any out-of-state postsecondary education college that is licensed by the
10 Council on Postsecondary Education to operate in Kentucky and whose institutional pro-
11 grams are not composed solely of sectarian instruction, but in which accreditation by the
12 Southern Association of Colleges and Schools is not an option, be reviewed and approved
13 by the Council on Postsecondary Education based on accreditation criteria that mirrors
14 Southern Association of Colleges and Schools accreditation criteria in order to qualify as
15 an eligible institution in which a student may enroll and receive a Kentucky tuition grant.

16 Section 1. Definitions. (1) "Accredited" means the approval of an accrediting agency.

17 (2) "Accrediting agency" means a national or regional agency which evaluates col-
18 leges and is recognized by the United States Department of Education, the Council on
19 Higher Education Accreditation, or the Council on Postsecondary Education.

20 (3) "Agent" means any person employed by a college to act as a solicitor, broker, or
21 independent contractor to procure students for the college by solicitation in any form made

1 at any place other than the main campus of the college.

2 (4) "College" is defined by KRS 164.945(1).

3 (5) "Degree" is defined by KRS 164.945(2).

4 (6) "Diploma" is defined by KRS 164.946(3).

5 (7) "Out-of-state college" means a college that is chartered, organized, or has its
6 principal location outside of Kentucky.

7 (8) "President" means the president of the Council on Postsecondary Education.

8 (9) "Regional accrediting association" is defined by KRS 164.740(18).

9 Section 2. General Requirements. (1) If an out-of-state college licensed by the
10 Council on Postsecondary Education is seeking to qualify as an eligible institution in which
11 a student may enroll and receive a Kentucky tuition grant, and if accreditation by the
12 Southern Association of Colleges and Schools is not an option for the college, the college
13 shall apply with the Council on Postsecondary Education.

14 (2)(a) Approval by the Council on Postsecondary Education shall be for the sole
15 purpose of qualifying a Kentucky campus or campuses of a college as an eligible institution
16 in which a Kentucky student may enroll and receive a Kentucky tuition grant, and shall not
17 mean that the college is accredited by the Commission on Colleges of the Southern Asso-
18 ciation of Colleges and Schools, the Council on Postsecondary Education, or any other
19 agency.

20 (b) A college shall not represent its status as seeking or being accredited by the
21 Commission on Colleges of the Southern Association of Colleges and Schools, the Council
22 on Postsecondary Education, or any other agency.

23 (3)(a) A college seeking eligibility shall submit the "Application for Council on Post-

1 secondary Education Approval for Eligibility Pursuant to 13 KAR 1:050" for each licensed
2 Kentucky program or instructional site to the president.

3 (b) A college seeking eligibility shall submit a complete and accurate "Application for
4 Council on Postsecondary Education Approval for Eligibility Pursuant to 13 KAR 1:050" by
5 [:

6 1. ~~May 30, 2010 for those colleges seeking eligibility beginning with the 2011-2012~~
7 ~~academic year; or~~

8 2.] May 30 of the year prior to the first academic year for which it seeks to be eligi-
9 ble.

10 (4) The college shall pay a nonrefundable fee of \$10,000 [~~\$1,000~~] to the Council on
11 Postsecondary Education with the submission of the application. Review of the application
12 shall not occur until the fee is paid by the college. [~~This fee shall be in addition to any costs~~
13 ~~associated with a site visit.~~]

14 (5) The president shall review the application and documentation submitted by the
15 applicant college.

16 [~~(6) Site visits. (a) Within ninety (90) working days of the receipt of a full and com-~~
17 ~~plete "Application for Council on Postsecondary Education Approval for Eligibility Pursuant~~
18 ~~to 13 KAR 1:050" or notification of a substantive change, the president may conduct, or~~
19 ~~may have conducted, a site visit.~~

20 (b) ~~Personnel conducting a site visit shall possess the expertise appropriate to the~~
21 ~~type of college to be visited. In selecting personnel, the president shall consider the per-~~
22 ~~son's professional experience in higher education, experience conducting site visits at~~
23 ~~postsecondary education institutions, familiarity with current accreditation requirements of~~

1 ~~accrediting agencies including the Southern Association of Colleges and Schools, and~~
2 ~~graduate or professional degree from an accredited institution. The president shall use~~
3 ~~council staff or contract with external consultants using the state's Request for Proposal~~
4 ~~(RFP) process.~~

5 ~~(c) The purpose of a site visit shall be to make an assessment of a licensed Ken-~~
6 ~~tucky campus or campuses of a college using the standards as established in this admin-~~
7 ~~istrative regulation.~~

8 ~~(d) The president may conduct, or may have conducted, an announced or unan-~~
9 ~~nounced site visit of a licensed college during reasonable business hours to inspect the~~
10 ~~files, facilities, and equipment as well as conduct interviews to determine the college's eli-~~
11 ~~gibility under this administrative regulation.~~

12 ~~(e) Failure to provide full access to the college's files, facilities, and equipment or~~
13 ~~prevention of interviews shall be grounds for ineligibility.~~

14 ~~(f)1. All costs associated with a site visit and necessary subsequent visits, including~~
15 ~~travel, meals, lodging, and consultant honoraria shall be paid by the applicant college.~~

16 ~~2. The estimated cost of the site visit shall be paid by the college prior to the site vis-~~
17 ~~it, and final settlement regarding actual expenses incurred shall be paid no later than thirty~~
18 ~~(30) days following the completion of the site visit.~~

19 ~~3. Failure to pay these costs shall result in ineligibility.]~~

20 Section 3. Integrity of College. (1) The college shall operate with integrity in all mat-
21 ters.

22 (2) The college shall be responsible for any of its agents and any individual who re-
23 ports to the president on behalf of a college, either by virtue of his or her office or as dele-

1 gated by the chief executive officer of the college, in all matters regarding institutional in-
2 tegrity.

3 (3) Failure to respond appropriately to the president's decisions and requests or to
4 make complete, accurate, and honest disclosure shall be grounds for the president to im-
5 pose a sanction, including ineligibility under this administrative regulation.

6 Section 4. Core Requirements. A college applying for approval by the Council on
7 Postsecondary Education shall meet the standards established in this section.

8 (1) The college shall have a clearly defined, comprehensive, and published mission
9 specific to the college and appropriate for higher education. The mission shall address
10 teaching and learning, and where, applicable, research and public service.

11 (2) The college shall:

12 (a) Have degree-granting authority from its home state authorization agency;

13 (b) Be licensed by the Council on Postsecondary Education in accordance with 13
14 KAR 1:020 prior to seeking eligibility under this administrative regulation; and

15 (c) Be accredited by a regional accrediting association.

16 (3) The college shall have a governing board of at least five members that:

17 (a) Is the legal body with specific authority over the college;

18 (b) Exercises fiduciary oversight of the college;

19 (c) Ensures that both the presiding officer of the board and a majority of other voting
20 members of the board are free of any contractual, employment, personal, or familial finan-
21 cial interest in the college;

22 (d) Is not controlled by a minority of board members or by organizations or colleges
23 separate from it; and

1 (e) Defines and regularly evaluates its responsibilities and expectations.

2 (4) The college shall have a chief executive officer selected and evaluated by the
3 college's board whose primary responsibility is to the college and has ultimate responsibil-
4 ity for, and exercises appropriate control over, the college's educational, administrative,
5 and fiscal programs and services.

6 (5) The college shall employ and regularly evaluate administrative and academic of-
7 ficers with appropriate experience and qualifications to lead the college.

8 (6) The college shall employ an adequate number of full-time faculty members to
9 support the mission and goals of the college.

10 (7) The college shall engage in ongoing, comprehensive, and integrated research-
11 based planning and evaluation processes that:

12 (a) Focus on institutional quality and effectiveness; and

13 (b) Incorporate a systematic review of institutional goals and outcomes consistent
14 with its mission.

15 (8) The college shall:

16 (a) Identify, evaluate, and publish goals and outcomes for student achievement ap-
17 propriate to the college's mission, the nature of the students it serves, and the kinds of
18 programs offered; and

19 (b) Use multiple measures to document student success.

20 (9) The college shall identify expected outcomes, assess the extent to which it
21 achieves these outcomes, and provide evidence of seeking improvement based on analy-
22 sis of the results in the areas below:

23 (a) Student learning outcomes for each of its educational programs;

1 (b) Student learning outcomes for collegiate-level general education competencies
2 of its undergraduate degree programs; and

3 (c) Academic and student services that support student success.

4 (10) The college shall have educational programs that embody a coherent course of
5 study, are compatible with the stated mission and goals of the college, and are based on
6 fields of study appropriate to higher education.

7 (11) The college shall require the successful completion of a general education
8 component at the undergraduate level that:

9 (a) Is based on a coherent rationale;

10 (b) Is a substantial component of each undergraduate degree program; and

11 (c) Ensures breadth of knowledge by having at least one course from each of the
12 following areas: humanities and fine arts, social and behavioral sciences, and natural sci-
13 ence and mathematics, and the courses do not narrowly focus on skills, techniques, and
14 procedures specific to a particular occupation or profession.

15 (12) The college shall:

16 (a) Publish, implement, and disseminate academic policies that adhere to principles
17 of good education practice and that accurately represent the programs and services of the
18 college;

19 (b) Make available to students and the public current academic calendars, grading
20 policies, cost of attendance, and refund policies;

21 (c) Ensure the availability of archived official catalogs with relevant information for
22 course and degree requirements; and

23 (d) Publish and implement policies on the authority of faculty in academic and gov-

1 ernance matters, and places primary responsibility for the content, quality, and effective-
2 ness of the curriculum with its faculty.

3 (13) The college shall:

4 (a) Publish admissions policies consistent with its mission;

5 (b) Have recruitment materials and presentations that accurately represent the prac-
6 tices, policies, and accreditation status of the college; and

7 (c) Ensure that independent contractors or agents used for recruiting purposes and
8 for admission activities are governed by the same principles and policies as institutional
9 employees.

10 (14) The institution publishes policies for evaluating, awarding, and accepting credit
11 not originating from the institution. The institution ensures:

12 (a) The academic quality of any credit or coursework recorded on its transcript;

13 (b) An approval process with oversight by persons academically qualified to make
14 the necessary judgments; and

15 (c) The credit awarded is comparable to a designated credit experience and is con-
16 sistent with the institution's mission.

17 (15) The college shall:

18 (a) Provide adequate and appropriate library and learning and information re-
19 sources, services, and support for its mission;

20 (b) Ensure an adequate number of professional and other staff with appropriate ed-
21 ucation or experiences in library or other learning or information resources to accomplish
22 the mission of the college; and

23 (c) Provide student a faculty access and user privileges to its library services, and

1 access to regular and timely instruction in the use of the library and other learning or infor-
2 mation resources.

3 (16) The college shall:

4 (a) Provide appropriate academic and student support programs, services, and ac-
5 tivities consistent with its mission;

6 (b) Publish appropriate and clear procedures for addressing written student com-
7 plaints, demonstrate that it follows the procedures when resolving them, and maintains a
8 record of student complaints; and

9 (c) Provide information and guidance to help student borrowers understand how to
10 manage their debt and repay their loans.

11 (17) The college shall have sound financial resources and a demonstrated, stable
12 financial base to support the mission of the college and the scope of its programs and ser-
13 vices.

14 (18) The college shall provide the following financial statements:

15 (a) An institutional audit for the most recent fiscal year prepared by an independent
16 certified public accountant or appropriate governmental auditing agency employing the ap-
17 propriate audit guide;

18 (b) A statement of financial position of unrestricted net assets, exclusive plant assets
19 ad plant-related debit, which represents the change in unrestricted net assets attributable
20 to operations for the most recent year; and

21 (c) An annual budget that is preceded by sound planning, is subject to sound fiscal
22 procedures, and is approved by the governing board.

23 (19) The college shall:

1 (a) Be in compliance with its program responsibilities under Title IV of the most re-
2 cent Higher Education Act as amended; and

3 (b) Audit financial aid programs as required by federal and state regulation.

4 (20) The college shall ensure adequate physical facilities and resources that appro-
5 priately serve the needs of the college's educational programs, support services, and other
6 missions-related activities and take steps to provide a healthy, safe, and secure environ-
7 ment for all members of the campus community.

8 ~~[Section 4. Core Requirements. A college applying for approval by the Council on~~
9 ~~Postsecondary Education shall meet the requirements established in this section.~~

10 ~~(1) Degree-granting authority. The college shall be licensed by the Council on Post-~~
11 ~~secondary Education in accordance with 13 KAR 1:020 prior to seeking eligibility under this~~
12 ~~administrative regulation.~~

13 ~~(2) Accreditation. The college shall be accredited by a regional accrediting agency.~~

14 ~~(3) Governing board. (a) The college shall have a governing board of at least five~~
15 ~~(5) members which shall be the legal body with specific authority over the college.~~

16 ~~(b) The board shall be an active policy-making body for the college and shall ulti-~~
17 ~~mately be responsible for ensuring that the financial resources of the college are adequate~~
18 ~~to provide a sound educational program.~~

19 ~~(c) Except as provided in paragraph (e) of this subsection, the board shall not be~~
20 ~~controlled by a minority of board members or by organizations or interests separate from it.~~

21 ~~(d) Both the presiding officer of the board and a majority of other voting members of~~
22 ~~the board shall be free of any contractual, employment, or personal or familial financial in-~~
23 ~~terest in the college.~~

1 ~~(e) A military college authorized and operated by the federal government to award~~
2 ~~degrees shall have a public board on which both the presiding officer and a majority of the~~
3 ~~other members are neither civilian employees of the military nor active or retired military.~~

4 ~~1. The board shall have broad and significant influence upon the college's programs and~~
5 ~~operations, play an active role in policy-making, and ensure that the financial resources of~~
6 ~~the college are used to provide a sound educational program.~~

7 ~~2. The board shall not be controlled by a minority of board members or by organizations or~~
8 ~~interests separate from the board except as specified by the authorizing legislation.~~

9 ~~(4) Chief executive officer. The college shall have a chief executive officer whose~~
10 ~~primary responsibility is to the college and who is not the presiding officer of the board.~~

11 ~~(5) Institutional mission. The college shall have a clearly defined, comprehensive,~~
12 ~~and published mission statement that is specific to the college and appropriate for higher~~
13 ~~education. The mission shall address teaching and learning and, if applicable, research~~
14 ~~and public service.~~

15 ~~(6) Institutional effectiveness. The college shall engage in ongoing, integrated, and~~
16 ~~institution-wide research-based planning and evaluation processes that:~~

17 ~~(a) Incorporate a systematic review of institutional mission, goals, and outcomes;~~

18 ~~(b) Result in continuing improvement in institutional quality; and~~

19 ~~(c) Demonstrate the college is effectively accomplishing its mission.~~

20 ~~(7) Continuous operation. The college shall be in operation and shall have students~~
21 ~~enrolled in degree programs.~~

22 ~~(8) Program length. (a) The college shall offer one or more degree programs based~~
23 ~~on:~~

- ~~1. At least sixty (60) semester credit hours or the equivalent at the associate level;~~
- ~~2. At least 120 semester credit hours or the equivalent at the baccalaureate level; or~~
- ~~3. At least thirty (30) semester credit hours or the equivalent at the post-baccalaureate, graduate, or professional level.~~

~~(b) If a college uses a unit other than semester credit hours, the college shall provide an explanation for the equivalency.~~

~~(c) The college shall provide a justification for all degrees that include fewer than the required number of semester credit hours or its equivalent unit.~~

~~(9) Program content. The college shall offer degree programs that embody a coherent course of study that shall be compatible with its stated mission and shall be based upon fields of study appropriate to higher education.~~

~~(10) General education. (a) In each undergraduate degree program, the college shall require the successful completion of a general education component at the collegiate level that is a substantial component of each undergraduate degree and ensures breadth of knowledge.~~

~~(b) The component shall constitute a minimum of:~~

~~1. Fifteen (15) semester hours or the equivalent for degree completion in associate programs; or~~

~~2. Thirty (30) semester hours or the equivalent for degree completion in baccalaureate programs.~~

~~(c) These credit hours shall be drawn from and include at least one (1) course from each of the following areas:~~

~~1. Humanities and fine arts;~~

1 2. Social and behavioral sciences; and

2 3. Natural science and mathematics.

3 ~~(d) The courses shall not narrowly focus on those skills, techniques, and procedures~~
4 ~~specific to a particular occupation or profession.~~

5 ~~(e) The college shall provide a justification if it allows for fewer than the required~~
6 ~~number of semester credit hours or its equivalent unit of general education courses.~~

7 ~~(11) Course work for degrees.~~

8 ~~(a) The college shall provide instruction for all course work required for at least one~~
9 ~~(1) degree program at each level at which it awards degrees.~~

10 ~~(b) If the college does not provide instruction for all course work and makes ar-~~
11 ~~rangements for some instruction to be provided by other accredited colleges or entities~~
12 ~~through contracts or consortia, or uses some other alternative approach to meeting this re-~~
13 ~~quirement, the arrangement or alternative approach shall be approved by the president.~~

14 ~~(c) For either subsection (10)(a) or (b) of this section, the college shall demonstrate~~
15 ~~that it controls all aspects of its educational program.~~

16 ~~(12) Faculty. (a) The number of full-time faculty members shall be adequate to sup-~~
17 ~~port the mission of the college and to ensure the quality and integrity of its academic pro-~~
18 ~~grams.~~

19 ~~(b) Upon application for eligibility, a college shall demonstrate that it meets the re-~~
20 ~~quired faculty qualifications pursuant to Section 4(7) of this administrative regulation.~~

21 ~~(13) Learning resources and services.~~

22 ~~(a) The college, through ownership or formal agreements, shall provide and support~~
23 ~~student and faculty access and user privileges to adequate library collections and services~~

1 ~~and to other learning and information resources consistent with the degrees offered.~~

2 ~~(b) Collections, resources, and services shall be sufficient to support all its educa-~~
3 ~~tional, research, and public service programs.~~

4 ~~(14) Student support services. The college shall provide student support programs,~~
5 ~~services, and activities consistent with its mission that promote student learning and en-~~
6 ~~hance the development of its students.~~

7 ~~(15) Financial resources. (a) The college shall have a sound financial base and~~
8 ~~demonstrated financial stability to support the mission of the college and the scope of its~~
9 ~~programs and services.~~

10 ~~(b) The college shall provide the following financial statements:~~

11 ~~1. An institutional audit;~~

12 ~~2. Written institutional management letter for the most recent fiscal year prepared by~~
13 ~~an independent certified public accountant;~~

14 ~~3. A statement of financial position of unrestricted net assets, exclusive of plant as-~~
15 ~~sets and plant-related debt, which represents the change in unrestricted net assets at-~~
16 ~~tributable to operations for the most recent year; and~~

17 ~~4. An annual budget that shall be preceded by sound planning, subject to sound fis-~~
18 ~~cal procedures, and approved by the governing board.~~

19 ~~(16) Physical resources. The college shall have physical resources to support the~~
20 ~~mission of the college and the scope of its programs and services in terms of size, fireproof~~
21 ~~quality, and conditions of all existing buildings and all buildings under construction.]~~

22 ~~Section 5. Comprehensive Standards. A college applying for approval by the Council~~
23 ~~on Postsecondary Education shall meet the standards established in this section.~~

1 ~~(1) Institutional Mission. The college's mission statement shall:~~

2 ~~(a) Be current and comprehensive;~~

3 ~~(b) Accurately guide the college's operations;~~

4 ~~(c) Be periodically reviewed and updated;~~

5 ~~(d) Be approved by the governing board; and~~

6 ~~(e) Be communicated to the college's constituencies.~~

7 ~~(2) Governance and administration. (a) The governing board of the college shall be~~
8 ~~responsible for the selection and the periodic evaluation of the chief executive officer.~~

9 ~~(b) Governing board control. The legal authority and operating control of the college~~
10 ~~shall be clearly defined for the following areas within the college's governance structure:~~

11 ~~1. College's mission;~~

12 ~~2. Fiscal stability of the college;~~

13 ~~3. Collegial policy, including policies concerning related and affiliated corporate en-~~
14 ~~tities and all auxiliary services; and~~

15 ~~4. Related foundations for athletics, research, or other areas and other corporate~~
16 ~~entities whose primary purpose is to support the college and its programs.~~

17 ~~(c) Board conflict of interest. The board shall have a policy addressing conflict of in-~~
18 ~~terest for its members.~~

19 ~~(d) Board dismissal. The governing board shall have a policy whereby members can~~
20 ~~be dismissed only for appropriate reasons and by a fair process.~~

21 ~~(e) Board and administration distinction. There shall be a clear and appropriate dis-~~
22 ~~tinction, in writing and practice, between the policy-making functions of the governing board~~
23 ~~and the responsibility of the administration and faculty to administer and implement policy.~~

1 ~~(f) Organizational structure. The college shall have a clearly defined and published~~
2 ~~organizational structure that delineates responsibility for the administration of policies.~~

3 ~~(g) Qualified administrative and academic officers. The college shall have qualified~~
4 ~~administrative and academic officers with the experience, competence, and capacity to~~
5 ~~lead the college.~~

6 ~~(h) Faculty and staff appointment. The college shall define and publish policies re-~~
7 ~~garding appointment and employment of faculty and staff.~~

8 ~~(i) Administrative staff evaluations. The college shall evaluate the effectiveness of its~~
9 ~~administrators on a periodic basis.~~

10 ~~(j) Control of Intercollegiate athletics. The college's chief executive officer shall have~~
11 ~~ultimate responsibility for, and exercise appropriate administrative and fiscal control over,~~
12 ~~the college's intercollegiate athletics program.~~

13 ~~(k) Fundraising activities. The college's chief executive officer shall control the col-~~
14 ~~lege's fund-raising activities exclusive of institution-related foundations that are independ-~~
15 ~~ent and separately incorporated.~~

16 ~~(l) Institution-related foundations. 1. Any institution-related foundation not controlled~~
17 ~~by the college shall have a contractual or other formal agreement that accurately describes~~
18 ~~the relationship between the college and the foundation, and describes any liability associ-~~
19 ~~ated with that relationship.~~

20 ~~2. The college shall ensure that the relationship is consistent with its mission.~~

21 ~~(m) Intellectual property rights. 1. The college's policies shall be clear concerning~~
22 ~~ownership of materials, compensation, copyright issues, and the use of revenue derived~~
23 ~~from the creation and production of all intellectual property.~~

1 ~~2. These policies shall apply to students, faculty, and staff.~~

2 ~~(3) Institutional effectiveness. The college shall identify expected outcomes, assess~~
3 ~~the extent to which it achieves these outcomes, and provide evidence of improvement~~
4 ~~based on analysis of the results in each of the following areas:~~

5 ~~(a) Educational programs, to include student learning outcomes;~~

6 ~~(b) Administrative support services;~~

7 ~~(c) Educational support services;~~

8 ~~(d) Research within its educational mission, if appropriate; and~~

9 ~~(e) Community and public service within its educational mission, if appropriate.~~

10 ~~(4) All educational programs. For all educational programs including on-campus, off-~~
11 ~~campus, and distance learning programs and course work, the college shall meet the~~
12 ~~standards established in this subsection. (a) Academic program approval. The college shall~~
13 ~~demonstrate that each educational program, including all on-campus, off-campus, and dis-~~
14 ~~tance learning programs and course work, for which academic credit is awarded, is ap-~~
15 ~~proved by the faculty and the administration.~~

16 ~~(b) Continuing education and service programs. The college's continuing education,~~
17 ~~outreach, and service programs shall be consistent with the college's mission.~~

18 ~~(c) Admissions policies. The college shall publish admissions policies that are con-~~
19 ~~sistent with its mission.~~

20 ~~(d) Acceptance of academic credit. 1. The college shall have a defined and pub-~~
21 ~~lished policy for evaluating, awarding, and accepting credit for transfer, experiential learn-~~
22 ~~ing, advanced placement, and professional certificates that is consistent with its mission~~
23 ~~and ensures that course work and learning outcomes are at the collegiate level and com-~~

1 ~~parable to the college's own degree programs.~~

2 ~~2. The college shall assume responsibility for the academic quality of any course~~
3 ~~work or credit recorded on a transcript of the college.~~

4 ~~(e) Academic policies. 1. The college shall publish academic policies that adhere to~~
5 ~~principles of good educational practice.~~

6 ~~2. The college's academic policies shall be disseminated to students, faculty, and~~
7 ~~other interested parties through publications that accurately represent the programs and~~
8 ~~services of the college.~~

9 ~~(f) Practices for awarding credit. The college shall employ practices for determining~~
10 ~~the amount and level of credit awarded for courses, regardless of format or mode of deliv-~~
11 ~~ery.~~

12 ~~(g) Consortial relationships and contractual agreements. The college shall:~~

13 ~~1. Ensure the quality of educational programs and courses offered through consorti-~~
14 ~~al relationships or contractual agreements;~~

15 ~~2. Ensure ongoing compliance with the comprehensive requirements; and~~

16 ~~3. Evaluate the consortial relationship and agreement against the purpose of the col-~~
17 ~~lege.~~

18 ~~(h) Noncredit to credit. The college shall award academic credit for course work tak-~~
19 ~~en on a noncredit basis only if there is documentation that the noncredit course work is~~
20 ~~equivalent to a designated credit experience.~~

21 ~~(i) Academic support services. The college shall provide academic support services~~
22 ~~for its faculty and students, including:~~

23 ~~1. Resource centers;~~

- 1 2. Tutoring;
- 2 3. Academic advising;
- 3 4. Counseling;
- 4 5. Disability services;
- 5 6. Library services;
- 6 7. Laboratories;
- 7 8. Information technology; and
- 8 9. Mentoring.

9 (j) Responsibility for curriculum. The college shall place primary responsibility for the
10 content, quality, and effectiveness of the curriculum with its faculty.

11 (k) Academic program coordination. 1. For each major in a degree program, the col-
12 lege shall assign responsibility for program coordination, as well as for curriculum devel-
13 opment and review, to persons academically qualified in the field who hold degree creden-
14 tials or other qualifications appropriate to the degree offered.

15 2. In those degree programs for which the college does not identify a major, this re-
16 quirement shall apply to a curricular area or concentration.

17 (l) Technology use. 1. The college's use of technology shall enhance student learn-
18 ing and shall be appropriate for meeting the objectives of its programs.

19 2. Students shall have access to and training in the use of technology.

20 (5) Undergraduate educational programs. (a) College-level competencies. The col-
21 lege shall identify college-level general education competencies and the extent to which
22 graduates have attained them.

23 (b) Institutional credits for a degree. 1. At least twenty-five (25) percent of the credit

1 hours required for the degree shall be earned through instruction offered by the college
2 awarding the degree.

3 ~~2. In the case of undergraduate degree programs offered through joint, cooperative,~~
4 ~~or consortia arrangements, the student shall earn at least twenty-five (25) percent of the~~
5 ~~credits required for the degree through instruction offered by the participating colleges.~~

6 ~~(c) Undergraduate program requirements. 1. The college shall define and publish~~
7 ~~requirements for its undergraduate programs, including its general education components.~~

8 ~~2. These requirements shall display a clear rationale, design, and goals of each pro-~~
9 ~~gram, with courses designed as introductions to the major, required courses, electives, and~~
10 ~~capstone courses.~~

11 ~~(d) Terminal degrees of faculty. At least twenty-five (25) percent of the discipline~~
12 ~~course hours in each major at the baccalaureate level shall be taught by faculty members~~
13 ~~holding the terminal degree, the earned doctorate, in the discipline, or the equivalent of the~~
14 ~~terminal degree.~~

15 ~~(6) Graduate and postbaccalaureate professional educational programs. (a) Post-~~
16 ~~baccalaureate program rigor. The college's post-baccalaureate professional degree pro-~~
17 ~~grams, including master's and doctoral degree programs, shall be progressively more ad-~~
18 ~~vanced in academic content than its undergraduate programs.~~

19 ~~(b) Graduate curriculum. The college shall structure its graduate curricula to include~~
20 ~~knowledge of the literature of the discipline and to ensure ongoing student engagement in~~
21 ~~research and appropriate professional practice and training experiences.~~

22 ~~(c) Institutional credits for a degree.~~

23 ~~1. The majority of credits toward a graduate or a post-baccalaureate professional~~

1 ~~degree shall be earned through instruction offered by the college awarding the degree.~~

2 ~~2. In the case of graduate and postbaccalaureate professional degree programs of-~~
3 ~~ferred through joint, cooperative, or consortial arrangements, the student shall earn a major-~~
4 ~~ity of credits through instruction offered by the participating colleges.~~

5 ~~(d) Postbaccalaureate program requirements. 1. The college shall define and pub-~~
6 ~~lish requirements for its graduate and postbaccalaureate professional programs.~~

7 ~~2. These requirements shall display a clear rationale, design, and goals of each pro-~~
8 ~~gram, with courses designed as introductions to the major, required courses, electives, and~~
9 ~~capstone courses.~~

10 ~~(7) Faculty. (a) Faculty competence. 1. The college shall employ faculty members~~
11 ~~qualified to accomplish the mission and goals of the college.~~

12 ~~2. When determining acceptable qualifications of its faculty, a college shall give pri-~~
13 ~~mary consideration to the highest earned degree in the discipline.~~

14 ~~3. The college shall consider competence, effectiveness, and capacity, including, as~~
15 ~~appropriate, undergraduate and graduate degrees, related work experiences in the field,~~
16 ~~professional licensure and certifications, honors and awards, continuous documented ex-~~
17 ~~cellence in teaching, or other demonstrated competencies and achievements that contrib-~~
18 ~~ute to effective teaching and student learning outcomes.~~

19 ~~4. For all cases, the college shall be responsible for justifying and documenting the~~
20 ~~qualifications of its faculty.~~

21 ~~(b) Faculty evaluation. The college shall regularly evaluate the effectiveness of each~~
22 ~~faculty member in accord with published criteria, regardless of contractual or tenured sta-~~
23 ~~tus.~~

1 ~~(c) Faculty development. The college shall provide ongoing professional develop-~~
2 ~~ment of faculty as teachers, scholars, and practitioners.~~

3 ~~(d) Academic freedom. The college shall ensure adequate procedures for safe-~~
4 ~~guarding and protecting academic freedom.~~

5 ~~(e) Faculty role in governance. The college shall publish policies on the responsibil-~~
6 ~~ity and authority of faculty in academic and governance matters.~~

7 ~~(8) Library and other learning resources. (a) Learning and information resources.~~
8 ~~The college shall provide facilities and learning and information resources that are appro-~~
9 ~~priate to support its teaching, research, and service mission.~~

10 ~~(b) Instruction of library use. The college shall ensure that users have access to~~
11 ~~regular and timely instruction in the use of the library and other learning and information~~
12 ~~resources.~~

13 ~~(c) Qualified staff. The college shall provide a sufficient number of qualified staff with~~
14 ~~appropriate education or experiences in library and other learning and information re-~~
15 ~~sources to accomplish the mission of the college.~~

16 ~~(9) Student affairs and services. (a) Student rights. The college shall publish a clear~~
17 ~~and appropriate statement of student rights and responsibilities and shall disseminate the~~
18 ~~statement to the campus community.~~

19 ~~(b) Student records. The college shall protect the security, confidentiality, and integ-~~
20 ~~ity of student records and maintain special security measures to protect and back up data.~~

21 ~~(c) Qualified staff. The college shall employ qualified personnel to ensure the quality~~
22 ~~and effectiveness of its student affairs programs.~~

23 ~~(10) Financial resources. (a) Financial stability. The college's recent financial history~~

1 ~~shall demonstrate financial stability.~~

2 ~~(b) Submission of financial statements. 1. The college shall provide financial profile~~
3 ~~information on an annual basis.~~

4 ~~2. All information shall be presented accurately and appropriately and shall repre-~~
5 ~~sent the total operation of the college.~~

6 ~~(c) Financial aid audits. The college shall audit financial aid programs as required by~~
7 ~~federal and state regulations.~~

8 ~~(d) Control of finances. The college shall exercise appropriate control over all its fi-~~
9 ~~nancial resources by maintaining accurate and up-to-date records of:~~

10 ~~1. Policies related to purchasing, expenditures, investments;~~

11 ~~2. Physical inventory;~~

12 ~~3. Internal audit reports;~~

13 ~~4. Risk management reports related to financial and physical resources; and~~

14 ~~5. Evidence of qualifications and job descriptions of the institution's fiscal officer and~~
15 ~~business office staff.~~

16 ~~(e) Control of sponsored research and external funds. The college shall maintain fi-~~
17 ~~nancial control over externally funded and sponsored research and programs.~~

18 ~~(11) Physical resources. (a) Control of physical resources. The college shall exer-~~
19 ~~cise control over all its physical resources.~~

20 ~~(b) Institutional environment. The college shall take reasonable steps to provide a~~
21 ~~healthy, safe, and secure environment for all members of the campus community.~~

22 ~~(c) Physical facilities. The college shall operate and maintain physical facilities, both~~
23 ~~on and off campus, that appropriately serve the needs of the college's educational pro-~~

grams, support services, and other mission-related activities.

~~(12) Compliance with federal requirements. (a) Student achievement. The college shall evaluate success with respect to student achievement including, as appropriate, consideration of course completion, state licensing examinations, and job placement rates.~~

~~(b) Program curriculum. The college's curriculum shall be directly related and appropriate to the purpose and goals of the college and the diplomas, certificates, or degrees awarded.~~

~~(c) Publication of policies. The college shall make available to students and the public current academic calendars, grading policies, and refund policies.~~

~~(d) Student complaints. The college shall have adequate procedures for addressing written student complaints and shall be responsible for demonstrating that it follows those procedures when resolving student complaints.~~

~~(e) Recruitment materials. Recruitment materials and presentations shall accurately represent the college's practices and policies.~~

~~(f) Title IV program responsibilities. The college shall be in compliance with its program responsibilities under Title IV of the 1998 Higher Education Amendments, 20 U.S.C. 1070 and 34 C.F.R. Part 668.]~~

Section 5 [6]. Action on Application. Within six (6) months of the submission of an "Application for Council on Postsecondary Education Approval for Eligibility Pursuant to 13 KAR 1:050" [if a site visit is not conducted, or within ninety (90) working days of the completion of a site visit,] the president shall do one (1) of the following:

(1) Approve the applicant college for status as an eligible institution in which a student may enroll and receive a Kentucky tuition grant for ten (10) years;

1 (2) Deny the applicant college for status as an eligible institution; or

2 (3) Notify the applicant college of deficiencies which shall be corrected before ap-
3 proval is granted.

4 Section 6. Renewal. (1) A college approved by the Council for eligibility beginning
5 with the 2022-2023 academic year for ten (10) years shall seek renewal of eligibility by
6 submitting the “Application for Council on Postsecondary Education Approval for Eligibility
7 Pursuant to 13 KAR 1:050” by May 30 of the year prior to its eligibility expiration, and shall
8 pay a nonrefundable fee of \$10,000 to the Council on Postsecondary Education with the
9 submission of the application. Review of the application shall not occur until the fee is paid
10 by the college.

11 (2) A college that was previously approved by the Council for eligibility beginning
12 with the 2011-2012 academic year shall seek renewal of eligibility by submitting the “Appli-
13 cation for Council on Postsecondary Education Approval for Eligibility Pursuant to 13 KAR
14 1:050” by May 30, 2021 in order to seek eligibility beyond the month and day of its initial
15 eligibility for 2022, and shall pay a nonrefundable fee of \$10,000 to the Council on Post-
16 secondary Education with the submission of the application. Review of the application
17 shall not occur until the fee is paid by the college.

18 Section 7. Substantive Change. (1) Approval pursuant to this administrative regula-
19 tion shall be specific to a licensed college and based on conditions existing at the time of
20 the most recent evaluation and shall not be transferable to other colleges or entities.

21 (2) An approved college shall notify the president within thirty (30) days of action by
22 an accrediting agency that results in the college being placed on probationary status, a col-
23 lege losing accreditation, or a college being denied accreditation.

1 (3) The president shall be responsible for evaluating all substantive changes to as-
2 sess the impact of the change on the college's compliance with this administrative regula-
3 tion. [~~The president may conduct, or may have conducted, a site visit in accordance with~~
4 ~~Section 2(6) of this administrative regulation.~~]

5 (4) A college's failure to comply with this section shall be grounds for ineligibility un-
6 der this administrative regulation.

7 (5) If a college is unclear as to whether a change is substantive in nature, the col-
8 lege shall contact the Council on Postsecondary Education in writing for consultation.

9 (6) A substantive change shall include the following:

10 (a) Action by an accrediting agency that results in the college being placed on pro-
11 bationary status, a college losing accreditation, or a college being denied accreditation;

12 [~~(b) Initiating distance learning;~~]

13 (b) [~~(c)~~] Initiating a merger or consolidation;

14 (c) [~~(d)~~] Altering significantly the educational mission of the college;

15 (d) [~~(e)~~] Relocating a licensed Kentucky instructional site or principal location of the
16 college;

17 (e) [~~(f)~~] Changing the college's governance, ownership, control, or legal status;

18 (f) [~~(g)~~] Changing the name of the college;

19 (g) [~~(h)~~] Altering significantly the length of a program;

20 [~~(i) Initiating degree completion programs;~~]

21 (h) [~~(j)~~] Adding a new instructional site or program licensed in accordance with 13
22 KAR 1:020;

23 (i) [~~(k)~~] Denial, suspension, or revocation of licensure by the Council on Postsec-

1 ondary Education pursuant to 13 KAR 1:020; or

2 (i) [(4)] Closing the college, a Kentucky licensed instructional site, or a Kentucky li-
3 censed program and initiating teach out agreements.

4 (7) Within six (6) months of notification by the college of a substantive change [if a
5 site visit is not conducted, or within ninety (90) working days of the completion of a site vis-
6 it,] the president shall do one (1) of the following:

7 (a) Approve the substantive change and continue approval under this administrative
8 regulation without changing the approval period;

9 (b) Deny the substantive change and require that the college abandon and not pro-
10 ceed with the substantive change or else lose approval under this administrative regulation;

11 (c) Notify the college of deficiencies which shall be corrected before the substantive
12 change is approved, and suspend or revoke approval under this administrative regulation;
13 or

14 (d) Suspend or revoke approval under this administrative regulation.

15 Section 8. Site visits. (1) The president may conduct, or may have conducted, an
16 announced or unannounced site visit of a licensed college during reasonable business
17 hours to inspect the files, facilities, and equipment as well as conduct interviews to deter-
18 mine the college's eligibility under this administrative regulation.

19 (2) Failure to provide full access to the college's files, facilities, and equipment or
20 prevention of interviews shall be grounds for ineligibility.

21 (3) All costs associated with a site visit and necessary subsequent visits, including
22 travel, meals, lodging, and consultant honoraria shall be paid by the applicant college.

23 (4) The estimated cost of the site visit shall be paid by the college prior to the site

1 visit, and final settlement regarding actual expenses incurred shall be paid no later than
2 thirty (30) days following the completion of the site visit.

3 (5) Failure to pay these costs shall result in ineligibility.

4 Section 9. [~~8.~~] Hearings and Appeals. (1) The president may, for cause, require the
5 chief administrative officer, or other officers, of a college to appear for a hearing consistent
6 with the provisions of KRS Chapter 13B, in order to determine the facts if the president has
7 determined that there are sufficient grounds for ineligibility under this administrative regula-
8 tion.

9 (2) The officer, or other officers, of the college may be accompanied at the hearing
10 by counsel of their own choosing and at their expense.

11 (3) Within thirty (30) working days after a hearing is held, the president shall reach a
12 determination and shall issue findings, in writing, to the Council and to the chief executive
13 officer of the college.

14 (4) A college may appeal the actions of the president regarding a college's ineligibil-
15 ity under this administrative regulation according to the following procedure:

16 (a) A college shall notify the president of the intent to appeal an action within four-
17 teen (14) days of the receipt of the letter notifying the college of the action taken;

18 (b) The president shall request that the Office of Administrative Hearings appoint a
19 hearing officer who shall conduct an administrative hearing consistent with the provisions
20 of KRS Chapter 13B;

21 (c) The appeal shall be presented in writing no later than sixty (60) days following
22 the receipt of notification of intent to appeal;

23 (d) The appeals officer shall review findings of fact, consider testimony, draw con-

1 clusions, and formulate a recommendation consistent with the facts and this administrative
2 regulation;

3 (e) Within fourteen (14) days, the report of the appeals officer shall be forwarded to
4 the college and to the president of the Council on Postsecondary Education; and

5 (f) Within thirty (30) working days of receipt of the report of the appeals officer, the
6 president shall approve or not approve the college.

7 Section 10. [~~9~~] Incorporation by Reference. (1) "Application for Council on Postsec-
8 ondary Education Approval for Eligibility Pursuant to 13 KAR 1:050", May 2020 [~~November~~
9 ~~2009~~], is incorporated by reference.

10 (2) This material may be inspected, copied, or obtained, subject to applicable copy-
11 right law, at the Kentucky Council on Postsecondary Education, 100 Airport Road, 2nd
12 Floor, [~~1024 Capital Center Drive, Suite 320,~~] Frankfort, Kentucky 40601.

Date

Ben Brandstetter, Chair
Council on Postsecondary Education

APPROVED AS TO FORM:

Date

Travis Powell, General Counsel
Council on Postsecondary Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2020 at 10:00 a.m. EST at the Council on Postsecondary Education, 100 Airport Road, 2nd Floor, Frankfort, Kentucky, 40601 in Conference Room A. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing of their intent to attend. If no notification to attend the hearing is received by that date, the hearing may be cancelled.

This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until June 30, 2020.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON:

Sarah Levy
Executive Director of Postsecondary Licensing
Council on Postsecondary Education
100 Airport Road
2nd Floor
Frankfort, Kentucky 40601
Phone: 502.892.3034
Email: sarah.levy@ky.gov

REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

Administrative Regulation 13 KAR 1:050. *Licensed out-of-state college's eligibility for Kentucky tuition grant*

Contact person: Sarah Levy
Executive Director of Postsecondary Licensing
Council on Postsecondary Education
100 Airport Road, 2nd Floor
Frankfort, KY 40601
502.892.3034
sarah.levy@ky.gov

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: KRS 164.780 creates the Kentucky Tuition Grant (KTG) program to provide need-based aid to qualified Kentucky residents attending eligible private colleges located in Kentucky. In order to be eligible to accept KTG awards on behalf of a student, private institutions must be licensed by the Council and accredited by the Southern Association of Colleges and Schools, Commission on Colleges (SACSCOC). If SACSCOC accreditation is not available to a licensed, regionally accredited, out of state institution due to its main campus being located outside SACSCOC's geographic region, this regulation provides the process by which an institution may petition the Council for approval.
 - (b) The necessity of this administrative regulation: KRS 164.785(7)(c) requires that the Council promulgate an administrative regulation to outline the process for KTG eligibility for institutions described in (1)(a).
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 164.785(7)(c) requires that the criteria for approval mirror SACSCOC accreditation criteria and the proposed amendments will bring the regulation into statutory conformance.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides a process for approve institutions for KTG participation in accordance with KRS 164.785(7)(c).

- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: This amendment aligns the requirements of the regulation with the SACSCOC Principles of Accreditation effective January 1, 2018. It also requires institutions to apply every ten (10) years for a fee of \$10,000 rather than a one-time fee of \$1,000. And finally, it allows site visits to occur on a case by case basis rather than upon initial application with the intention of having Council staff conduct the review in-house. Previously, approvals were only provided after a site visit, which required the hiring of outside consultants at a significant fee to the applying colleges.
 - (b) The necessity of the amendment to this administrative regulation: KRS 164.785(7)(c) requires that the requirements for eligibility “mirror” the SACSCOC accreditation criteria and the amendment makes the necessary changes to conform.
 - (c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes give the Council the authority to promulgate a regulation for KTG eligibility that includes criteria that mirrors those of SACSCOC principles.
 - (d) How the amendment will assist in the effective administration of the statutes: This amendment will make the KTG eligibility process for affected institutions mirror SACSCOC requirement as required by KRS 164.785(7)(c).
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Regionally accredited, out-of-state institutions with campuses in Kentucky licensed by the Council whose main campuses are outside the SACSCOC region that want to participate in KTG.
- (4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment, including:
 - (a) List the actions that each of the regulated entities identified in question (3) will

have to take to comply with this administrative regulation or amendment:
Regulated entities, including those with existing approval and those seeking approval, must submit an application under the newly amended regulation. Existing approved colleges must reapply by May 30, 2021 under the new standards. Institutions must reapply every ten (10) years thereafter.

- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The application fee will be raised from \$1,000 to \$10,000, but for new colleges seeking approval the likelihood of a site visit is reduced, which will reduce the financial burden.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Approved colleges will be able to receive KTG grant monies for eligible students attending the institution.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: With one new institution seeking approval and three existing that must reapply, roughly \$40,000.
 - (b) On a continuing basis: Roughly \$10,000 each time an institution is initially approved or their approval is renewed.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Application fees.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Yes, an increase of fee is necessary to support the in-house review of applications.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Yes. This regulation assesses fees.
- (9) TIERING: Is tiering applied? No, the amendment does not apply any tiering as all regulated entities will be treated identically in its application.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation 13 KAR 1:050. *Licensed out-of-state college's eligibility for Kentucky tuition grant*

Contact person: Sarah Levy
Executive Director of Postsecondary Licensing
Council on Postsecondary Education
100 Airport Road, 2nd floor
Frankfort, KY 40601
502.573.1555
sarah.levy@ky.gov
Phone: 502.892.3034

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Higher Education Assistance Authority (KHEAA) must keep track of the approved institutions as they administer KTG on behalf of students.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 164.785(7)(c).

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Revenue from fees will generate \$40,000 initially.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? An additional \$40,000 every ten (10) years.

(c) How much will it cost to administer this program for the first year? Approximately \$40,000.

(d) How much will it cost to administer this program for subsequent years? Approximately \$40,000 every ten (10) years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: N/A

KY COUNCIL ON POSTSECONDARY EDUCATION BUSINESS MEETING



April 24, 2020 – 9:00 AM

ZOOM teleconferencing for Committee members

Livestream video for public: <https://youtu.be/mUQMIWeboal>

- I. **Call to Order** **Indicates action item*

- II. **Approval of the Minutes**

- III. **Comments from the President**
(Include covid-19 updates and 2020 legislative session update here – and potential guest speaker)

- IV. **Comments from Interim Commissioner of Education, Kevin Brown**

- V. **Executive Committee - Report and Recommended Action Items**
 - A. 2020 Incentive Priorities for President Aaron Thompson
 - B. Amendment to 13 KAR 1:050 - Licensed Out-of-State College's Eligibility for Kentucky Tuition Grant Amendment*
 - C. Proposed Council Resolutions*

- VI. **Finance Committee - Report and Recommended Action Items**
 - A. 2020-22 Tuition and Mandatory Fee Ceilings*
 - B. Nonresident Student Tuition MOUs (EKU, MuSU, NKU, UL, WKU)*
 - C. Interim Capital Project (WKU)*

- VII. **Academic & Strategic Initiatives Committee - Report and Recommended Action Items**
 - A. Proposed New Academic Programs*
 - 1. Eastern Kentucky University - Master of Social Work (MSW) CIP Code 44.0701
 - 2. Northern Kentucky University - Cybersecurity (B.S.) CIP Code 11.1003
 - 3. University of Kentucky
 - a. Biomedical Engineering (BS) CIP Code 14.0501
 - b. Computer Engineering (MS) CIP Code 14.0901
 - c. Computer Engineering (PhD) CIP Code 14.0901
 - d. Teacher Preparation Program in Visual Impairments (MS) CIP Code 13.1009
 - e. Orientation and Mobility (MA) CIP Code 13.1009
 - f. Product Design (BS) CIP Code 50.0404
 - g. Supply Chain Engineering (MS) CIP Code 14.3501
 - h. Supply Chain Management (MS) – CIP Code 52.1399

- VIII. **Other Business**

- IX. **Adjournment**
Annual Retreat and next meeting: June 18-19, 2020, Cumberland Falls State Park

TITLE: Preliminary Discussion of the next Statewide Strategic Agenda

DESCRIPTION: This is a preliminary discussion on the timeline and steps involved in the development of the next Statewide Strategic Agenda.

BACKGROUND INFORMATION

At the last Committee meeting, Committee members asked for a draft timeline for the next Statewide Strategic Agenda's planning process. See attachment. Please note that if COVID-19 pandemic progresses beyond current projections, this timeline may need to be adjusted and/or steps in the process altered.

Strategic Agenda Planning Process

