

1 AN ACT relating to postsecondary education and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 8 of this Act:*

6 *(1) "Affiliated organization" means an entity whose primary purpose includes*
7 *supporting or benefitting an institution or an officer, director, or employee of an*
8 *institution;*

9 *(2) "Bias incident" means noncriminal conduct that:*

10 *(a) Is alleged to constitute an act or statement against a particular group or*
11 *towards an individual because of his or her characteristics or membership*
12 *or perceived membership in a particular group;*

13 *(b) Would not rise to the level of student-on-student harassment even if all facts*
14 *alleged were taken as true; and*

15 *(c) Is not subject to mandatory investigation pursuant to applicable state or*
16 *federal law;*

17 *(3) "Bias incident investigation" means an investigation of an alleged bias incident*
18 *by a committee or individual assigned by an institution and does not include any*
19 *investigation required pursuant to applicable state or federal law;*

20 *(4) "Binding contract" means any grant, endowment, settlement agreement,*
21 *commercial contract, or other legally enforceable agreement entered into by or on*
22 *behalf of an institution;*

23 *(5) "Council" means the Council on Postsecondary Education;*

24 *(6) "Differential treatment or benefits" means:*

25 *(a) Differential, preferential, or prejudicial treatment or consideration; or*

26 *(b) To confer or withhold a benefit;*

27 *(7) "Discriminatory concepts" means concepts:*

1 (a) Presenting as truth, rather than as a subject for inquiry, that an existing
2 structure, system, or relation of power, privilege, or subordination persists
3 on the basis of oppression, colonialism, socioeconomic status, religion, race,
4 sex, color, or national origin; or

5 (b) Justifying or promoting differential treatment or benefits conferred to
6 individuals on the basis of religion, race, sex, color, or national origin,
7 unless the differential treatment or benefits are excluded from diversity,
8 equity, and inclusion initiatives under subsection (8)(b) of this section;

9 (8) (a) "Diversity, equity, and inclusion initiatives" means:

10 1. Policies, practices, or procedures designed or implemented to promote
11 or provide differential treatment or benefits to individuals on the basis
12 of religion, race, sex, color, or national origin, including but not
13 limited to any such policy, practice, or procedure related to
14 employment, employee recruitment, employee hiring, employee
15 promotion, contracts, contract renewal, student recruitment, student
16 admission, student housing, financial assistance, or scholarship
17 awards; or

18 2. A training, conference, presentation, meeting, or professional
19 development containing, implementing, or promoting discriminatory
20 concepts; and

21 (b) Does not include:

22 1. A policy, practice, procedure, office, employee, training, program, or
23 activity that is required pursuant to:

24 a. The Americans with Disabilities Act of 1990, 42 U.S.C. sec.
25 12101 et seq., as amended;

26 b. The Individuals with Disabilities Education Act, 20 U.S.C. sec.
27 1400 et seq., as amended;

- 1 c. The federal Age Discrimination in Employment Act of 1967, 29
2 U.S.C. sec. 621 et seq., as amended;
3 d. The federal Civil Rights Act of 1964, Pub. L. No. 88-352, as
4 amended;
5 e. Title IX of the Education Amendments of 1972, 20 U.S.C. sec.
6 1681 et seq.;
7 f. Any other applicable federal or state law;
8 g. A court order; or
9 h. A binding contract entered into prior to the effective date of this
10 Act;
11 2. Bona fide qualifications or accommodations based on sex that are
12 historically maintained in the usual course of operating an institution,
13 including but not limited to:
14 a. Sex-based athletic eligibility restrictions;
15 b. Sex-based fraternal organization membership restrictions;
16 c. Sex-based restrictions required to maintain separate living
17 facilities for members of a single biological sex; and
18 d. Bona fide occupational qualifications reasonably necessary to
19 the normal operation of the institution;
20 3. Differential treatment or benefits necessary to provide medical
21 treatment; or
22 4. Services and programming of resource centers, provided that student,
23 faculty, staff, and volunteer access to center services and participation
24 in center programming is voluntary and is not restricted on the basis
25 of religion, race, sex, color, or national origin;
26 (9) "Diversity, equity, and inclusion office" means an office, division, or other unit
27 of an institution that is:

1 (a) Responsible for developing, implementing, or promoting discriminatory
2 concepts or diversity, equity, and inclusion initiatives, regardless of whether
3 the office is designated by the institution as a diversity, equity, and inclusion
4 office; and

5 (b) Not expressly required pursuant to applicable federal or state law, a court
6 order, or a binding contract entered into prior to the effective date of this
7 Act;

8 (10) "Diversity, equity, and inclusion officer" means an employee, contractor, or
9 volunteer:

10 (a) Whose responsibilities include developing, implementing, or promoting
11 discriminatory concepts or diversity, equity, and inclusion initiatives,
12 regardless of whether the position is designated as a diversity, equity, and
13 inclusion position or affiliated with a diversity, equity, and inclusion office;
14 and

15 (b) Who serves in a role that is not expressly required pursuant to applicable
16 federal or state law, a court order, or a binding contract entered into prior
17 to the effective date of this Act;

18 (11) "Diversity, equity, and inclusion training" means a training, conference,
19 presentation, meeting, or professional development that:

20 (a) Contains, implements, or promotes discriminatory concepts or diversity,
21 equity, and inclusion initiatives; and

22 (b) Is not expressly required pursuant to applicable federal or state law, a court
23 order, or a binding contract entered into prior to the effective date of this
24 Act;

25 (12) "Governing board" means the governing board of an institution;

26 (13) "Institution" means a public postsecondary education institution and includes all
27 programs, departments, divisions, offices, centers, colleges, student governments,

1 affiliated organizations, and any individual acting in an official capacity on
2 behalf of a public postsecondary institution and does not include student
3 organizations;

4 (14) "Qualified individual" means:

5 (a) An individual enrolled in an institution;

6 (b) A parent or guardian of a student under the age of eighteen (18) who is
7 enrolled in an institution;

8 (c) An individual who is employed by the institution or the council; or

9 (d) A candidate or applicant for student admission, student housing, financial
10 assistance, scholarship awards, employment, employee promotion, employee
11 contract, or employee contract renewal;

12 (15) "Resource" means:

13 (a) Moneys appropriated by the General Assembly;

14 (b) Moneys or items of value derived from bequests, charges, deposits,
15 donations, endowments, fees, grants, gifts, income, receipts, tuition, or any
16 other source;

17 (c) Facilities, materials, and other physical resources;

18 (d) Digital resources, including an official website, digital application, or social
19 media page of an institution; or

20 (e) Faculty, staff, volunteers, and other human resources;

21 (16) "Resource center" means a center maintained by an institution that offers
22 services and programming for students, faculty, staff, and volunteers, including
23 but not limited to centers that offer academic, health, religious, disability,
24 community, and career resources, services, and support; and

25 (17) "Student-on-student harassment" means unwelcome conduct directed toward a
26 student that is so severe, pervasive, and objectively offensive that it effectively
27 denies equal access to an educational opportunity or benefit.

1 ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) An institution shall not:

4 (a) Except as provided in subsection (2)(n) and (o) of this section, provide any
5 differential treatment or benefits to an individual, including a candidate or
6 applicant for employment, promotion, contract, contract renewal, or
7 admission, on the basis of the individual's religion, race, sex, color, or
8 national origin;

9 (b) Manipulate or influence the composition of the student body on the basis of
10 religion, race, sex, color, or national origin;

11 (c) Except as provided in subsection (2)(l) of this section:

12 1. Impose any scholarship criteria or scholarship eligibility restriction
13 on, or provide differential treatment or benefits to, a scholarship
14 applicant, candidate, or recipient on the basis of an individual's
15 religion, race, sex, color, or national origin; or

16 2. Execute or renew any legally binding restriction that would require an
17 institution to consider the religion, race, sex, color, or national origin
18 of a scholarship applicant, candidate, or recipient;

19 (d) Prioritize or provide preferential consideration for vendors, contracts, or
20 other transactions based upon the religion, race, sex, color, or national
21 origin of the ownership, management, or staff of any business or nonprofit
22 entity;

23 (e) Make student housing assignments on the basis of religion, sex, race, color,
24 or national origin unless an exception is necessary to:

25 1. Maintain separate living facilities for members of a single biological
26 sex; or

27 2. Permit need-based access to student housing facilities during school

1 breaks, provided that room assignments are not implemented in a
2 discriminatory manner or segregated by religion, race, color, or
3 national origin;

4 (f) Expend any resources to:

- 5 1. Establish or maintain a diversity, equity, and inclusion office;
- 6 2. Contract or employ an individual to serve as a diversity, equity, and
7 inclusion officer;
- 8 3. Provide diversity, equity, and inclusion training or contribute to any
9 cost associated with planning, promoting, hosting, traveling to,
10 attending, presenting, or otherwise participating in diversity, equity,
11 and inclusion training;
- 12 4. Establish or maintain diversity, equity, and inclusion initiatives;
- 13 5. Promote or justify discriminatory concepts;
- 14 6. Except as provided in subsection (2)(k) of this section, purchase,
15 promote, or distribute any content or materials that promote or justify
16 discriminatory concepts or diversity, equity, and inclusion initiatives,
17 including but not limited to any video, book, document, research
18 article, creative work, or other work published or produced by an
19 individual associated with the institution; or
- 20 7. Maintain a bias incident investigation, once an investigation can be
21 reasonably identified as such;

22 (g) On an application for employment, promotion, contract, contract renewal,
23 admission, housing, financial aid, or scholarship, solicit or consider any
24 pledge or statement on an applicant's experience with or views on religion,
25 race, sex, color, or national origin, except an institution may:

- 26 1. Consider an unsolicited statement of an applicant for admission or
27 scholarship concerning how a matter relating to religion, race, sex,

- 1 color, or national origin affected his or her life, but the institution
2 shall not use any such statement to provide differential treatment or
3 benefits based upon the race, sex, religion, color, or national origin of
4 the applicant; and
- 5 2. Require an applicant for housing to disclose his or her biological sex
6 for the purpose of maintaining separate living facilities for members
7 of a single biological sex;
- 8 (h) Require any student to enroll in or complete a course or training dedicated
9 to the promotion or justification of discriminatory concepts or diversity,
10 equity, and inclusion initiatives as a mandatory graduation, program,
11 certificate, or degree requirement;
- 12 (i) Require or incentivize any member of faculty or staff to attend a diversity,
13 equity, and inclusion training;
- 14 (j) Permit credit from a course dedicated to the promotion or justification of
15 discriminatory concepts or diversity, equity, and inclusion initiatives earned
16 after July 1, 2024, to count towards the total number of credits required for
17 a degree or certificate; or
- 18 (k) Except as provided in subsection (2)(k) of this section, disseminate or profit
19 from any research, work product, or material that promotes or justifies
20 discriminatory concepts or diversity, equity, and inclusion initiatives.
- 21 (2) Notwithstanding subsection (1) of this section, nothing in this section shall be
22 construed to apply to or affect any of the following:
- 23 (a) Rights secured by the First Amendment of the United States Constitution or
24 Section 1 of Constitution of Kentucky;
- 25 (b) Academic course content;
- 26 (c) Academic freedom of faculty, students, and student organizations;
- 27 (d) Academic research or creative works by an institution's students, faculty, or

- 1 research personnel that are not purchased, sold, distributed, or promoted by
2 the institution;
- 3 (e) The distribution of grant funding for academic research;
- 4 (f) Religious freedom of faculty, students, and student organizations;
- 5 (g) Publications and the freedom of expression of student newspapers and
6 university press;
- 7 (h) Activities, funding, conduct, speech, and freedom of association of student-
8 led organizations, or the conduct or speech of students acting on their own
9 behalf or otherwise acting in a private capacity;
- 10 (i) Activities, programs, and initiatives for military veterans, Pell Grant
11 recipients, first-generation college students, low-income students,
12 nontraditional students, transfer students from the Kentucky Community
13 and Technical College System, or students with unique abilities;
- 14 (j) Arrangements for guest speakers and performers with short-term
15 engagements;
- 16 (k) The purchase of materials for university library inventory and the access of
17 the public to university library inventory;
- 18 (l) Endowments for privately funded scholarships that existed before the
19 effective date of this Act that require an institution to consider the religion,
20 race, sex, color, or national origin of a scholarship applicant or candidate
21 until the balance of corpus is exhausted;
- 22 (m) Mental or physical health services provided by certified or licensed
23 professionals;
- 24 (n) Bona fide qualifications or accommodations based on sex that are
25 historically maintained in the usual course of operating an institution and
26 do not constitute diversity, equity, and inclusion initiatives, as defined in
27 Section 1 of this Act;

1 (o) Bona fide qualifications based on national origin that are related to the
2 eligibility of an individual for a visa; or

3 (p) The ability of an institution to investigate criminal acts or acts of
4 discrimination in accordance with applicable federal and state law.

5 (3) (a) Notwithstanding subsection (1) of this section, nothing in this section shall
6 be construed to prohibit programs, procedures, policies, and other initiatives
7 required for compliance with federal or state law, a court order, or a
8 binding contract entered into prior to the effective date of this Act.

9 (b) All trainings, programs, or activities designed or implemented by an
10 institution to be in compliance with applicable federal or state law shall be
11 developed by an attorney and approved in writing by the institution's
12 general counsel.

13 (4) Each governing board shall ensure compliance with this section no later than
14 June 30, 2024.

15 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
16 READ AS FOLLOWS:

17 (1) No later than June 30, 2024, each governing board shall:

18 (a) Amend the institution's policy on nondiscrimination to include a clause on
19 ideological neutrality that prohibits discrimination on the basis of an
20 individual's political or social ideology and promotes intellectual diversity
21 within the institution; and

22 (b) Publish the amended policy in the institution's student handbook and
23 faculty handbook and on a prominent, publicly accessible page of the
24 institution's website.

25 (2) An institution shall not require or encourage any individual to endorse or
26 condemn a specific political or social ideology.

27 (3) An institution shall not provide preferential or prejudicial consideration or

1 treatment to an individual on the basis of that individual's actual or perceived
2 political or social ideology.

3 (4) Each governing board shall ensure compliance with this section no later than
4 June 30, 2024.

5 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) The council shall not:

8 (a) Provide any differential treatment or benefits to an individual on the basis
9 of the individual's religion, race, sex, color, or national origin;

10 (b) Expend any resources to:

11 1. Establish or maintain a diversity, equity, and inclusion office;

12 2. Contract with or employ an individual to serve as a diversity, equity,
13 and inclusion officer;

14 3. Provide diversity, equity, and inclusion training or contribute to any
15 cost associated with planning, promoting, hosting, traveling to,
16 attending, presenting, or otherwise participating in diversity, equity,
17 and inclusion training;

18 4. Establish or maintain diversity, equity, and inclusion initiatives; or

19 5. Promote or justify discriminatory concepts; or

20 (c) Solicit or consider as part of the application process any statements on the
21 applicant's religion, race, sex, color, or national origin.

22 (2) The council shall collaborate with the institutions to:

23 (a) Develop and implement a statewide standardized procedure to consider
24 whether to deny potential transfer credit earned from a course based upon
25 whether the:

26 1, Course was dedicated to the promotion or justification of
27 discriminatory concepts or diversity, equity, and inclusion initiatives;

1 and

2 2. Credit was earned after July 1, 2024; and

3 (b) Develop uniform data collection and reporting methods to facilitate and
4 ensure the council's and institutions' compliance with paragraph (a) of this
5 subsection and subsection (1)(j) of Section 2 of this Act.

6 (3) Nothing in this section shall be construed to prohibit programs, procedures,
7 policies, and other initiatives required for compliance with federal or state law, a
8 court order, or a binding contract entered into prior to the effective date of this
9 Act.

10 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) The Attorney General may bring a civil action for a writ of mandamus to compel:

13 (a) An institution to comply with Sections 2, 3, 6, 7, and 8 of this Act and
14 subsection (3) of this section; or

15 (b) The council to comply with Sections 4, 7, and 9 of this Act and subsection
16 (3) of this section.

17 (2) (a) Notwithstanding any provision of law to the contrary, a qualified individual
18 may file a civil action against the council or an institution for injunctive
19 relief and any actual compensatory damages arising from a violation of
20 Sections 1 to 8 or 9 of this Act or subsection (3) of this section, including
21 reasonable attorney's fees and litigation costs. A civil action brought under
22 this section may be brought in the Circuit Court of the county in which:

23 1. All or a substantial part of the events or omissions giving rise to the
24 civil action occurred;

25 2. The principal office of the institution or council is located; or

26 3. The claimant resides, if the claimant is an individual and resides in
27 the Commonwealth.

1 **(b) Sovereign and governmental immunity are waived for any claim filed under**
2 **this subsection and arising from a violation of Sections 1 to 8 or 9 of this**
3 **Act or subsection (3) of this section.**

4 **(c) The remedies identified in this section shall be in addition to, and not in lieu**
5 **of, any other remedies available in law or equity.**

6 **(3) The council or an institution shall not use, or threaten the use of, any official**
7 **authority or influence to discourage, interfere with, or otherwise retaliate against**
8 **any qualified individual who in good faith:**

9 **(a) Files or is about to file a civil action against the council or an institution in**
10 **accordance with subsection (2) of this section; or**

11 **(b) Supports, aids, or substantiates a civil action filed or about to be filed in**
12 **accordance with subsection (2) of this section.**

13 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
14 READ AS FOLLOWS:

15 **(1) No later than October 1 of each year, each institution shall submit a certified**
16 **report on governmentally mandated discrimination to the Legislative Research**
17 **Commission for referral to the Interim Joint Committee on Education, and shall**
18 **publish the report to a prominent, publicly accessible location on the institution's**
19 **website. Each report shall contain a complete list and description of the nature,**
20 **costs, and source of authority of all policies, programs, practices, and procedures**
21 **of the institution that are:**

22 **(a) Designed or implemented to promote or provide differential treatment or**
23 **benefits to individuals on the basis of religion, race, sex, color, or national**
24 **origin; and**

25 **(b) Required pursuant to any applicable federal or state law, a court order, or a**
26 **binding contract entered into prior to the effective date of this Act.**

27 **(2) An institution or the council shall not claim, assert, or rely upon a governmental**

1 mandate as a defense to a civil action filed by the Attorney General or a qualified
2 individual in accordance with Section 5 of this Act unless that mandate was listed
3 and clearly and accurately described in:

4 (a) The institution's most recent annual report on governmentally mandated
5 discrimination required by subsection (1) of this section prior to the date the
6 events or omissions giving rise to the civil action occurred; or

7 (b) An addendum to the institution's most recent annual report on
8 governmentally mandated discrimination required by subsection (1) of this
9 section that was published:

10 1. Prior to the date the events or omissions giving rise to the civil action
11 occurred; and

12 2. In the same location on the institution's website as the report required
13 by subsection (1) of this section.

14 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
15 READ AS FOLLOWS:

16 (1) No later than October 1, 2024, the council shall develop and publish an annual
17 assessment on intellectual freedom and viewpoint diversity which uses objective,
18 nonpartisan, and statistically valid survey techniques to evaluate the extent to
19 which the students, faculty, and staff of an institution:

20 (a) Are exposed to a variety of ideological and political perspectives, including
21 competing ideas and perspectives; and

22 (b) Feel at liberty to express their ideological and political viewpoints and
23 beliefs on campus and in the classroom.

24 (2) By November 1 of each year, each institution shall distribute the council's annual
25 assessment on intellectual freedom and viewpoint diversity published by the
26 council to every student enrolled in the institution, each faculty member, and all
27 staff employed or contracted by the institution. The communication distributing

1 the annual assessment shall be clearly identified and shall not be combined with
2 any other communication.

3 (3) The institution shall provide students, faculty, and staff at least thirty (30) days
4 from the date the annual assessment on intellectual freedom and viewpoint
5 diversity is initially distributed to respond to the assessment. The institution shall
6 provide a reminder to students, faculty, and staff to complete the assessment at
7 least three (3) business days prior to the deadline to submit a response to the
8 annual assessment on intellectual freedom and viewpoint diversity. The reminder
9 shall be clearly identified and shall not be combined with any other
10 communication.

11 (4) Each institution shall collect and store responses to the annual assessment on
12 intellectual freedom and viewpoint diversity anonymously and securely.

13 (5) Each institution shall compile all responses to its annual assessment on
14 intellectual freedom and viewpoint diversity into an annual report on intellectual
15 freedom and viewpoint diversity to be submitted to the council no later than
16 January 1 of each year. The council shall publish the annual report on
17 intellectual freedom and viewpoint diversity submitted by each institution to a
18 prominent, publicly accessible location on the council's website no later than
19 January 7 of each year.

20 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
21 READ AS FOLLOWS:

22 (1) (a) Beginning January 1, 2025, each institution shall provide the State
23 Treasurer and the Personnel Cabinet with the name, job title, duty station,
24 salary or wages, and amount of any contracted severance or other form of
25 post-employment compensation of each employee of the institution by the
26 twentieth day of each month.

27 (b) The State Treasurer shall regularly report the information received under

1 this subsection to the public in the manner and method designated by the
2 State Treasurer.

3 (2) (a) The annual operating budget of each institution shall include an itemized
4 budget of each school, department, administrative office, resource center,
5 and research facility of the institution, regardless of the source of funding.

6 (b) Each itemized budget required by this subsection shall be published to a
7 prominent, publicly accessible location on the institution's website.

8 ➔Section 9. KRS 164.020 is amended to read as follows:

9 The Council on Postsecondary Education in Kentucky shall:

10 (1) Develop and implement the strategic agenda with the advice and counsel of the
11 Strategic Committee on Postsecondary Education. The council shall provide for and
12 direct the planning process and subsequent strategic implementation plans based on
13 the strategic agenda as provided in KRS 164.0203;

14 (2) Revise the strategic agenda and strategic implementation plan with the advice and
15 counsel of the committee as set forth in KRS 164.004;

16 (3) Develop a system of public accountability related to the strategic agenda by
17 evaluating the performance and effectiveness of the state's postsecondary system.
18 The council shall prepare a report in conjunction with the accountability reporting
19 described in KRS 164.095, which shall be submitted to the committee, the
20 Governor, and the General Assembly by December 1 annually. This report shall
21 include a description of contributions by postsecondary institutions to the quality of
22 elementary and secondary education in the Commonwealth;

23 (4) Review, revise, and approve the missions of the state's universities and the
24 Kentucky Community and Technical College System. The Council on
25 Postsecondary Education shall have the final authority to determine the compliance
26 of postsecondary institutions with their academic, service, and research missions;

27 (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively

- 1 provide for an integrated system of postsecondary education. The council shall
2 guard against inappropriate and unnecessary conflict and duplication by promoting
3 transferability of credits and easy access of information among institutions;
- 4 (6) Engage in analyses and research to determine the overall needs of postsecondary
5 education and adult education in the Commonwealth;
- 6 (7) Develop plans that may be required by federal legislation. The council shall for all
7 purposes of federal legislation relating to planning be considered the "single state
8 agency" as that term may be used in federal legislation. When federal legislation
9 requires additional representation on any "single state agency," the Council on
10 Postsecondary Education shall establish advisory groups necessary to satisfy federal
11 legislative or regulatory guidelines;
- 12 (8) (a) Determine tuition and approve the minimum qualifications for admission to
13 the state postsecondary educational system. In defining residency, the council
14 shall classify a student as having Kentucky residency if the student met the
15 residency requirements at the beginning of his or her last year in high school
16 and enters a Kentucky postsecondary education institution within two (2)
17 years of high school graduation. In determining the tuition for non-Kentucky
18 residents, the council shall consider the fees required of Kentucky students by
19 institutions in adjoining states, the resident fees charged by other states, the
20 total actual per student cost of training in the institutions for which the fees
21 are being determined, and the ratios of Kentucky students to non-Kentucky
22 students comprising the enrollments of the respective institutions, and other
23 factors the council may in its sole discretion deem pertinent, except that the
24 Kentucky Community and Technical College System may assess a mandatory
25 student fee not to exceed eight dollars (\$8) per credit hour to be used
26 exclusively for debt service on amounts not to exceed seventy-five percent
27 (75%) of the total projects cost of the Kentucky Community and Technical

1 College System agency bond projects included in 2014 Ky. Acts ch. 117, Part
2 II, J., 11.

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

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

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

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

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

23 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all
24 capital construction projects covered by KRS 45.750(1)(f), including real
25 property acquisitions, and regardless of the source of funding for projects or
26 acquisitions. Approval of capital projects and real property acquisitions shall
27 be on a basis consistent with the strategic agenda and the mission of the

1 respective universities and the Kentucky Community and Technical College
2 System.

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

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

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

19 (14) Establish course credit, transfer, and degree components as required in KRS
20 164.2951;

21 (15) (a) Define and approve the offering of all postsecondary education technical,
22 associate, baccalaureate, graduate, and professional degree, certificate, or
23 diploma programs in the public postsecondary education institutions. *The*
24 *council shall not approve a degree, certificate, or diploma program that:*

25 *1. Includes a requirement for a course or training dedicated to the*
26 *promotion or justification of discriminatory concepts or diversity,*
27 *equity, and inclusion initiatives, as defined in Section 1 of this Act; or*

1 2. Permits credit from a course dedicated to the promotion or
2 justification of discriminatory concepts or diversity, equity, and
3 inclusion initiatives, as defined in Section 1 of this Act, earned after
4 July 1, 2024, to count towards the total number of credits required for
5 the degree, certificate, or diploma; and

6 (b) The council shall expedite wherever possible the approval of requests from
7 the Kentucky Community and Technical College System board of regents
8 relating to new certificate, diploma, technical, or associate degree programs of
9 a vocational-technical and occupational nature. Without the consent of the
10 General Assembly, the council shall not abolish or limit the total enrollment
11 of the general program offered at any community college to meet the goal of
12 reasonable access throughout the Commonwealth to a two (2) year course of
13 general studies designed for transfer to a baccalaureate program. This does not
14 restrict or limit the authority of the council, as set forth in this section, to
15 eliminate or make changes in individual programs within that general
16 program;

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

- 20 (a) Consistency with the institution's mission and the strategic agenda;
21 (b) Alignment with the priorities in the strategic implementation plan for
22 achieving the strategic agenda;
23 (c) Elimination of unnecessary duplication of programs within and among
24 institutions; ~~and~~
25 (d) Efforts to create cooperative programs with other institutions through
26 traditional means, or by use of distance learning technology and electronic
27 resources, to achieve effective and efficient program delivery; and

1 **(e) Alignment with subsection (1)(h) and (j) of Section 2 of this Act;**

- 2 (17) Ensure the governing board and faculty of all postsecondary education institutions
3 are committed to providing instruction free of discrimination against students who
4 hold political views and opinions contrary to those of the governing board and
5 faculty;
- 6 (18) Review proposals and make recommendations to the Governor regarding the
7 establishment of new public community colleges, technical institutions, and new
8 four (4) year colleges;
- 9 (19) Postpone the approval of any new program at a state postsecondary educational
10 institution, unless the institution has met its equal educational opportunity goals, as
11 established by the council. In accordance with administrative regulations
12 promulgated by the council, those institutions not meeting the goals shall be able to
13 obtain a temporary waiver, if the institution has made substantial progress toward
14 meeting its equal educational opportunity goals;
- 15 (20) Ensure the coordination, transferability, and connectivity of technology among
16 postsecondary institutions in the Commonwealth including the development and
17 implementation of a technology plan as a component of the strategic agenda;
- 18 (21) Approve the teacher education programs in the public institutions that comply with
19 standards established by the Education Professional Standards Board pursuant to
20 KRS 161.028;
- 21 (22) Constitute the representative agency of the Commonwealth in all matters of
22 postsecondary education of a general and statewide nature which are not otherwise
23 delegated to one (1) or more institutions of postsecondary learning. The
24 responsibility may be exercised through appropriate contractual relationships with
25 individuals or agencies located within or without the Commonwealth. The authority
26 includes but is not limited to contractual arrangements for programs of research,
27 specialized training, and cultural enrichment;

- 1 (23) Maintain procedures for the approval of a designated receiver to provide for the
2 maintenance of student records of the public institutions of higher education and the
3 colleges as defined in KRS 164.945, and institutions operating pursuant to KRS
4 165A.310 which offer collegiate level courses for academic credit, which cease to
5 operate. Procedures shall include assurances that, upon proper request, subject to
6 federal and state laws and regulations, copies of student records shall be made
7 available within a reasonable length of time for a minimum fee;
- 8 (24) Monitor and transmit a report on compliance with KRS 164.351 to the director of
9 the Legislative Research Commission for distribution to the Interim Joint
10 Committee on Families and Children;
- 11 (25) (a) Develop in cooperation with each public university and the Kentucky
12 Community and Technical College System a comprehensive orientation and
13 education program for new members of the council and the governing boards
14 and continuing education opportunities for all council and board members.
15 For new members of the council and institutional governing boards, the
16 council shall:
- 17 1. Ensure that the orientation and education program comprises six (6)
18 hours of instruction time and includes but is not limited to information
19 concerning the roles of the council and governing board members, the
20 strategic agenda and the strategic implementation plan, and the
21 respective institution's mission, budget and finances, strategic plans and
22 priorities, institutional policies and procedures, board fiduciary
23 responsibilities, legal considerations including open records and open
24 meetings requirements, ethical considerations arising from board
25 membership, and the board member removal and replacement
26 provisions of KRS 63.080;
 - 27 2. Establish delivery methods by which the orientation and education

- 1 program can be completed in person or electronically by new members
2 within one (1) year of their appointment or election;
- 3 3. Provide an annual report to the Governor and Legislative Research
4 Commission of those new board members who do not complete the
5 required orientation and education program; and
- 6 4. Invite governing board members of private colleges and universities
7 licensed by the Council on Postsecondary Education to participate in the
8 orientation and education program described in this subsection;
- 9 (b) Offer, in cooperation with the public universities and the Kentucky
10 Community and Technical College System, continuing education
11 opportunities for all council and governing board members; and
- 12 (c) Review and approve the orientation programs of each public university and
13 the Kentucky Community and Technical College System for their governing
14 board members to ensure that all programs and information adhere to this
15 subsection;
- 16 (26) Develop a financial reporting procedure to be used by all state postsecondary
17 education institutions to ensure uniformity of financial information available to
18 state agencies and the public;
- 19 (27) Select and appoint a president of the council under KRS 164.013;
- 20 (28) Employ consultants and other persons and employees as may be required for the
21 council's operations, functions, and responsibilities;
- 22 (29) Promulgate administrative regulations, in accordance with KRS Chapter 13A,
23 governing its powers, duties, and responsibilities as described in this section;
- 24 (30) Prepare and present by January 31 of each year an annual status report on
25 postsecondary education in the Commonwealth to the Governor, the Strategic
26 Committee on Postsecondary Education, and the Legislative Research Commission;
- 27 (31) Consider the role, function, and capacity of independent institutions of

- 1 postsecondary education in developing policies to meet the immediate and future
2 needs of the state. When it is found that independent institutions can meet state
3 needs effectively, state resources may be used to contract with or otherwise assist
4 independent institutions in meeting these needs;
- 5 (32) Create advisory groups representing the presidents, faculty, nonteaching staff, and
6 students of the public postsecondary education system and the independent colleges
7 and universities;
- 8 (33) Develop a statewide policy to promote employee and faculty development in state
9 and locally operated secondary area technology centers through the waiver of
10 tuition for college credit coursework in the public postsecondary education system.
11 Any regular full-time employee of a state or locally operated secondary area
12 technology center may, with prior administrative approval of the course offering
13 institution, take a maximum of six (6) credit hours per term at any public
14 postsecondary institution. The institution shall waive the tuition up to a maximum
15 of six (6) credit hours per term. The employee shall complete the Free Application
16 for Federal Student Aid to determine the level of need and eligibility for state and
17 federal financial aid programs. The amount of tuition waived shall not exceed the
18 cost of tuition at the institution less any state or federal grants received, which shall
19 be credited first to the student's tuition;
- 20 (34) Participate with the Kentucky Department of Education, the Kentucky Board of
21 Education, and postsecondary education institutions to ensure that academic content
22 requirements for successful entry into postsecondary education programs are
23 aligned with high school content standards and that students who master the high
24 school academic content standards shall not need remedial courses. The council
25 shall monitor the results on an ongoing basis;
- 26 (35) Cooperate with the Kentucky Department of Education and the Education
27 Professional Standards Board in providing information sessions to selected

1 postsecondary education content faculty and teacher educators of the high school
2 academic content standards as required under KRS 158.6453(2)(l);

3 (36) Cooperate with the Office of the Kentucky Center for Statistics and ensure the
4 participation of the public institutions as required in KRS 151B.133;

5 (37) Pursuant to KRS 63.080, review written notices from the Governor or from a board
6 of trustees or board of regents concerning removal of a board member or the entire
7 appointed membership of a board, investigate the member or board and the conduct
8 alleged to support removal, and make written recommendations to the Governor
9 and the Legislative Research Commission as to whether the member or board
10 should be removed; and

11 (38) Exercise any other powers, duties, and responsibilities necessary to carry out the
12 purposes of this chapter. Nothing in this chapter shall be construed to grant the
13 Council on Postsecondary Education authority to disestablish or eliminate any
14 college of law which became a part of the state system of higher education through
15 merger with a state college.

16 ➔Section 10. (1) Every public postsecondary education institution in the
17 Commonwealth shall:

18 (a) Review its organizational structure and existing diversity, equity, and
19 inclusion initiatives to ensure compliance with the requirements of Sections 2 and 3 of
20 this Act and, no later than June 30, 2024:

21 1. Eliminate all diversity, equity, and inclusion initiatives, including but not
22 limited to any scholarship criteria, living-learning programs, student services, community
23 services, or other initiatives designed to promote discriminatory concepts or to provide
24 differential treatment or benefits to an individual on the basis of race, sex, color, or
25 national origin;

26 2. Eliminate all diversity, equity, and inclusion offices;

27 3. Terminate all diversity, equity, and inclusion officer positions. An institution

1 may only transfer or rehire a diversity, equity, and inclusion officer to another position
2 within the institution if:

3 a. The individual is qualified for the new position; and

4 b. The duties of the new position comply with Sections 2 and 3 of this Act; and

5 (b) Review all trainings, orientations, and other programming to ensure
6 compliance with the requirements of Sections 2 and 3 of this Act. The institution shall
7 terminate the use of diversity, equity, and inclusion trainings and diversity, equity, and
8 inclusion initiatives, as defined in Section 1 of this Act, no later than June 30, 2024. If the
9 training, orientation, or similar programming is offered through a third party, such as a
10 contractor, the institution shall promptly terminate or cancel any contract with the third
11 party, consistent with applicable law and regulations.

12 (2) The Attorney General may bring a civil action for a writ of mandamus to
13 compel a public postsecondary education institution to comply with this section.
14 Notwithstanding any other provision of law to the contrary, a qualified individual may
15 also file a civil action against a public postsecondary education institution for injunctive
16 relief and any actual compensatory damages arising from a violation this section,
17 including reasonable attorney's fees and litigation costs. Sovereign and governmental
18 immunity are waived for any claim filed under this section. The remedies identified in
19 this section shall be in addition to, and not in lieu of, any other remedies available in law
20 or equity.

21 ➔Section 11. (1) The Council on Postsecondary Education shall:

22 (a) Review its organizational structure and existing contracts related to diversity,
23 equity, and inclusion initiatives to ensure compliance with the requirements of Sections 4
24 and 9 of this Act and, no later than June 30, 2024:

25 1. Eliminate all diversity, equity, and inclusion initiatives;

26 2. Eliminate all diversity, equity, and inclusion offices;

27 3. Terminate all diversity, equity, and inclusion officer positions. The council

1 may only transfer or rehire a diversity, equity, and inclusion officer to another position
2 within the council if:

- 3 a. The individual is qualified for the new position; and
- 4 b. The duties of the new position comply with Sections 4 and 9 of this Act;
- 5 4. Notwithstanding KRS 164.020 and 164.540, amend its strategic plan to
6 remove the "equity" priority; and
- 7 5. Permanently discontinue the:
 - 8 a. Requirement for and collection of diversity plans;
 - 9 b. Cultural competency certification program;
 - 10 c. Academic Leadership Development Institute;
 - 11 d. Council's participation in the higher EDquity Symposium; and
 - 12 e. Publication of the council's DEI Resource List; and

13 (b) Review all trainings, orientations, and other programming to ensure
14 compliance with the requirements of Sections 4 and 9 of this Act. The council shall
15 terminate the use of diversity, equity, and inclusion trainings and diversity, equity, and
16 inclusion initiatives, as defined by Section 1 of this Act, no later than June 30, 2024. If
17 the training, orientation, or similar programming is offered through a third party, such as
18 a contractor, the council shall promptly:

- 19 1. Terminate any contract with the third party, consistent with applicable law
20 and regulations; and
- 21 2. Evaluate whether to permanently bar the third party from contracts with the
22 council, consistent with applicable law and regulations.

23 (2) The Attorney General may bring a civil action for a writ of mandamus to
24 compel the council to comply with this section. Notwithstanding any other provision of
25 law to the contrary, a qualified individual may also file a civil action against the council
26 for injunctive relief and any actual compensatory damages arising from a violation this
27 section, including reasonable attorney's fees and litigation costs. Sovereign and

1 governmental immunity are waived for any claim filed under this section. The remedies
2 identified in this section shall be in addition to, and not in lieu of, any other remedies
3 available in law or equity.

4 ➔Section 12. (1) No later than August 30, 2024, each president of a public
5 postsecondary education institution shall submit a report to the Legislative Research
6 Commission, for referral to the Interim Joint Committee on Education, and the Attorney
7 General containing:

8 (a) A detailed description of the institution's compliance with each provision of
9 Sections 2, 3, 6, 7, 8, and 10 of this Act that certifies the status of the institution's
10 compliance with each provision, the steps taken by the institution to achieve compliance
11 with each provision, and the guardrails put in place to ensure future compliance with each
12 provision;

13 (b) If the president cannot certify full compliance with any provision of Sections
14 2, 3, 6, 7, 8, and 10 of this Act, the president shall provide a detailed and clear description
15 of any obstacles to achieving or certifying compliance with that provision, the measures
16 that the president and institution are enacting to overcome those obstacles, and the
17 estimated completion date of each measure;

18 (c) A detailed description of the institution's strategy for attracting and retaining
19 faculty members with diverse perspectives and points of view; and

20 (d) A description of the institution's strategy for fostering a campus environment
21 where the free exchange of ideas is a prized value and where ideas can be freely
22 discussed and debated in accordance with First Amendment principles, without
23 intimidation.

24 (2) The report required by this section shall be published to a prominent, publicly
25 accessible page on the institution's website for a period of no less than one year. The
26 report shall not be combined with any other report when submitted or published by the
27 institution.

1 (3) The Attorney General may bring a civil action for a writ of mandamus to
2 compel a public postsecondary education institution to comply with this section.
3 notwithstanding any other provision of law to the contrary, a qualified individual may
4 also file a civil action against a public postsecondary education institution for injunctive
5 relief and any actual compensatory damages arising from a violation of this section,
6 including reasonable attorney's fees and litigation costs. Sovereign and governmental
7 immunity are waived for any claim filed under this section.

8 ➔Section 13. (1) No later than August 30, 2024, the president of the Council
9 on Postsecondary Education shall submit a report to the Legislative Research
10 Commission, for referral to the Interim Joint Committee on Education, and the Attorney
11 General containing:

12 (a) A detailed description of the council's compliance with each provision of
13 Sections 4, 9, and 11 of this Act that certifies the status of the council's compliance with
14 each provision, the steps taken by the council to achieve compliance with each provision,
15 and the guardrails put in place to ensure future compliance with each provision;

16 (b) If the president cannot certify full compliance with any provision of Sections
17 4, 9, and 11 of this Act, a detailed and clear description of any obstacles to achieving or
18 certifying compliance with that provision, the measures that the president and council are
19 enacting to overcome those obstacles, and the estimated completion date of each
20 measure;

21 (c) A detailed description of the council's strategy for attracting and retaining
22 faculty members with diverse perspectives and points of view to Kentucky's
23 postsecondary institutions; and

24 (d) A detailed description of the council's strategy for fostering a postsecondary
25 education system where the free exchange of ideas is a prized value and ideas can be
26 freely discussed and debated in accordance with First Amendment principles, without
27 intimidation.

1 (2) The report required by this section shall be published to a prominent, publicly
2 accessible page on the council's website for a period of no less than one year. The report
3 shall not be combined with any other report when submitted or published by the
4 institution.

5 (3) The Attorney General may bring a civil action for a writ of mandamus to
6 compel the Council on Postsecondary Education to comply with this section.
7 Notwithstanding any other provision of law to the contrary, a qualified individual may
8 also file a civil action against the Council on Postsecondary Education for injunctive
9 relief and any actual compensatory damages arising from a violation this section,
10 including reasonable attorney's fees and litigation costs. Sovereign and governmental
11 immunity are waived for any claim filed under this section. The remedies identified in
12 this section shall be in addition to, and not in lieu of, any other remedies available in law
13 or equity.

14 ➔Section 14. (1) No later than August 30, 2024, the president of each public
15 postsecondary education institution shall submit to the Legislative Research Commission,
16 for referral to the Interim Joint Committee on Education, six separate reports, as follows:

17 (a) One report shall contain the name, job title, office of employment, and
18 compensation of each individual who was employed by the institution at any time
19 between January 1, 2019, and December 31, 2019, who:

20 1. Held a job or position whose title or description included the word "diversity,"
21 "equity," "equality," or "inclusion";

22 2. Was employed by an office, division, or other agency whose name or title
23 included the word "diversity," "equity," "equality," or "inclusion"; or

24 3. Held a job or position whose responsibilities included developing,
25 implementing, or promoting:

26 a. Diversity, equity, and inclusion initiatives, as defined in Section 1 of this Act;
27 or

1 b. Discriminatory concepts, as defined in Section 1 of this Act;

2 (b) One report shall contain the name, job title, office of employment, and
3 compensation of each individual who was employed by the institution at any time
4 between January 1, 2020, and December 31, 2020, who:

5 1. Held a job or position whose title or description included the word "diversity,"
6 "equity," "equality," or "inclusion";

7 2. Was employed by an office, division, or other agency whose name or title
8 included the word "diversity," "equity," "equality," or "inclusion"; or

9 3. Held a job or position whose responsibilities included developing,
10 implementing, or promoting:

11 a. Diversity, equity, and inclusion initiatives, as defined in Section 1 of this Act;
12 or

13 b. Discriminatory concepts, as defined in Section 1 of this Act;

14 (c) One report shall contain the name, job title, office of employment, and
15 compensation of each individual who was employed by the institution at any time
16 between January 1, 2021, and December 31, 2021, who:

17 1. Held a job or position whose title or description included the word "diversity,"
18 "equity," "equality," or "inclusion";

19 2. Was employed by an office, division, or other agency whose name or title
20 included the word "diversity," "equity," "equality," or "inclusion"; or

21 3. Held a job or position whose responsibilities included developing,
22 implementing, or promoting:

23 a. Diversity, equity, and inclusion initiatives, as defined in Section 1 of this Act;
24 or

25 b. Discriminatory concepts, as defined in Section 1 of this Act;

26 (d) One report shall contain the name, job title, office of employment, and
27 compensation of each individual who was employed by the institution at any time

1 between January 1, 2022, and December 31, 2022, who:

2 1. Held a job or position whose title or description included the word "diversity,"
3 "equity," "equality," or "inclusion";

4 2. Was employed by an office, division, or other agency whose name or title
5 included the word "diversity," "equity," "equality," or "inclusion"; or

6 3. Held a job or position whose responsibilities included developing,
7 implementing, or promoting:

8 a. Diversity, equity, and inclusion initiatives, as defined in Section 1 of this Act;
9 or

10 b. Discriminatory concepts, as defined in Section 1 of this Act;

11 (e) One report shall contain the name, job title, office of employment, and
12 compensation of each individual who was employed by the institution at any time
13 between January 1, 2023, and December 31, 2023, who:

14 1. Held a job or position whose title or description included the word "diversity,"
15 "equity," "equality," or "inclusion";

16 2. Was employed by an office, division, or other agency whose name or title
17 included the word "diversity," "equity," "equality," or "inclusion"; or

18 3. Held a job or position whose responsibilities included developing,
19 implementing, or promoting:

20 a. Diversity, equity, and inclusion initiatives, as defined in Section 1 of this Act;
21 or

22 b. Discriminatory concepts, as defined in Section 1 of this Act; and

23 (f) One report shall contain the name, job title, office of employment, and
24 compensation of each individual who was employed by the institution at any time
25 between January 1, 2024, and the date of the report, who:

26 1. Held a job or position whose title or description included the word "diversity,"
27 "equity," "equality," or "inclusion";

1 2. Was employed by an office, division, or other agency whose name or title
2 included the word "diversity," "equity," "equality," or "inclusion"; or

3 3. Held a job or position whose responsibilities included developing,
4 implementing, or promoting:

5 a. Diversity, equity, and inclusion initiatives, as defined in Section 1 of this Act;
6 or

7 b. Discriminatory concepts, as defined in Section 1 of this Act;

8 (2) Each report required by subsection (1) of this section shall not be combined
9 with any other report when submitted to the Legislative Research Commission.

10 ➔Section 15. Section 5 of this Act takes effect March 15, 2025.

11 ➔Section 16. Whereas the General Assembly is committed to honoring the
12 constitutional promise of equal protection under the law, regardless of color, creed, race,
13 national origin, sex, age, marital status, familial status, disability, religion, and national
14 origin, an emergency is declared to exist, and Sections 1 to 4 and 6 to 14 of this Act take
15 effect upon its passage and approval by the Governor or upon its otherwise becoming a
16 law.