

CHAPTER 120

(HB 4)

AN ACT relating to initiatives regarding diversity, equity, and inclusion.

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

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

As used in Sections 1 to 6 of this Act:

- (1) *"Affiliated organization" means an entity whose primary purpose includes supporting or benefitting an institution or an officer, director, or employee of an institution;*
- (2) *"Bias incident" means noncriminal conduct that is alleged to constitute an act or statement against a particular group or individual because of the group's or individual's religion, race, sex, color, or national origin, or perceived religion, race, sex, color, or national origin;*
- (3) *"Binding contract" means any grant, endowment, settlement agreement, commercial contract, or other legally enforceable agreement entered into by or on behalf of an institution;*
- (4) *"Council" means the Council on Postsecondary Education;*
- (5) *"Differential treatment or benefits" means differential, preferential, or prejudicial treatment or consideration and includes the conferring or withholding of a benefit;*
- (6) *"Discriminatory concept" means a concept that justifies or promotes differential treatment or benefits conferred to individuals on the basis of religion, race, sex, color, or national origin, unless the differential treatment or benefit is:*
 - (a) *Excluded from a diversity, equity, and inclusion initiative under an exclusion set forth in subsection (7)(b) of this section; or*
 - (b) *Established or required by law, including but not limited to differential treatment or benefits on the basis of citizenship status;*
- (7) *"Diversity, equity, and inclusion initiative":*
 - (a) *Means a policy, practice, or procedure designed or implemented to promote or provide differential treatment or benefits to individuals on the basis of religion, race, sex, color, or national origin, including but not limited to any such policy, practice, or procedure related to employment, employee recruitment, employee hiring, employee promotion, contracts, contract renewal, student recruitment, student admission, student housing, financial assistance, and scholarship awards; and*
 - (b) *Does not include:*
 1. *A policy, practice, procedure, office, employee, training, program, or activity that is required pursuant to:*
 - a. *The Americans with Disabilities Act of 1990, 42 U.S.C. sec. 12101 et seq., as amended;*
 - b. *The Individuals with Disabilities Education Act, 20 U.S.C. sec. 1400 et seq., as amended;*
 - c. *The Federal Age Discrimination in Employment Act of 1967, 29 U.S.C. sec. 621 et seq., as amended;*
 - d. *The federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended;*
 - e. *Title IX of the Education Amendments of 1972, 20 U.S.C. sec. 1681 et seq.;*
 - f. *The Religious Freedom Restoration Act of 1993, 42 U.S.C. 21B sec. 2000bb et seq.;*
 - g. *The Kentucky Religious Freedom Restoration Act, KRS 446.350;*
 - h. *Any other applicable federal or state law;*
 - i. *A court order; or*

- j. *A binding contract entered into prior to the effective date of this Act;*
2. *A bona fide qualification or accommodation based on sex that is historically maintained in the usual course of operating an institution, including but not limited to:*
- a. *Sex-based athletic eligibility restrictions;*
 - b. *Sex-based fraternal organization membership restrictions;*
 - c. *Sex-based restrictions required to establish or maintain separate living facilities for members of a single biological sex; or*
 - d. *Bona fide occupational qualifications reasonably necessary to the normal operation of the institution;*
3. *A bona fide accommodation based on religion that is required under any applicable federal or state law;*
4. *Differential treatment or benefits necessary to provide medical treatment or information; or*
5. *Services and programming of resource centers, provided that the participation of each student, faculty member, staff member, and volunteer in each resource center program is optional, not mandatory, and that access to center services is not restricted on the basis of religion, race, sex, color, or national origin;*
- (8) *"Diversity, equity, and inclusion office" means a nonacademic office, division, or other unit of an institution that is:*
- (a) *Responsible for developing, implementing, or promoting a discriminatory concept, a diversity, equity, and inclusion training, or a diversity, equity, and inclusion initiative, regardless of whether the office is designated by the institution as a diversity, equity, and inclusion office; and*
 - (b) *Not expressly required pursuant to applicable federal or state law, a court order, or a binding contract entered into prior to the effective date of this Act;*
- (9) *"Diversity, equity, and inclusion officer" means an employee, contractor, or volunteer:*
- (a) *Whose responsibilities include developing, implementing, or promoting a discriminatory concept, diversity, equity, and inclusion training, or a diversity, equity, and inclusion initiative outside of the context of academic courses or instruction, regardless of whether the position is designated as a diversity, equity, and inclusion position or affiliated with a diversity, equity, and inclusion office; and*
 - (b) *Who serves in a role that is not expressly required pursuant to applicable federal or state law, a court order, or a binding contract entered into prior to the effective date of this Act;*
- (10) *"Diversity, equity, and inclusion training" means a training, conference, presentation, meeting, or professional development that:*
- (a) *Contains, implements, or promotes a discriminatory concept;*
 - (b) *Is not expressly required pursuant to applicable federal or state law, a court order, or a binding contract entered into prior to the effective date of this Act; and*
 - (c) *Does not include academic courses or instruction;*
- (11) *"Governing board" means the governing board of an institution;*
- (12) *"Indoctrinate" means to imbue or attempt to imbue another individual with an opinion, point of view, or principle without consideration of any alternative opinion, point of view, or principle;*
- (13) *"Institution" means a public postsecondary education institution and includes all programs, departments, divisions, offices, centers, colleges, student governments, affiliated organizations, and any individual acting in an official capacity on behalf of a public postsecondary institution and does not include student organizations;*
- (14) *"Resource" means:*
- (a) *Moneys appropriated by the General Assembly;*
 - (b) *Moneys or items of value derived from bequests, charges, deposits, donations, endowments, fees, grants, gifts, income, receipts, tuition, or any other source;*

- (c) *Materials and other physical resources;*
 - (d) *Digital resources, including an official website, digital application, or social media page of an institution; or*
 - (e) *Faculty, staff, volunteers, and other human resources;*
- (15) *"Resource center" means a center maintained by an institution that offers services or programming for students, faculty, staff, and volunteers, including but not limited to centers that offer academic, health, religious, disability, community, and career resources, services, and support; and*
- (16) *"Student-on-student harassment" means unwelcome conduct directed toward a student by another student that is so severe, pervasive, and objectively offensive that it effectively denies equal access to an educational opportunity or benefit.*

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

- (1) *An institution shall not:*
- (a) *Except as provided in subsection (2)(n) and (o) of this section, provide any differential treatment or benefits to an individual, including a candidate or applicant for employment, promotion, contract, contract renewal, or admission, on the basis of the individual's religion, race, sex, color, or national origin;*
 - (b) *Discriminate in student admissions on the basis of religion, race, sex, color, or national origin;*
 - (c) *Except as provided in subsection (2)(l) of this section:*
 - 1. *Impose any scholarship criteria or scholarship eligibility restriction on, or provide differential treatment or benefits to, a scholarship applicant, candidate, or recipient on the basis of an individual's religion, race, sex, color, or national origin; or*
 - 2. *Execute or renew any legally binding restriction that would require an institution to consider the religion, race, sex, color, or national origin of a scholarship applicant, candidate, or recipient;*
 - (d) *Prioritize or provide preferential consideration for vendors, contracts, or other transactions based upon the religion, race, sex, color, or national origin of the ownership, management, or staff of any business or nonprofit entity, except that the institution may provide preferential consideration for businesses owned by residents of Kentucky and the United States;*
 - (e) *Make student housing assignments on the basis of religion, sex, race, color, or national origin unless an exception is necessary to:*
 - 1. *Maintain separate living facilities for members of a single biological sex; or*
 - 2. *Permit need-based access to student housing facilities during school breaks, provided that room assignments are not implemented in a discriminatory manner or segregated by religion, race, color, or national origin;*
 - (f) *Initiate an investigation of a bias incident unless the general counsel for the institution authorizes the investigation and certifies in writing that the investigation is necessary because the conduct being investigated:*
 - 1. *May rise to the level of student-on-student harassment if all facts alleged are taken as true; or*
 - 2. *Is subject to mandatory investigation pursuant to applicable state or federal law;*
 - (g) *Hold a hearing, tribunal, or other disciplinary proceeding on a bias incident unless the general counsel for the institution authorizes the hearing and certifies in writing, after a review of all relevant evidence, that the hearing is necessary to ensure compliance with applicable state or federal law;*
 - (h) *Expend any resources to:*
 - 1. *Establish or maintain a diversity, equity, and inclusion office;*
 - 2. *Contract or employ an individual to serve as a diversity, equity, and inclusion officer;*

3. *Provide diversity, equity, and inclusion training or contribute to any cost associated with planning, promoting, hosting, traveling to, attending, presenting, or otherwise participating in diversity, equity, and inclusion training; or*
 4. *Establish or maintain a diversity, equity, and inclusion initiative;*
 - (i) *On an application for employment, promotion, contract, contract renewal, admission, housing, financial aid, or scholarship, compel, solicit, or consider any pledge or statement on an applicant's experience with or views on religion, race, sex, color, or national origin, except an institution may:*
 1. *If an applicant for admission or scholarship submits an unsolicited statement concerning how a matter relating to religion, race, sex, color, or national origin affected his or her life, consider the statement but shall not provide differential treatment or benefits based upon the race, sex, religion, color, or national origin of the applicant; and*
 2. *Require an applicant for housing to disclose his or her biological sex for the purpose of maintaining separate living facilities for members of a single biological sex;*
 - (j) *Require any student to enroll in or complete an academic course of which the primary purpose is to indoctrinate participants with a discriminatory concept; or*
 - (k) *Require or incentivize students, faculty, or staff to attend a diversity, equity, and inclusion training.*
- (2) *Notwithstanding subsection (1) of this section, nothing in this section shall be construed to apply to or affect any of the following:*
- (a) *Rights secured by the First Amendment of the United States Constitution or Section 1 of the Constitution of Kentucky;*
 - (b) *Academic course content or instruction;*
 - (c) *Academic freedom of faculty, students, and student organizations;*
 - (d) *Academic research or creative works by an institution's students, faculty, or research personnel;*
 - (e) *The distribution of grant funding for academic research;*
 - (f) *Religious freedom of faculty, students, and student organizations;*
 - (g) *Publications and the freedom of expression of student newspapers and university press;*
 - (h) *Activities, funding, conduct, speech, and freedom of association of student-led organizations, or the conduct or speech of students acting in their individual capacity;*
 - (i) *Activities, programs, and initiatives for military veterans, Pell Grant recipients, first-generation college students, low-income students, nontraditional students, transfer students from the Kentucky Community and Technical College System, or students with unique abilities;*
 - (j) *Arrangements for guest speakers and performers with short-term engagements, including those invited by students or faculty;*
 - (k) *The purchase of materials for university library inventory and the access of the public to university library inventory;*
 - (l) *Endowments for privately funded scholarships that existed before the effective date of this Act that require an institution to consider the religion, race, sex, color, or national origin of a scholarship applicant or candidate until the balance of corpus is exhausted;*
 - (m) *Mental or physical health services provided by certified or licensed professionals;*
 - (n) *A bona fide qualification or accommodation based on biological sex that is historically maintained in the usual course of operating an institution and does not constitute a diversity, equity, and inclusion initiative;*
 - (o) *A bona fide qualification based on national origin that is related to the eligibility of an individual for a visa;*
 - (p) *A bona fide accommodation based on religion that is necessary to comply with federal or state law;*
 - (q) *The ability of an institution to investigate criminal acts or acts of discrimination in accordance with applicable federal or state law;*

- (r) *Programs or measures required for institutional accreditations; or*
- (s) *Programs or measures intended to enable the collection of demographic data.*
- (3) *Notwithstanding subsection (1) of this section, nothing in this section shall be construed to prohibit programs, procedures, policies, and other initiatives deemed by the institution's general counsel to be required for compliance with federal or state law, a court order, or a binding contract entered into prior to the effective date of this Act.*
- (4) *Each governing board shall ensure compliance with this section no later than June 30, 2025.*
- (5) *Beginning July 1, 2026, each institution shall submit an annual certification to the council that:*
 - (a) *Is signed by president of the institution or the chief financial officer of the institution; and*
 - (b) *Certifies that the institution has not spent money in violation of this section during the previous fiscal year.*
- (6) *The Attorney General may bring a civil action for a writ of mandamus to compel an institution to comply with this section.*
- (7) (a) *The Auditor of Public Accounts shall periodically conduct a compliance audit to determine whether an institution spent money in violation of subsection (1)(h) of this section. The Auditor shall adopt a schedule by which the Auditor will conduct these compliance audits, provided that they shall occur at least once every four (4) years.*
 - (b) *If the Auditor determines that an institution spent money in violation of subsection (1)(h) of this section, the Auditor shall notify the institution. The institution shall cure the violation within one hundred eighty (180) days from the date of the Auditor's notice. If the institution fails to cure the violation within that time, the institution shall be ineligible to receive formula funding increases pursuant to KRS 164.092 during the following fiscal year.*
 - (c) *If the institution disputes the Auditor's finding that it violated subsection (1)(h) of this section, then within thirty (30) days the institution may petition the Office of the Attorney General to evaluate the evidence and determine whether the violation occurred.*

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

- (1) *No later than June 30, 2025, each governing board shall:*
 - (a) *Adopt a policy on viewpoint neutrality that prohibits discrimination on the basis of an individual's political or social viewpoint and promotes intellectual diversity within the institution; and*
 - (b) *Publish the amended policy in the institution's student handbook and faculty handbook and on a prominent, publicly accessible page of the institution's website.*
- (2) *An institution shall not require any individual to endorse or condemn a specific ideology, political viewpoint, or social viewpoint to be eligible for hiring, contract renewal, tenure, promotion, admission, or graduation.*
- (3) *The Attorney General may bring a civil action for a writ of mandamus to compel an institution to comply with this section.*

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

- (1) *The council shall not:*
 - (a) *Provide any differential treatment or benefits to an individual on the basis of the individual's religion, race, sex, color, or national origin;*
 - (b) *Expend any resources to:*
 - 1. *Establish or maintain a diversity, equity, and inclusion office;*
 - 2. *Contract with or employ an individual to serve as a diversity, equity, and inclusion officer;*
 - 3. *Provide diversity, equity, and inclusion training or contribute to any cost associated with planning, promoting, hosting, traveling to, attending, presenting, or otherwise participating in diversity, equity, and inclusion training; or*

4. *Establish or maintain a diversity, equity, and inclusion initiative; or*
- (c) *Compel, solicit, or consider as part of the employment application process any statements on the applicant's religion, race, sex, color, or national origin.*
- (2) *Nothing in this section shall be construed to prohibit programs, procedures, policies, and other initiatives deemed by the council's general counsel to be required for compliance with federal or state law, a court order, or a binding contract entered into prior to the effective date of this Act.*
- (3) *The council shall comply with this section no later than June 30, 2025.*
- (4) *Beginning July 1, 2026, the council shall submit an annual certification to the Legislative Research Commission for referral to the appropriate Interim Joint Committee on Education that:*
- (a) *Is signed by the president or budget director of the council; and*
- (b) *Certifies that the council has not spent money in violation of this section during the previous fiscal year.*
- (5) *The Attorney General may bring a civil action for a writ of mandamus to compel the council to comply with this section.*

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

- (1) *No later than October 1 of each year, each institution shall submit a certified report to the Legislative Research Commission for referral to the appropriate Interim Joint Committee on Education, and shall publish the report to a prominent, publicly accessible location on the institution's website. Each report shall be certified by the institution's general counsel and contain a complete list and description of the nature, costs, and source of authority of all policies, programs, practices, and procedures of the institution that are:*
- (a) *Designed or implemented to promote or provide differential treatment or benefits to individuals on the basis of religion, race, sex, color, or national origin; and*
- (b) *Required pursuant to any applicable federal or state law, a court order, or a binding contract entered into prior to the effective date of this Act.*
- (2) *An institution shall not claim, assert, or rely upon a governmental mandate as a defense to a civil action filed by the Attorney General under subsection (6) of Section 2 of this Act unless that mandate was listed and clearly and accurately described in:*
- (a) *The institution's most recent annual report required by subsection (1) of this section prior to the date the events or omissions giving rise to the civil action occurred; or*
- (b) *An addendum to the institution's most recent annual report required by subsection (1) of this section that was published:*
1. *Prior to the date the events or omissions giving rise to the civil action occurred; and*
 2. *In the same location on the institution's website as the report required by subsection (1) of this section.*
- (3) *This section shall expire on and have no force or effect after June 30, 2031, unless extended by an act of the General Assembly.*

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

- (1) *No later than October 1, 2025, the council shall develop and publish an annual survey to assess intellectual freedom and viewpoint diversity using statistically valid survey techniques to evaluate the extent to which the students, faculty, and staff of an institution:*
- (a) *Are exposed to a variety of ideological and political perspectives, including competing ideas and perspectives; and*
- (b) *Feel at liberty to express their ideological and political viewpoints and beliefs on campus and in the classroom.*
- (2) *By November 1 of each year, each institution shall administer the survey produced under subsection (1) of this section to all students, faculty, and staff of the institution. The communication distributing the survey shall be clearly identified and shall not be combined with any other communication.*

- (3) *The institution shall provide students, faculty, and staff at least thirty (30) days from the date the survey is initially distributed to respond to the survey. The institution shall provide a reminder to students, faculty, and staff to complete the survey at least three (3) business days prior to the deadline to submit a response. The reminder shall be clearly identified and shall not be combined with any other communication.*
- (4) *Each institution shall collect and store responses to the survey anonymously and securely.*
- (5) *Each institution shall compile all responses to its survey into an annual report on intellectual freedom and viewpoint diversity to be submitted to the council no later than January 1 of each year. The council shall publish the annual report submitted by each institution to a prominent, publicly accessible location on the council's website no later than January 7 of each year.*
- (6) *This section shall expire on and have no force or effect after June 30, 2031, unless extended by an act of the General Assembly.*

➔Section 7. KRS 164.020 is amended to read as follows:

The Council on Postsecondary Education in Kentucky shall:

- (1) Develop and implement the strategic agenda with the advice and counsel of the Strategic Committee on Postsecondary Education. The council shall provide for and direct the planning process and subsequent strategic implementation plans based on the strategic agenda as provided in KRS 164.0203;
- (2) Revise the strategic agenda and strategic implementation plan with the advice and counsel of the committee as set forth in KRS 164.004;
- (3) Develop a system of public accountability related to the strategic agenda by evaluating the performance and effectiveness of the state's postsecondary system. The council shall prepare a report in conjunction with the accountability reporting described in KRS 164.095, which shall be submitted to the committee, the Governor, and the General Assembly by December 1 annually. This report shall include a description of contributions by postsecondary institutions to the quality of elementary and secondary education in the Commonwealth;
- (4) Review, revise, and approve the missions of the state's universities and the Kentucky Community and Technical College System. The Council on Postsecondary Education shall have the final authority to determine the compliance of postsecondary institutions with their academic, service, and research missions;
- (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively provide for an integrated system of postsecondary education. The council shall guard against inappropriate and unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions;
- (6) Engage in analyses and research to determine the overall needs of postsecondary education and adult education in the Commonwealth;
- (7) Develop plans that may be required by federal legislation. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in federal legislation. When federal legislation requires additional representation on any "single state agency," the Council on Postsecondary Education shall establish advisory groups necessary to satisfy federal legislative or regulatory guidelines;
- (8)
 - (a) Determine tuition and approve the minimum qualifications for admission to the state postsecondary educational system. In defining residency, the council shall classify a student as having Kentucky residency if the student met the residency requirements at the beginning of his or her last year in high school and enters a Kentucky postsecondary education institution within two (2) years of high school graduation. In determining the tuition for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and other factors the council may in its sole discretion deem pertinent, except that the Kentucky Community and Technical College System may assess a mandatory student fee not to exceed eight dollars (\$8) per credit hour to be used exclusively for debt service on amounts not to exceed seventy-five percent (75%) of the total projects cost of the Kentucky Community and Technical College System agency bond projects included in 2014 Ky. Acts ch. 117, Part II, J., 11.
 - (b) The Kentucky Community and Technical College System mandatory fee established in this subsection shall only be used for debt service on agency bond projects.

- (c) Any fee established as provided by this subsection shall cease to be assessed upon the retirement of the project bonds for which it services debt.
- (d) Prior to the issuance of any bonds, the Kentucky Community and Technical College System shall certify in writing to the secretary of the Finance and Administration Cabinet that sufficient funds have been raised to meet the local match equivalent to twenty-five percent (25%) of the total project cost;
- (9) Devise, establish, and periodically review and revise policies to be used in making recommendations to the Governor for consideration in developing recommendations to the General Assembly for appropriations to the universities, the Kentucky Community and Technical College System, and to support strategies for persons to maintain necessary levels of literacy throughout their lifetimes. The council has sole discretion, with advice of the Strategic Committee on Postsecondary Education and the executive officers of the postsecondary education system, to devise policies that provide for allocation of funds among the universities and the Kentucky Community and Technical College System;
- (10) Lead and provide staff support for the biennial budget process as provided under KRS Chapter 48, in cooperation with the committee;
- (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all capital construction projects covered by KRS 45.750(1)(f), including real property acquisitions, and regardless of the source of funding for projects or acquisitions. Approval of capital projects and real property acquisitions shall be on a basis consistent with the strategic agenda and the mission of the respective universities and the Kentucky Community and Technical College System.
- (b) The organized groups that are establishing community college satellites as branches of existing community colleges in the counties of Laurel, Leslie, and Muhlenberg, and that have substantially obtained cash, pledges, real property, or other commitments to build the satellite at no cost to the Commonwealth, other than operating costs that shall be paid as part of the operating budget of the main community college of which the satellite is a branch, are authorized to begin construction of the satellite on or after January 1, 1998;
- (12) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties;
- (13) Ensure that the state postsecondary system does not unnecessarily duplicate services and programs provided by private postsecondary institutions and shall promote maximum cooperation between the state postsecondary system and private postsecondary institutions. Receive and consider an annual report prepared by the Association of Independent Kentucky Colleges and Universities stating the condition of independent institutions, listing opportunities for more collaboration between the state and independent institutions and other information as appropriate;
- (14) Establish course credit, transfer, and degree components as required in KRS 164.2951;
- (15) (a) Define and approve the offering of all postsecondary education technical, associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in the public postsecondary education institutions. ***The council shall not approve a new degree, certificate, or diploma program that includes a requirement for a course or training of which the primary purpose is to indoctrinate participants with a discriminatory concept; and***
- (b) The council shall expedite wherever possible the approval of requests from the Kentucky Community and Technical College System board of regents relating to new certificate, diploma, technical, or associate degree programs of a vocational-technical and occupational nature. Without the consent of the General Assembly, the council shall not abolish or limit the total enrollment of the general program offered at any community college to meet the goal of reasonable access throughout the Commonwealth to a two (2) year course of general studies designed for transfer to a baccalaureate program. This does not restrict or limit the authority of the council, as set forth in this section, to eliminate or make changes in individual programs within that general program;
- (16) Eliminate, in its discretion, existing programs or make any changes in existing academic programs at the state's postsecondary educational institutions, taking into consideration these criteria:
 - (a) Consistency with the institution's mission and the strategic agenda;
 - (b) Alignment with the priorities in the strategic implementation plan for achieving the strategic agenda;
 - (c) Elimination of unnecessary duplication of programs within and among institutions;~~and~~

- (d) Efforts to create cooperative programs with other institutions through traditional means, or by use of distance learning technology and electronic resources, to achieve effective and efficient program delivery; *and*
- (e) ***Alignment with Section 2 of this Act, including the elimination of any program that includes a requirement for a course or training of which the primary purpose is to indoctrinate participants with a discriminatory concept;***
- (17) Ensure the governing board and faculty of all postsecondary education institutions are committed to providing instruction free of discrimination against students who hold political views and opinions contrary to those of the governing board and faculty;
- (18) Review proposals and make recommendations to the Governor regarding the establishment of new public community colleges, technical institutions, and new four (4) year colleges;
- (19) ~~Postpone the approval of any new program at a state postsecondary educational institution, unless the institution has met its equal educational opportunity goals, as established by the council. In accordance with administrative regulations promulgated by the council, those institutions not meeting the goals shall be able to obtain a temporary waiver, if the institution has made substantial progress toward meeting its equal educational opportunity goals;~~
- ~~(20)~~ Ensure the coordination, transferability, and connectivity of technology among postsecondary institutions in the Commonwealth including the development and implementation of a technology plan as a component of the strategic agenda;
- ~~(20)~~~~(21)~~ Approve the teacher education programs in the public institutions that comply with standards established by the Education Professional Standards Board pursuant to KRS 161.028;
- ~~(21)~~~~(22)~~ Constitute the representative agency of the Commonwealth in all matters of postsecondary education of a general and statewide nature which are not otherwise delegated to one (1) or more institutions of postsecondary learning. The responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment;
- ~~(22)~~~~(23)~~ Maintain procedures for the approval of a designated receiver to provide for the maintenance of student records of the public institutions of higher education and the colleges as defined in KRS 164.945, and institutions operating pursuant to KRS 165A.310 which offer collegiate level courses for academic credit, which cease to operate. Procedures shall include assurances that, upon proper request, subject to federal and state laws and regulations, copies of student records shall be made available within a reasonable length of time for a minimum fee;
- ~~(23)~~~~(24)~~ Monitor and transmit a report on compliance with KRS 164.351 to the director of the Legislative Research Commission for distribution to the Interim Joint Committee on Families and Children;
- ~~(24)~~~~(25)~~ (a) Develop in cooperation with each public university and the Kentucky Community and Technical College System a comprehensive orientation and education program for new members of the council and the governing boards and continuing education opportunities for all council and board members. For new members of the council and institutional governing boards, the council shall:
1. Ensure that the orientation and education program comprises six (6) hours of instruction time and includes but is not limited to information concerning the roles of the council and governing board members, the strategic agenda and the strategic implementation plan, and the respective institution's mission, budget and finances, strategic plans and priorities, institutional policies and procedures, board fiduciary responsibilities, legal considerations including open records and open meetings requirements, ethical considerations arising from board membership, and the board member removal and replacement provisions of KRS 63.080;
 2. Establish delivery methods by which the orientation and education program can be completed in person or electronically by new members within one (1) year of their appointment or election;
 3. Provide an annual report to the Governor and Legislative Research Commission of those new board members who do not complete the required orientation and education program; and

4. Invite governing board members of private colleges and universities licensed by the Council on Postsecondary Education to participate in the orientation and education program described in this subsection;
 - (b) Offer, in cooperation with the public universities and the Kentucky Community and Technical College System, continuing education opportunities for all council and governing board members; and
 - (c) Review and approve the orientation programs of each public university and the Kentucky Community and Technical College System for their governing board members to ensure that all programs and information adhere to this subsection;
- ~~(25)(26)~~ Develop a financial reporting procedure to be used by all state postsecondary education institutions to ensure uniformity of financial information available to state agencies and the public;
- ~~(26)(27)~~ Select and appoint a president of the council under KRS 164.013;
- ~~(27)(28)~~ Employ consultants and other persons and employees as may be required for the council's operations, functions, and responsibilities;
- ~~(28)(29)~~ Promulgate administrative regulations, in accordance with KRS Chapter 13A, governing its powers, duties, and responsibilities as described in this section;
- ~~(29)(30)~~ Prepare and present by January 31 of each year an annual status report on postsecondary education in the Commonwealth to the Governor, the Strategic Committee on Postsecondary Education, and the Legislative Research Commission;
- ~~(30)(31)~~ Consider the role, function, and capacity of independent institutions of postsecondary education in developing policies to meet the immediate and future needs of the state. When it is found that independent institutions can meet state needs effectively, state resources may be used to contract with or otherwise assist independent institutions in meeting these needs;
- ~~(31)(32)~~ Create advisory groups representing the presidents, faculty, nonteaching staff, and students of the public postsecondary education system and the independent colleges and universities;
- ~~(32)(33)~~ Develop a statewide policy to promote employee and faculty development in state and locally operated secondary area technology centers through the waiver of tuition for college credit coursework in the public postsecondary education system. Any regular full-time employee of a state or locally operated secondary area technology center may, with prior administrative approval of the course offering institution, take a maximum of six (6) credit hours per term at any public postsecondary institution. The institution shall waive the tuition up to a maximum of six (6) credit hours per term. The employee shall complete the Free Application for Federal Student Aid to determine the level of need and eligibility for state and federal financial aid programs. The amount of tuition waived shall not exceed the cost of tuition at the institution less any state or federal grants received, which shall be credited first to the student's tuition;
- ~~(33)(34)~~ Participate with the Kentucky Department of Education, the Kentucky Board of Education, and postsecondary education institutions to ensure that academic content requirements for successful entry into postsecondary education programs are aligned with high school content standards and that students who master the high school academic content standards shall not need remedial courses. The council shall monitor the results on an ongoing basis;
- ~~(34)(35)~~ Cooperate with the Kentucky Department of Education and the Education Professional Standards Board in providing information sessions to selected postsecondary education content faculty and teacher educators of the high school academic content standards as required under KRS 158.6453(2)(1);
- ~~(35)(36)~~ Cooperate with the Office of the Kentucky Center for Statistics and ensure the participation of the public institutions as required in KRS 151B.133;
- ~~(36)(37)~~ Pursuant to KRS 63.080, review written notices from the Governor or from a board of trustees or board of regents concerning removal of a board member or the entire appointed membership of a board, investigate the member or board and the conduct alleged to support removal, and make written recommendations to the Governor and the Legislative Research Commission as to whether the member or board should be removed; and
- ~~(37)(38)~~ Exercise any other powers, duties, and responsibilities necessary to carry out the purposes of this chapter. Nothing in this chapter shall be construed to grant the Council on Postsecondary Education authority

to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

➔Section 8. KRS 164.011 is amended to read as follows:

- (1) There is hereby created and established a Council on Postsecondary Education in Kentucky as an agency, instrumentality, and political subdivision of the Commonwealth and a public body corporate and politic having all powers, duties, and responsibilities as are provided to it by law, appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The council shall be composed of the commissioner of education, a faculty member, a student member, and thirteen (13) citizen members appointed by the Governor. The citizen members shall be confirmed by the Senate under KRS 11.160, and the commissioner of education shall serve as a nonvoting ex officio member. Citizen council members shall be selected from a list of nominees provided to the Governor under the nominating process set forth in KRS 164.005. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the Senate at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.
- (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary Education Nominating Committee shall submit nominations to the Governor as set forth in KRS 164.005. On making appointments to the council, the Governor shall ensure broad geographical and political representation; ensure equal representation of the two (2) sexes, inasmuch as possible; ensure no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and the political affiliation of each appointee as of December 31 of the year preceding the date of his or her appointment; and ensure that appointments reflect the minority racial composition of the Commonwealth based on the total minority racial population using the most recent census or estimate data from the United States Census Bureau. If the determination of proportional minority representation does not result in a whole number of minority members, it shall be rounded up to the next whole number. A particular political affiliation shall not be a prerequisite to appointment to the council generally; however, if any person is appointed to the council that does not represent either of the two (2) leading political parties of the Commonwealth, the proportional representation by political affiliation requirement shall be determined and satisfied based on the total number of members on the council less any members not affiliated with either of the two (2) leading political parties. In filling vacancies to the council, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex. No more than two (2) members of the council shall hold an undergraduate degree from any one (1) Kentucky university, and no more than three (3) voting members of the council shall reside in any one (1) judicial district of the Kentucky Supreme Court as of the date of the appointment. However, change in residency after the date of appointment shall not affect the ability to serve.
- (3) One (1) member shall be a full-time faculty member employed at a state institution of postsecondary education. The faculty member shall be appointed to a four (4) year term by the Governor from a list of three (3) nominees selected and submitted by majority vote of the ten (10) faculty members who serve as faculty representatives of the boards of trustees and boards of regents of the nine (9) postsecondary education institutions.
- (4) One (1) member shall be enrolled as a full-time student at a state institution of postsecondary education and shall be selected annually in the following manner: not later than June 1 of each year the eight (8) student body presidents of the four (4) year state public institutions of higher education, the two (2) student members to the Kentucky Community and Technical College System, and one (1) student body president representing the members of the Association of Independent Kentucky Colleges and Universities shall elect by majority vote three (3) nominees to submit to the Governor. From this list of nominees, the Governor shall appoint a student member.
- (5) In filling any vacancies, the Governor shall ensure the continuing representation upon the council of the broad constituencies as set forth in subsection (2) of this section. Vacancies on the council shall be filled for the unexpired term in accordance with the procedures established for the original appointments.
- (6) Each citizen member shall serve a term of six (6) years unless removed by the Governor for cause, except the initial appointments shall be as follows:
 - (a) Two (2) appointments shall expire December 31, 1997;

- (b) Three (3) appointments shall expire December 31, 1998;
 - (c) Two (2) appointments shall expire December 31, 1999;
 - (d) Two (2) appointments shall expire December 31, 2000;
 - (e) Two (2) appointments shall expire December 31, 2001; and
 - (f) Two (2) appointments shall expire December 31, 2002.
- (7) Any person, other than the chief state school officer, holding either an elective or appointive state office or who is a member of the governing board of any state university in Kentucky, shall be ineligible for membership or appointment on the council during his term.
 - (8) The members of the council shall elect the chair and the vice chair of the council from among the council's membership, and the chair and vice chair shall serve at the pleasure of the council. The vice chair shall serve as chair in the absence of the chair.
 - (9) The council shall meet at least quarterly and at other times upon the call of the chair or a majority of the council.
 - (10) A quorum shall be a majority of the appointive membership of the council.
 - (11) A quorum shall be required to organize and conduct the business of the council, except that an affirmative vote of eight (8) or more appointive members of the entire council shall be required to dismiss from employment the president of the council, and to adopt or amend the state strategic postsecondary education agenda.
 - (12) New appointees to the council shall not serve more than two (2) consecutive terms.
 - (13) New appointees to the council shall complete an orientation and education program set forth in KRS 164.020(24)~~(25)~~ to be eligible for appointment to a second term.

➔Section 9. KRS 164.131 is amended to read as follows:

- (1) (a) The government of the University of Kentucky is vested in a board of trustees appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky.
 - (b) All appointed and elected persons shall be required to attend and complete an orientation and education program prescribed by the council under KRS 164.020(24)~~(25)~~, as a condition of their service and eligibility for appointment or election to a second term.
 - (c) The board shall periodically evaluate the institution's progress in implementing its missions, goals, and objectives to conform to the strategic agenda. Officers and officials shall be held accountable for the status of the institution's progress.
 - (d) Board members may be removed by the Governor under the following circumstances:
 - 1. For cause, pursuant to KRS 63.080(2); or
 - 2. Pursuant to KRS 63.080(3) or (4).
 - (e) The board shall consist of sixteen (16) members appointed by the Governor, two (2) members of the faculty of the University of Kentucky, one (1) member of the University of Kentucky nonteaching personnel, and one (1) member of the student body of the University of Kentucky. The members appointed by the Governor shall be subject to confirmation by the Senate. The voting members of the board shall select a chairperson annually.
- (2) (a) The terms of the appointed members shall be for six (6) years and until their successors are appointed and qualified, unless a member is removed by the Governor pursuant to KRS 63.080(2), (3), or (4), except the initial appointments shall be as follows:
 - 1. Two (2) members shall serve one (1) year terms;
 - 2. Two (2) members shall serve two (2) year terms, one (1) of whom shall be a graduate of the university, selected from a list of three (3) names submitted by the alumni of the university according to rules established by the board of trustees;
 - 3. Three (3) members shall serve three (3) year terms;
 - 4. Three (3) members shall serve four (4) year terms, one (1) of whom shall be a graduate of the university, selected as under subparagraph 2. of this subsection;

5. Three (3) members shall serve five (5) year terms; and
 6. Three (3) members shall serve six (6) year terms, one (1) of whom shall be a graduate of the university, selected as under subparagraph 2. of this subsection.
- (b)
1. Three (3) of the appointments shall be graduates of the university and may include one (1) graduate of the institution who resides outside the Commonwealth;
 2. Three (3) shall be representative of agricultural interests; and
 3. Ten (10) shall be other distinguished citizens representative of the learned professions and may include one (1) who resides outside of Kentucky.
- (c) The Governor shall make the appointments so as to reflect proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and the political affiliation of each appointee as of December 31 of the year preceding the date of his or her appointment, and to reflect no less than proportional representation of the minority racial composition of the Commonwealth based on the total minority racial population using the most recent census or estimate data from the United States Census Bureau. If the determination of proportional minority representation does not result in a whole number of minority members, it shall be rounded up to the next whole number. A particular political affiliation shall not be a prerequisite to appointment to the board generally; however, if any person is appointed to the board that does not represent either of the two (2) leading political parties of the Commonwealth, the proportional representation by political affiliation requirement shall be determined and satisfied based on the total number of members on the board less any members not affiliated with either of the two (2) leading political parties.
- (d) Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for the original appointments.
- (3) The two (2) University of Kentucky faculty members shall be of the rank of assistant professor or above. They shall be elected by secret ballot by all University of Kentucky faculty members of the rank of assistant professor or above. Faculty members shall serve for terms of three (3) years and until their successors are elected and qualified. Faculty members shall be eligible for reelection, but they shall be ineligible to continue to serve as members of the board of trustees if they cease to be members of the faculty of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original elections.
- (4) The nonteaching personnel member shall be any full-time staff member, excluding the president, vice-presidents, academic deans, and academic department chairpersons. The staff member shall represent all nonteaching university employees, including but not limited to building facilities and clerical personnel. The staff member shall be elected by secret ballot by the nonteaching employees. The staff member shall serve a term of three (3) years and until a successor is elected and qualified. The staff member shall be eligible for reelection, but a staff member who ceases being an employee of the university shall not be eligible to continue to serve as a member of the board. Elections to fill vacancies shall be for the unexpired term and shall be held in the same manner as provided for the original election.
- (5) The student member shall serve a one (1) year term beginning on July 1 after being elected and sworn in as student body president and ending on the following June 30. If the student member does not maintain the position of student body president or the status of a full-time student at any time during that academic year, a special election shall be held to select a full-time student member. The elected student member shall serve for the remainder of the unexpired term.
- (6) The number of student and employee trustees of the University of Kentucky elected to the board shall not exceed four (4).
- (7) Unless specifically approved by the board of trustees under the provisions of KRS 164.367, no member of the administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with exception of compensation to the two (2) faculty members, and the one (1) nonteaching personnel member.
- (8) New appointees of the board shall not serve more than two (2) consecutive terms.
- (9) The inability of the board to hold regular meetings, to elect a chairperson annually, to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an annual evaluation of the president of the university,

or to carry out its primary function to periodically evaluate the institution's progress in implementing its mission, goals, and objectives to conform to the strategic agenda shall be cause for the Governor to remove all appointed members of the board and replace the entire appointed membership pursuant to KRS 63.080(4).

➔Section 10. KRS 164.321 is amended to read as follows:

- (1) Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, Kentucky State University, Northern Kentucky University, and the Kentucky Community and Technical College System shall each be governed by a board of regents appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky.
 - (a) Each board of the comprehensive universities shall consist of eight (8) members appointed by the Governor, one (1) member of the teaching faculty, one (1) member of the university nonteaching personnel, and one (1) member of the student body of the respective university or college. The members appointed by the Governor shall be subject to confirmation by the Senate. The members of the board shall select a chairperson annually.
 - (b) The board of the Kentucky Community and Technical College System shall consist of eight (8) members appointed by the Governor, two (2) members of the teaching faculty, two (2) members of the nonteaching personnel, and two (2) members of the student body. The members appointed by the Governor shall be subject to confirmation by the Senate.
 1. No more than three (3) appointed members of the board shall reside in any one (1) judicial district of the Kentucky Supreme Court as of the date of the appointment.
 2. A change in residency of a gubernatorial appointee after the date of appointment shall not affect the appointee's ability to serve or eligibility for reappointment, except an appointee who assumes residency outside the fifty (50) United States shall become immediately ineligible to serve. The Council on Postsecondary Education shall notify the appointee of his or her ineligibility to serve.
 3. In making initial appointments, the Governor shall act so as to provide equal representation of the two (2) sexes. In filling vacancies, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex.
- (2) The terms of appointed members shall be for six (6) years and until their successors are appointed and qualified, unless a member is removed by the Governor pursuant to KRS 63.080(2), (3), or (4), except the initial appointments to the board of regents for the Kentucky Community and Technical College System shall be as follows:
 - (a) One (1) member shall serve a one (1) year term;
 - (b) One (1) member shall serve a two (2) year term;
 - (c) Two (2) members shall serve three (3) year terms;
 - (d) One (1) member shall serve a four (4) year term;
 - (e) One (1) member shall serve a five (5) year term; and
 - (f) Two (2) members shall serve six (6) year terms.

New appointees of a board of regents shall not serve for more than two (2) consecutive terms.

- (3) The gubernatorial appointments may include one (1) graduate of the respective institution who resides outside the Commonwealth. Not more than two (2) appointed members of any board shall be residents of one (1) county. The appointments shall reflect the proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and the political affiliation of each appointee as of December 31 of the year preceding the date of his or her appointment. A particular political affiliation shall not be a prerequisite to appointment to any board generally; however, if any person is appointed to a board that does not represent either of the two (2) leading political parties of the Commonwealth, the proportional representation by political affiliation requirement shall be determined and satisfied based on the total number of members on the board less any members not affiliated with either of the two (2) leading political parties. Membership on the board shall reflect no less than proportional representation of the minority racial composition of the Commonwealth based on the total minority racial population using the most recent census or estimate data from the United States Census Bureau. If the determination of proportional minority

representation does not result in a whole number of minority members, it shall be rounded up to the next whole number. Membership on the board shall not be incompatible with any state office. A change in residency after the date of appointment shall not affect a member's ability to serve nor shall it prevent a member's eligibility for reappointment, except a member who assumes residency outside the fifty (50) United States shall become immediately ineligible to serve. The Council on Postsecondary Education shall notify the appointee of his or her ineligibility to serve.

- (4) Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.
- (5) Each member of the board shall serve for the term for which the member is appointed and until a successor is appointed and qualified, unless a member is removed by the Governor pursuant to KRS 63.080(2), (3), or (4).
- (6)
 - (a) The faculty member of a comprehensive university shall be a teaching or research member of the faculty of his or her respective university of the rank of assistant professor or above. The faculty member shall be elected by secret ballot by all faculty members of his or her university of the rank of instructor, assistant professor, or above. The faculty member shall serve for a term of three (3) years and until his successor is elected and qualified. The faculty member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being a member of the teaching staff of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.
 - (b) The faculty members of the Kentucky Community and Technical College System shall be represented by one (1) faculty member elected from the community colleges and one (1) faculty member elected from the technical institutions to serve three (3) year terms and until their successors are named. The faculty representative of each branch shall be elected by means of a process established by the board. The faculty members may be reelected but shall not serve more than two (2) consecutive terms. A faculty member shall be ineligible to continue to serve as a member of the board if he or she ceases to be a member of the faculty at one (1) of the institutions within the system. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.
- (7)
 - (a) The nonteaching personnel member in a comprehensive university shall be any full-time staff member excluding the president, vice presidents, academic deans, and academic department chairpersons. He or she shall represent all nonteaching university employees including, but not limited to, building facilities and clerical personnel. The member shall be elected by secret ballot by the nonteaching employees. The nonteaching personnel member shall serve a term of three (3) years and until a successor is elected and qualified. The nonteaching personnel member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being an employee of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.
 - (b) The nonteaching personnel members in the Kentucky Community and Technical College System shall be any full-time staff member excluding a president, chancellor, vice president, academic dean, academic department chair, or other administrator. They shall represent all nonteaching employees in their respective branch institutions including, but not limited to, support and clerical personnel. One (1) member shall be a representative from the community colleges and one (1) member shall be a representative from the technical institutions. They shall serve three (3) year terms and until their successors are named. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member. The nonteaching personnel members of each branch shall be elected by means of a process established by the board. A nonteaching personnel member may be reelected but shall not serve more than two (2) consecutive terms. A nonteaching employee shall be ineligible to continue to serve as a member of the board if that employee ceases to be a nonteaching employee at one (1) of the institutions within the system. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.
- (8)
 - (a) The student member on a comprehensive university board shall serve a one (1) year term beginning on July 1 after being elected and sworn in as student body president and ending on the following June 30. If the student member does not maintain the position as student body president or the status as a full-

time student at any time during that academic year, a special election shall be held to select a full-time student member. The elected student member shall serve for the remainder of the unexpired term.

- (b) Two (2) full-time student members shall be elected to the board of regents for the Kentucky Community and Technical College System. One (1) shall represent students of the community colleges and one (1) shall represent the technical institutions. The student members shall be elected by means of a process established by the board. The student members shall serve one (1) year terms beginning on July 1 after being elected and sworn in as a student member of the board and ending on the following June 30. If the student member does not maintain the status as a full-time student, a special election shall be held to fill the vacancy for the remainder of the unexpired term. The two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.
- (9) All appointed and elected persons shall be required to attend and complete an orientation and education program prescribed by the council under KRS 164.020(24){(25)}, as a condition of their service and eligibility for appointment or election to a second term.
- (10) Board members may be removed by the Governor under the following circumstances:
 - (a) For cause, pursuant to KRS 63.080(2); or
 - (b) Pursuant to KRS 63.080(3) or (4).
- (11) The inability of the board or boards of the comprehensive universities or Kentucky Community and Technical College System to hold quarterly meetings, to elect a chairperson annually, to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an annual evaluation of the president of the university or system, to carry out its primary function to periodically evaluate the university's or system's progress in implementing its mission, goals, and objectives to conform to the strategic agenda, or to otherwise perform its duties under KRS 164.350 shall be cause for the Governor to remove all appointed members of the board or boards and replace the entire appointed membership pursuant to KRS 63.080(4).

➔Section 11. KRS 164.821 is amended to read as follows:

- (1) The government of the University of Louisville is vested in a board of trustees appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The board shall consist of ten (10) members appointed by the Governor, at least one (1) of whom shall be a graduate of the university; one (1) member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; one (1) member of the permanent staff of the University of Louisville who shall be the chief executive of the staff senate; and one (1) student member who shall be the president of the student body during the appropriate academic year. The members appointed by the Governor shall be subject to confirmation by the Senate.
 - (a) All appointed and elected persons shall be required to attend and complete an orientation and education program prescribed by the council under KRS 164.020(24){(25)}, as a condition of their service and eligibility for appointment or election to a second term.
 - (b) Board members may be removed by the Governor under the following circumstances:
 - 1. For cause, pursuant to KRS 63.080(2); or
 - 2. Pursuant to KRS 63.080(3) or(4).
 - (c) New appointees to the board shall not serve more than two (2) consecutive terms.
- (2) The student member shall serve a one (1) year term beginning on July 1 after being elected and sworn in as student body president and ending on the following June 30. If the student member does not maintain the position of student body president or the status of a full-time student at any time during that academic year, a special election shall be held to select a full-time student member. The elected student member shall serve for the remainder of the unexpired term.
- (3) The faculty member and staff member shall serve one (1) year terms and cease to be eligible for membership on the board of trustees upon termination of their respective relationships with, or leadership positions within, the university, and vacancies occurring for this reason shall be filled for the remainder of the respective terms in the same manner.
- (4) The gubernatorial appointments shall serve a term of six (6) years and until their successors are appointed and qualified, unless a member is removed by the Governor pursuant to KRS 63.080(2), (3), or (4), except the initial terms shall be as follows:

- (a) Two (2) members shall serve one (1) year terms;
 - (b) Two (2) members shall serve two (2) year terms;
 - (c) Two (2) members shall serve three (3) year terms;
 - (d) Two (2) members shall serve four (4) year terms;
 - (e) One (1) member shall serve a five (5) year term; and
 - (f) One (1) member shall serve a six (6) year term.
- (5) The Governor shall make his at-large appointments so as to divide the appointed representation upon the board to reflect:
- (a) The proportional representation of the two (2) leading political parties in the Commonwealth based on the state's voter registration and the political affiliation of each appointee as of December 31 of the year preceding the date of his or her appointment. A particular political affiliation shall not be a prerequisite to appointment to the board generally; however, if any person is appointed to the board that does not represent either of the two (2) leading political parties of the Commonwealth, the proportional representation by political affiliation requirement shall be determined and satisfied based on the total number of members on the board less any members not affiliated with either of the two (2) leading political parties; and
 - (b) No less than the proportional representation of the minority racial composition of the Commonwealth based on the total minority racial population using the most recent census or estimate data from the United States Census Bureau. If the determination of proportional minority representation does not result in a whole number of minority members, it shall be rounded up to the next whole number.
- (6) Vacancies among the appointed members of the board occurring by death, resignation, or any other cause, other than expiration of a term, shall be filled by appointments made by the Governor for the remainder of the unexpired term, subject to the qualifications set forth in this section.
- (7) Unless specifically approved by the board of trustees under the provisions of KRS 164.367, no member of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty, staff, and student members.
- (8) The inability of the board to hold regular meetings, to elect a chairperson annually, to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an annual evaluation of the president of the university, to carry out its primary function to periodically evaluate the institution's progress in implementing its mission, goals, and objectives to conform to the strategic agenda, or to otherwise perform its duties under KRS 164.830 shall be cause for the Governor to remove all appointed members of the board and replace the entire appointed membership pursuant to KRS 63.080(4).

➔SECTION 12. A NEW SECTION OF KRS 335B.020 TO 335B.070 IS CREATED TO READ AS FOLLOWS:

- (1) *A licensing authority shall not require diversity, equity, and inclusion training as a prerequisite for an initial or renewal license.*
- (2) *A licensing authority shall not use an applicant's or licensee's lack of diversity, equity, and inclusion training as a reason to:*
 - (a) *Discipline an applicant or licensee; or*
 - (b) *Deny, suspend, revoke, or otherwise restrict a license.*
- (3) *Any diversity, equity, and inclusion training requirement for applicants or licensees enforced by a licensing authority prior to the effective date of this Act is void.*

➔Section 13. KRS 335B.010 is amended to read as follows:

As used in KRS 335B.020 to 335B.070, unless the context requires otherwise:

- (1) "Occupation" includes all occupations, trades, vocations, professions, businesses, or employment of any kind for which a license is required to be issued by the Commonwealth of Kentucky, its agencies, or political subdivisions;{ }

- (2) "License" includes all licenses, permits, certificates, registrations, or other means required to engage in an occupation which are granted or issued by the Commonwealth of Kentucky, its agents or political subdivisions before a person can pursue, practice, or engage in any occupation;~~[-]~~
- (3) "Public employment" includes all employment with the Commonwealth of Kentucky, its agencies, or political subdivisions;~~[-]~~
- (4) "Conviction of a crime" shall be limited to convictions of felonies or misdemeanors;~~[-]~~
- (5) "Hiring or licensing authority" shall mean the person, board, commission, or department of the Commonwealth of Kentucky, its agencies or political subdivisions, responsible by law for the hiring of persons for public employment or the licensing of persons for occupations;
- (6) ***"Diversity, equity, and inclusion training" has the same meaning as in Section 1 of this Act; and***
- (7) ***"Licensing authority" means the person, board, commission, department, or other entity of the Commonwealth of Kentucky, its agencies, or political subdivisions, responsible by law for the licensing of persons for occupations.***

➔Section 14. (1) Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, 13 KAR 002:060, Degree program approval; equal opportunity goals, shall be null, void, and unenforceable as of the effective date of this Act.

(2) Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the council shall be prohibited from promulgating an administrative regulation that is identical to, or substantially the same as, 13 KAR 002:060, Degree program approval; equal opportunity goals.

➔Section 15. (1) No later than June 30, 2025, every public postsecondary education institution in the Commonwealth shall ensure compliance with the requirements of this Act applicable to institutions and:

(a) Eliminate any and all diversity, equity, and inclusion initiatives, including but not limited to any scholarship criteria, living-learning programs, student services, community services, or other initiative designed to promote a discriminatory concept or to provide differential treatment or benefits to an individual on the basis of race, sex, color, or national origin;

- (b) Eliminate all diversity, equity, and inclusion trainings;
- (c) Eliminate all diversity, equity, and inclusion offices; and
- (d) Terminate all diversity, equity, and inclusion officer positions.

(2) The Attorney General may bring a civil action for a writ of mandamus to compel a public postsecondary education institution to comply with this section.

➔Section 16. (1) No later than June 30, 2025, the Council on Postsecondary Education shall ensure compliance with the requirements of this Act applicable to the council and:

- (a) Eliminate all diversity, equity, and inclusion initiatives;
- (b) Eliminate all diversity, equity, and inclusion trainings;
- (c) Eliminate all diversity, equity, and inclusion offices; and
- (d) Terminate all diversity, equity, and inclusion officer positions.

(2) The Attorney General may bring a civil action for a writ of mandamus to compel the council to comply with this section.

➔Section 17. (1) No later than August 30, 2025, each president of a public postsecondary education institution shall submit a report to the Legislative Research Commission, for referral to the appropriate Interim Joint Committee on Education, and the Attorney General containing:

(a) A detailed description of the institution's compliance with each provision of this Act applicable to institutions that certifies the status of the institution's compliance with each provision, the steps taken by the institution to achieve compliance with each provision, and the guardrails put in place to ensure future compliance with each provision;

(b) If the president cannot certify the institution's full compliance with any provision of this Act which is applicable to institutions, the president shall provide a detailed and clear description of any obstacles to achieving or

certifying compliance with that provision, the measures that the president and institution are enacting to overcome those obstacles, and the estimated completion date of each measure;

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

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

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

(3) The Attorney General may bring a civil action for a writ of mandamus to compel a public postsecondary education institution to comply with this section.

➔Section 18. (1) No later than August 30, 2025, the president of the Council on Postsecondary Education shall submit a report to the Legislative Research Commission, for referral to the appropriate Interim Joint Committee on Education, and the Attorney General containing:

(a) A detailed description of the council's compliance with each provision of this Act applicable to the council that certifies the status of the council's compliance with each provision, the steps taken by the council to achieve compliance with each provision, and the guardrails put in place to ensure future compliance with each provision;

(b) If the president cannot certify the council's compliance with any provision of this Act which is applicable to the council, a detailed and clear description of any obstacles to achieving or certifying compliance with that provision, the measures that the president and council are enacting to overcome those obstacles, and the estimated completion date of each measure;

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

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

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

(3) The Attorney General may bring a civil action for a writ of mandamus to compel the Council on Postsecondary Education to comply with this section.

Veto Overridden March 27, 2025.