

Minutes
Council on Postsecondary Education
February 13, 2015

The Council on Postsecondary Education met Friday, February 13, 2015, at 11:30 a.m., ET, at the Council on Postsecondary Education Offices in Frankfort, Kentucky. Chair Glenn Denton presided.

WELCOME Ms. Miller called the meeting to order and welcomed everyone. She gave a few remarks summarizing the discussions of the CPE retreat held on February 12 and the Joint meeting between the Council, the institutional presidents, and the student body presidents at 9:00 a.m. prior to this meeting.

ROLL CALL The following members were present: Glenn Denton, Maryanne Elliott, Joe Ellis, Dan Flanagan, Joe Graviss, Terry Holliday, Dennis Jackson, Pam Miller, Donna Moore, Marcia Ridings, Carolyn Ridley, Robert Staat, Arnold Taylor, Joshua Tunning, Joe Wise, and Sherrill Zimmerman.

ACTION: ELECTION OF CPE CHAIR AND VICE CHAIR Ms. Donna Moore, chair of the Nominating Committee, presented the committee's recommendations. She thanked Ms. Miller and Mr. Flanagan for their service over the last three years, and complemented the members of the board on their engagement and interest in postsecondary issues.

MOTION: Ms. Moore moved that Glenn Denton be elected chair of the Council on Postsecondary Education to serve a term ending January 31, 2016. Ms. Ridings seconded the motion.

VOTE: The motion passed.

MOTION: Ms. Moore moved that Joe Graviss be elected vice chair of the Council on Postsecondary Education to serve a term ending January 31, 2016. Dr. Wise seconded the motion.

VOTE: The motion passed.

Following the vote, Mr. King thanked Ms. Miller and Mr. Flanagan for their service to the Council. He also presented Ms. Miller with an engraved gavel.

Ms. Miller said a few words of thanks to the Council and the Council staff for their support over the last three years. She also congratulated Glenn Denton and Joe Graviss on their new positions. Mr. Denton presided over the remainder of the meeting.

APPROVAL OF MINUTES The minutes of the November 21, 2014 meeting were approved as distributed.

CPE PRESIDENT'S REPORT TO THE COUNCIL A written report from President King was provided in the agenda book.

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COMMISSIONER OF
EDUCATION REPORT

A written report from Commissioner Holliday's was provided in the agenda book.

ACTION: KENTUCKY
RISING RESOLUTION

On January 14, 2015, representatives from the Kentucky Board of Education, Council on Postsecondary Education, and Education Professional Standards Board met in a special meeting to discuss a new joint initiative called Kentucky Rising. If implemented, Kentucky Rising will establish criteria for a high school diploma, certificate, or endorsement that certifies a graduate meets the employment requirements of foreign industries that are directly investing in the state and industries that are creating trade with other countries. As part of that meeting, a resolution to develop and implement a unified strategic plan for Kentucky Rising was presented for consideration of adoption by each of the participating representative's boards. A copy of the resolution was provided in the agenda book.

MOTION: Ms. Ridley moved the Council adopt the resolution to develop and implement a unified strategic plan for the joint initiative, Kentucky Rising. Dr. Wise seconded the motion.

VOTE: The motion passed.

ACTION: NEW
ACADEMIC PROGRAMS

KRS 164.020 (15) empowers the Council on Postsecondary Education to 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.

Dr. Aaron Thompson, CPE's executive vice president and chief academic officer, presented the staff recommendation that the Council approve the Bachelor of Arts in Modern and Classical Languages, Literature and Cultures from the University of Kentucky and the Master of Fine Arts in Creative Writing from Western Kentucky University.

MOTION: Ms. Miller moved that the Council approve the new academic programs as presented. Ms. Moore seconded the motion.

VOTE: The motion passed.

AMENDMENT TO 13
KAR 2:045 –
DETERMINATION OF
RESIDENCY STATUS
FOR ADMISSION AND
TUITION ASSESSMENT
PURPOSES

In August 2014, President Obama signed into law the *Veterans Access, Choice and Accountability Act of 2014*. Section 702 of the Act requires public institutions to charge in-state tuition to veterans serving at least 90 days who enroll within three (3) years of discharge from active duty, as well as certain individuals who receive federal education benefits through those veterans. If institutions are not able to comply with this requirement by July 1, 2015, the Veteran's Administration (VA) will disapprove them for all Montgomery and Post-9/11 GI Bill educational assistance.

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Mr. Travis Powell, CPE's general counsel, noted that as currently constituted, 13 KAR 2:045 requires covered individuals who do not otherwise meet the requirements for residency to be charged the out-of-state tuition rate. The proposed amendment to 13 KAR 2:045 ensures that students at Kentucky's public institutions can continue to receive Montgomery and Post-9/11 GI Bill educational assistance.

The proposed amendment will change the administrative regulations as follows:

- A person eligible for benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. Section 3301 et seq.) or any other federal law authorizing educational benefits for veterans will now be entitled to Kentucky resident status notwithstanding the other factors used for a determination of residency outlined in the other sections of 13 KAR 2:045.

The process of revising an administrative regulation, established in KRS Chapter 13A, will be initiated with Council approval, along with the identical emergency regulation amendment which will go into effect immediately upon filing and stay in effect until the ordinary regulation amendment becomes final. The proposed revised administrative regulation will go through a public hearing and comment period and review by the Administrative Regulation Review Subcommittee and the Interim Joint Committee on Education.

MOTION: Ms. Zimmerman moved the Council approve the proposed amendment to the administrative regulation titled 13 KAR 2:045 Determination of residency status for admission and tuition assessment purposes. Dr. Wise seconded the motion.

VOTE: The motion passed.

**ACTION: REASONABLE
SECURITY AND BREACH
INVESTIGATION
PROCEDURES AND
PRACTICES FOR PUBLIC
INSTITUTIONS OF
POSTSECONDARY
EDUCATION**

The Personal Information Security and Breach Investigation Procedures and Practices Act, enacted in the 2014 Regular Session, also known as House Bill 5 or the "Cyber Security Bill," requires state and local governments to implement policies and procedures to protect confidential, sensitive personal information and notify individuals if their information has been compromised.

KRS 61.932(1)(b) requires that Kentucky public colleges and universities (hereinafter referred to as "institutions") establish and implement "reasonable security and breach investigation procedures and practices" in accordance with policies established by the Council on Postsecondary Education. KRS 61.931(8) defines "reasonable security and breach investigation procedures and practices" as "data security procedures and practices developed in good faith and set forth in a written security information policy."

The draft of the policy for institutional "reasonable security and breach investigation procedures and practices" was included in the agenda book. The

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policy identifies areas that should be addressed in order to protect personal information from unauthorized disclosure as well as procedures to be followed when an actual or suspected breach occurs.

MOTION: Ms. Miller moved that the Council approve the proposed policy for public postsecondary institution "reasonable breach investigation procedures and practices" as required by KRS 61.932(1)(b). Ms. Ridley seconded the motion.

Mr. Denton asked if there has been a breach. Mr. Powell says there has not been a breach since the policy was in place; however the University of Kentucky reported that data had been exposed but it was not accessed by anyone. According to the new law, the University of Kentucky had to report the incident even though no data had been exposed. Dr. Wise asked what the procedure would be if data had been breached. Mr. Powell stated that notification of the breach must be given within 72 hours and the institutions are required to conduct an investigation. If data is found to be exposed during the breach, the institution must then contact the individuals affected within another 72 hours and help them rectify any problems that may have occurred as a result of the breach. Mr. Powell also stated that should there be a breach, a claim could be made against the Council on Postsecondary Education through the Board of Claims Act. Council members would not be individually liable.

VOTE: The motion passed.

ACTION: CAPITAL
PROJECTS – KSU,
MoSU, and WKU

The Council on Postsecondary Education has statutory responsibility to review and approve public college and university capital projects costing \$600,000 or more and equipment items costing \$200,000 or more, regardless of fund source, that have been approved by an institution's governing board. During the interim, capital projects are evaluated under KRS 45.760(5), (7) and KRS 45.763.

Mr. Shaun McKiernan, CPE's senior associate of budget and finance, presented the staff recommendation that the council approve: (1) Kentucky State University's project "Acquire Enterprise Resource Planning Information Technology System," funded with institutional and federal funds, with a project scope of \$2,600,000; (2) Morehead State University's project "Construct Food Service, Retail Space and Parking Structure," funded with auxiliary services funds and private funds, with a project scope of \$17,600,000; and (3) Western Kentucky University's project "Confucius Institute Facility," funded with private funds, with a project scope of \$2,300,000.

MOTION: Ms. Moore moved that Council approve all three capital projects as presented. Mr. Jackson seconded the motion.

VOTE: The motion passed.

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COMMITTEE ON
EQUAL
OPPORTUNITIES
REPORT

Dr. Rana Johnson, CPE's chief diversity officer, provided a report from the Committee on Equal Opportunities. Ms. Johnson provided comments on the work of the CEO at the January 26, 2015 meeting, and reminded the council of the upcoming summer EEO programs that assist students with transitioning into postsecondary institutions: (1) GMSCPP Statewide Conference at Murray State University on June 15-16, 2015 and (2) Academically Proficient High School Junior and Senior Conference at the University of Louisville on June 19-20, 2015.

Mr. Jackson, chair of the CEO, noted that the members of the committee would like to continue to be active in the work of the Council.

PROJECT LEAD THE
WAY AND POSTERS AT
THE CAPITAL

Mr. Tom Martin, CPE's senior policy advisor for research and economic engagement, presented information on the Project Lead the Way and Posters at the Capitol. Kentucky Project Lead the Way students, through a partnership with CPE and Posters-at-the-Capitol directors, were invited to participate with our public universities in their "Posters-at-the-Capitol" program. High school students and undergraduates who participate in activities like Posters at the Capitol are more likely to pursue graduate research opportunities.

Ms. Martha Driver and Ms. Kathleen Thomas, students from Elkhorn Crossing School in Georgetown and Posters at the Capitol participants, presented their research of an Antibacterial Bite Guard. The goal of their research was to get a better understanding of the types of bacteria that the antibacterial agent target, as well as create an antibacterial bite guard that lasts for an extensive amount of time. Ideally, their new product will not only help teeth grinding problems, but also with the health issues that come from the use of a non-antibacterial bite guard.

Following the presentation, several Council members complemented the students on their work, and stated that their project is worthy of international competition. Both students plan to continue conducting research in college.

COMMITTEE
APPOINTMENTS

Mr. Denton appointed three members to the Executive Committee. Pam Miller, Marcia Ridings, and Arnold Taylor will serve on the committee, in addition to the chair and vice chair. The Executive Committee reviews all agency budget and personnel matters, including an annual audit of the agency, evaluates the president, and performs other activities assigned by the Council.

Mr. Denton deferred the appointment of the 2016-18 Budget Development Workgroup to give the Funding Model Development Work Group time to finish their work.

RESOLUTION

The Council presented a resolution honoring Carolyn Ridley for her dedication and service to the Council.

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REPORTS FROM
INSTITUTIONS

Reports from the institutions were provided in the agenda book.

Jay Box, president of KCTCS, discussed the plans Super Sunday, an annual student recruitment initiative specifically targeting African-American students and their families with information and resources to support college admissions and enrollment. This is KCTCS's fifth year partnering with African-American and Latino churches throughout the state to host the event. Since 2011, they have partnered with more than 150 churches and have shared the *Yes You Can Go To College* message with more than 33,000 individuals. This community-based outreach effort is paying off and is resulting in increased college attendance among African- Americans and Latinos in Kentucky.

OTHER BUSINESS

Mr. Denton stated that he has asked Council staff to review their list of work, committees, and workgroups to see if there is any work that the Council can "stop doing". He asked that the list come before the Council at the April 17, 2015 meeting.

Dr. Ellis moved that the Council recognize the leadership efforts of Pam Miller and Dan Flanagan, and their service to the Council on Postsecondary Education and to the citizens of the Commonwealth. Ms. Moore seconded the motion. The motion passed.

NEXT MEETING

The next Council meeting is April 16-17, 2015, at Morehead State University in Morehead, Kentucky.

ADJOURNMENT

The meeting adjourned at 12:15 p.m., ET.


Robert L. King
CPE President


Heather M. Bingham
Associate, Executive Relations