

1 COUNCIL ON POSTSECONDARY EDUCATION

2 (Amendment)

3 13 KAR 2:060. Degree program approval; equal opportunity goals.

4 RELATES TO: KRS 164.001, 164.020

5 STATUTORY AUTHORITY: KRS 164.020(19) [(18)]

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.020(19) requires the Council on

7 Postsecondary Education to postpone the approval of new academic programs for those institutions who fail
8 to meet equal opportunity goals established by an institution and approved by the Council. The statute
9 further requires that institutions be able to secure a temporary waiver, if an institution has made substantial
10 progress toward meeting goals. This administrative regulation sets out the process for goal setting,
11 measurement of progress, and how to secure a temporary waiver.

12 ~~[Responsibility for the development of a system-wide equal opportunity plan is assigned to the Council on~~
13 ~~Postsecondary Education pursuant to KRS 164.020(18). The statute connects an institution's eligibility for~~
14 ~~new academic programs to its performance in implementing equal opportunity objectives. The Council on~~
15 ~~Postsecondary Education approves the offering of academic programs at each state-supported postsecondary~~
16 ~~education institution pursuant to KRS 164.020(14) but an institution's eligibility for new academic programs~~
17 ~~is limited by the requirement of KRS 164.020(18) that an institution meet its equal opportunity objectives.~~
18 ~~The statute does grant the Council on Postsecondary Education authority to grant a temporary waiver if an~~
19 ~~institution demonstrates progress in meeting equal opportunity objectives. This administrative regulation~~
20 ~~establishes the criteria used to determine an institution's compliance with equal opportunity objectives, and~~
21 ~~for the granting of a temporary waiver to a state-supported postsecondary education institution which has not~~

1 met its objectives].

2 Section 1. Definitions. (1) "Continuous progress" means that an institution shows an increase in the
3 number of students or employees over the previous year for a category.

4 (2) "Council" is defined by KRS 164.001(7).

5 (3) "Diversity Policy" means The Kentucky Public Postsecondary Education Diversity Policy and
6 Framework for Institution Diversity Plan Development.

7 [~~"Goal" or "objective" means a flexible target in enrollment retention, graduation or employment~~
8 ~~developed by the Council on Postsecondary Education and the state-supported postsecondary education~~
9 ~~institutions and included in the Kentucky Plan~~].

10 [(4) "Kentucky Plan" means the "Kentucky Plan for Equal Opportunities" which is a five (5) year plan
11 developed by the Council on Postsecondary Education.

12 (5) ~~"State-supported"]~~ (4) "Institution" means a state-supported postsecondary education [an] institution
13 listed in KRS 164.001(17) [~~within the postsecondary education system as defined by KRS 164.001(15)~~].

14 (5) "Institution Diversity Plan" means a plan developed by an institution in conjunction with the Council
15 on Postsecondary Education to achieve diversity in student enrollment, to eliminate gaps in retention and
16 graduation rates, and to achieve workforce diversity.

17 Section 2. Creation of Institution Diversity Plan [Scope]. (1) The Council on Postsecondary Education
18 shall maintain The Kentucky Public Postsecondary Education Diversity Policy and Framework for Institution
19 Diversity Plan Development to provide a framework and guidelines to assist an institution in developing an
20 institution diversity plan. [~~a Kentucky Plan for Equal Opportunities to assist in ensuring equal opportunity of~~
21 ~~access to higher education for all citizens of Kentucky. The Kentucky Plan establishes flexible objectives for~~
22 ~~each state-supported postsecondary education institution in broad categories of student enrollment, retention,~~
23 ~~graduation and employment of African Americans~~].

1 (2) A four-year institution shall develop an institution diversity plan that includes goals for these areas of
2 interest:

3 (a) Student enrollment;

4 1. Undergraduate;

5 2. Graduate students at the four-year institutions;

6 (b) Student success including;

7 1. First year to second year retention of undergraduate students;

8 2. Second year to third year retention of undergraduate students;

9 3. Associate and baccalaureate degrees and credentials awarded; and

10 4. Graduation rates for undergraduate students;

11 (c) Achievement gap closure for undergraduate students including:

12 1. First year to second year retention rate;

13 2. Second year to third year retention rate; and

14 3. Graduation rate.

15 (d) An institution shall include a workforce diversity component in its institution diversity plan using
16 these employment categories:

17 1. Executive managerial;

18 2. Faculty;

19 3. Other professional;

20 4. Secretarial/clerical;

21 5. Technical/paraprofessional;

22 6. Skilled crafts; and

23 7. Service/maintenance.

1 (e) An institution shall develop a campus climate component in its institution diversity plan including:

2 1. Creation of a campus environment team;

3 2. A comprehensive report on strategies and best practices implemented; and

4 3. A review of the effectiveness of employment, retention, and promotion policies.

5 (3) An institution, in developing an institution diversity plan, shall consider the institution's service region
6 or statewide demographic data. This provision shall not apply to Kentucky State University.

7 (4) An institution, in developing goals for areas of interest in Section 2(2) of this administrative
8 regulation, shall reference the racial and ethnic groups listed in the U. S. Census and the U. S. Department of
9 Education's Integrated Postsecondary Education Database System (IPEDS)

10 ~~[Five (5) categories of African-American, resident students are included in the Kentucky Plan and in Section~~
11 ~~3 of this administrative regulation with objectives established and measured for each category:~~

12 ~~(a) Undergraduate enrollment;~~

13 ~~(b) Retention of first year undergraduate enrollment;~~

14 ~~(c) Retention of total undergraduate enrollment;~~

15 ~~(d) Award of baccalaureate degrees; and~~

16 ~~(e) Graduate enrollment.~~

17 ~~(3) Seven (7) categories of African-American employment are included in the Kentucky Plan.~~

18 ~~(a) Objectives are established and measured for three (3) of those categories in the Kentucky Plan and in~~
19 ~~Section 4 of this administrative regulation:~~

20 ~~1. Executive, administrative and managerial;~~

21 ~~2. Faculty; and~~

22 ~~3. Professional nonfaculty.~~

23 ~~(b) The four (4) categories of African-American employment included in the Kentucky Plan that are not~~

1 measured are:

- 2 1. Secretarial/clerical;
- 3 2. Technical/paraprofessional;
- 4 3. Skilled crafts; and
- 5 4. Service/maintenance.

6 ~~(4) The Kentucky Plan includes enhancement provisions for Kentucky State University including the~~
7 ~~following categories which shall be reported on by the university:~~

8 ~~(a) Identification by the university, subject to agreement by the council, of new and continuing academic~~
9 ~~programs which promote and build on the university's strength as a historically black institution;~~

10 ~~(b) Evidence of marketing or showcasing programs which are developed and implemented as part of~~
11 ~~paragraph (a) of this subsection;~~

12 ~~(c) Evidence of funding by the university of programs identified in paragraph (a) of this subsection~~
13 ~~including identification of private funding; and~~

14 ~~(d) Identification of quality assurance assessment activities for programs identified in paragraph (a) of this~~
15 ~~subsection.~~

16 ~~(5) The council may substitute objectives contained in subsection (4) of this section for objectives~~
17 ~~contained in Sections 3 and 4 of this administrative regulation based on a plan submitted by Kentucky State~~
18 ~~University, reviewed by the Committee on Equal Opportunities, and approved by the council.~~

19 ~~(6) The Council on Postsecondary Education shall evaluate institutional progress in implementing the~~
20 ~~flexible objectives established in the Kentucky Plan in order to determine:~~

21 ~~(a) An institution's automatic eligibility for a new academic program; or~~

22 ~~(b) An institution's eligibility for a waiver}.~~

23 Section 3. Measurement Of An Institution's Performance In Demonstrating Continuous Progress, and

1 Automatic Eligibility For New Academic Programs. (1)(a) A four-year institution shall demonstrate
2 continuous progress or meet the goals established for the eight (8) areas of interest described in Section
3 2(2)(a), (b)1., 2., and 3, and (d)1., 2., and 3.; or

4 (b) The Kentucky Community and Technical College System (KCTCS) shall demonstrate continuous
5 progress or meet the goals established for the seven (7) areas of interest described in Section 2(2)(a)1., (b)1.,
6 2., and 3., and (d) 1., 2., and 3.

7 (2) An institution shall submit a written report annually to the Council or its designee describing the
8 institution's progress in meeting goals set forth in the Institution Diversity Plan, and describing whether an
9 institution has demonstrated continuous progress in the areas of interest described in Section 2(2) of this
10 administrative regulation.

11 (3) To be automatically eligible for new academic programs:

12 (a) A four-year institution shall meet the goal or demonstrate continuous progress in six (6) of the eight
13 (8) areas of interest or meet the goal listed in Section 2 of this administrative regulation; or

14 (b) A community college shall meet the goal or demonstrate continuous progress in five (5) of the seven
15 (7) areas of interest listed in Section 2 of this administrative regulation and selected by the Kentucky
16 Community and Technical College System.

17 (4) For the campus climate component, an institution shall demonstrate continuous progress by
18 completing a report addressing the issues described in Section 2(2)(e) of this administrative regulation.

19 ~~[Enrollment, Retention and Graduation Objectives. (1)(a) An institution's objective for the enrollment of~~
20 ~~undergraduate, Kentucky resident African-American students shall be the percentage of African-American~~
21 ~~high school graduates within the institution's market area.~~

22 ~~(b) The market area shall be the geographic area of Kentucky contributing ninety (90) percent of the~~
23 ~~entering Kentucky resident undergraduate enrollment at an institution as measured by the base year of the~~

1 Kentucky Plan.

2 ~~(2)(a) Except as provided in paragraph (b) of this subsection, an institution's objective for retention of~~
3 ~~first-year undergraduate Kentucky resident African American students shall be equal to the institution's~~
4 ~~retention rate for first-year undergraduate Kentucky resident white students as measured by the base year of~~
5 ~~the Kentucky Plan.~~

6 ~~(b) The community colleges shall be exempt from the requirement established in paragraph (a) of this~~
7 ~~subsection.~~

8 ~~(3)(a) Except as provided in paragraph (b) of this subsection, an institution's objective for the retention of~~
9 ~~total undergraduate Kentucky resident African American undergraduate students shall be equal to the~~
10 ~~institution's retention rate for all Kentucky resident white undergraduate students as measured by the base~~
11 ~~year of the Kentucky Plan.~~

12 ~~(b) The community colleges shall be exempt from the requirement established in paragraph (a) of this~~
13 ~~subsection.~~

14 ~~(4)(a) Except as provided in paragraphs (b) and (c) of this subsection, an institution's objective for the~~
15 ~~awarding of baccalaureate degrees to Kentucky resident African American students shall be equal to the~~
16 ~~institution's rate for awarding baccalaureate degrees to Kentucky resident white students.~~

17 ~~(b) For Kentucky State University, the institution's objective shall be that the rate of award of~~
18 ~~baccalaureate degrees to Kentucky resident white students be equal to that of Kentucky resident African-~~
19 ~~American students as measured by the base year of the Kentucky Plan.~~

20 ~~(c) The community colleges shall be exempt from the requirements established in paragraphs (a) and (b)~~
21 ~~of this subsection.~~

22 ~~(5)(a) Except as provided in paragraph (b) of this subsection, an institution's objective for the enrollment~~
23 ~~of Kentucky resident African American graduate students shall be the same proportion as the institution's~~

1 percentage of enrollment of Kentucky resident white graduate students expressed as a proportion of total
2 resident white undergraduate degrees awarded.

3 (b) Kentucky State University and the community colleges shall be exempt from the requirement
4 established in paragraph (a) of this subsection.

5 Section 4. Employment Objectives. (1) Pursuant to Section 2(3) of this administrative regulation, the
6 Kentucky Plan provides for the measurement and evaluation of each of the three (3) following categories of
7 employment:

8 (a) Executive, administrative, and managerial;

9 (b) Faculty; and

10 (c) Professional nonfaculty.

11 (2) Employment objectives for an institution shall be based on an institution's plan developed in
12 compliance with the U.S. Department of Labor or the U.S. Department of Education as appropriate for that
13 institution.

14 Section 5. Evaluation of Annual Progress. (1) Progress toward achievement of an objective shall be
15 measured annually for the purpose of determining an institution's eligibility to submit a request for a new
16 academic program or for a waiver.

17 (2) An institution shall have met its annual plan implementation objective for undergraduate enrollment if
18 the following conditions have been fulfilled:

19 (a) For Kentucky State University:

20 1. The university maintains the current level of Kentucky resident African Americans as a percentage of
21 total enrollment; and

22 2. The university increases the number of entering Kentucky resident freshmen with ACT scores at or
23 above the statewide average.

1 ~~(b) For all other institutions:~~

2 ~~1. Enrollment of African American students within the system of state-supported higher education is .073~~
3 ~~percent or greater excluding African American students enrolled at Kentucky State University; and~~

4 ~~2. An institution's enrollment of Kentucky resident African American students is greater than the actual~~
5 ~~enrollment of African American students in the prior year.~~

6 ~~(3) An institution shall have met its annual plan implementation objectives for:~~

7 ~~(a) Retention of first-year undergraduate students;~~

8 ~~(b) Retention of total undergraduate students;~~

9 ~~(c) Award of baccalaureate degrees;~~

10 ~~(d) Enrollment of graduate students; and~~

11 ~~(e) In employment of African Americans by demonstrating continuous progress each year in each~~
12 ~~category or by meeting the plan objectives in each category. The council may, upon request by an institution,~~
13 ~~determine that an employment category has too few positions in order to evaluate continuous progress, and~~
14 ~~may indicate that the institution has met its annual implementation plan objectives for the year.~~

15 Section 6. Automatic Eligibility. ~~(1) An institution shall be eligible for the consideration of a new~~
16 ~~academic program if:~~

17 ~~(a) For Kentucky State University, the institution exhibits continuous progress:~~

18 ~~1. In five (5) of seven (7) annual plan implementation objectives established in Sections 3 and 4 of this~~
19 ~~administrative regulation; or~~

20 ~~2. As required by Section 2(4) of this administrative regulation, if substituted by the council in accordance~~
21 ~~with Section 2(5) of this administrative regulation;~~

22 ~~(b) For a community college, the institution exhibits continuous progress in three (3) of four (4) annual~~
23 ~~plan implementation objectives established in Sections 3 and 4 of this administrative regulation; and~~

1 ~~(e) For other institutions, an institution exhibits continuous progress in six (6) of the eight (8) annual plan~~
2 ~~implementation objectives established in Sections 3 and 4 of this administrative regulation.~~

3 ~~(2) Automatic eligibility for a new academic program shall be for the calendar year immediately~~
4 ~~following the certification of eligibility.~~

5 ~~(3) Certification of automatic eligibility and for a quantitative or qualitative waiver shall occur prior to the~~
6 ~~end of each calendar year and shall be reported to the Council on Postsecondary Education and the~~
7 ~~Committee on Equal Opportunities.]~~

8 Section 4 [7]. Waivers. (1) If an institution is not automatically eligible under Section 3 [6] of this
9 administrative regulation [~~and is eligible for a quantitative or qualitative waiver,~~] the institution may request
10 a one (1) year waiver [~~which shall be either:~~

11 ~~(a) Quantitative; or~~

12 ~~(b) Qualitative].~~

13 (2) A waiver request by an institution shall include a resolution submitted to the Council on
14 Postsecondary Education approved by the institution's governing board describing [~~and shall include either a~~
15 ~~quantitative or qualitative assessment, as appropriate, of]the institution's efforts to achieve the institution's~~
16 diversity goals [~~objectives as set forth in the Kentucky Plan].~~

17 (3) A four-year [An] institution shall be eligible to receive a [~~quantitative~~] waiver if:

18 (a) a the institution demonstrates continuous progress or meets the goals in five (5) of the eight (8) areas
19 of interest listed in Section 2(2) of the this administrative regulation; or

20 (b) Where an institution demonstrates continuous progress or meets the goals in less than five (5) of the
21 areas of interest shows in a written report that:

22 1. Outstanding efforts to achieve diversity were attempted which have not yet proven to be successful; or

23 2. Extraordinary circumstances precluded success; and

1 3. How the institution's revised plans for recruitment and retention of a diverse student body, and
2 workforce diversity show promise of future success.

3 (4) A community college shall be eligible for a waiver if:

4 (a) The community college demonstrates continuous progress or meets the goals in four (4) of the seven
5 (7) areas of interest listed in Section 2(2) of the this administrative regulation; or

6 (b) Where a community college has achieved continuous progress or meets the goals in less than four (4)
7 of the areas of interest, the community college shows in a written report that:

8 1. Outstanding efforts to achieve diversity were attempted which have not yet proven to be successful; or

9 2. Extraordinary circumstances precluded success; and

10 3. How the institution's revised plans for recruitment and retention of a diverse student body, and
11 workforce diversity show promise of future success.[:

12 ~~(a) For Kentucky State University, the institution exhibits continuous progress:~~

13 ~~1. In four (4) of seven (7) annual plan implementation objectives established in Sections 3 and 4 of this~~
14 ~~administrative regulation; or~~

15 ~~2. As required by Section 2(4) of this administrative regulation, if substituted by the council in accordance~~
16 ~~with Section 2(5) of this administrative regulation;~~

17 ~~(b) For a community college, an institution exhibits continuous progress in two (2) of four (4) objectives~~
18 ~~established in Sections 3 and 4 of this administrative regulation;~~

19 ~~(c) For an institution other than Kentucky State University or a community college, if an institution~~
20 ~~exhibits continuous progress in five (5) of eight (8) annual plan implementation objectives established in~~
21 ~~Sections 3 and 4 of this administrative regulation.~~

22 ~~A qualitative waiver may be approved for the institution failing to meet annual objectives if an institution~~
23 ~~can demonstrate]:~~

1 ~~[(a)1. a. Outstanding efforts that were attempted which have not yet proven to be successful; or~~

2 ~~2. Extraordinary circumstances that precluded success; and~~

3 ~~3. [(b)] How the institution's revised plans for recruitment and retention of African American students or~~

4 ~~employees show promise of future success.~~

5 ~~(5) The written request for a qualitative waiver shall include specific and quantifiable aspects of the~~

6 ~~institution's efforts to meet equal opportunity objectives including:~~

7 ~~(a) Commitment of funds to equal opportunity related activities;~~

8 ~~(b) Financial aid distribution;~~

9 ~~(c) Student services activities;~~

10 ~~(d) High school visitations and results;~~

11 ~~(e) Academic support services;~~

12 ~~(f) Number of interviews granted to African American applicants for a position;~~

13 ~~(g) Offers of employment made that are accepted or rejected;~~

14 ~~(h) Utilization of funds to stimulate a unit to improve its employment data;~~

15 ~~(i) Special actions for a unit within an institution if additional efforts are required; and~~

16 ~~(j) An evaluation of long range data trends for those objectives that fell below expectations.~~

17 ~~(6)] (5) An institution's written request for a [qualitative] waiver shall be reviewed by the Council on~~

18 ~~Postsecondary Education's Committee on Equal Opportunity which shall make a recommendation to the~~

19 ~~council on whether to grant a [qualitative] waiver.~~

20 ~~[(7) The council shall consider an institution's request for a qualitative waiver at a subsequent meeting of~~

21 ~~the council:~~

22 ~~(a) Following submission of the information by the institution in support of its request; and~~

23 ~~(b) After a recommendation is forwarded from the Committee on Equal Opportunities.]~~

1 (6) [(8)] An institution shall not be eligible for a waiver in consecutive years [regardless of the type of
2 waiver].

3 Section 5. Action Following Receipt of Institution Report. The Council, or its designee shall upon
4 receipt of an institution's annual report described in Section 3(2) of this administrative regulation:

- 5 (1) Review the report in public session;
- 6 (2) Recommend, as appropriate, that an institution modify its diversity plan goals; or
- 7 (3) Recommend, as appropriate, that an institution modify strategies and activities to better ensure success
8 in meeting goals.


9 [(9)(a) Except as provided in paragraph (b) of this subsection, an institution that has received a
10 quantitative or qualitative waiver shall submit a new academic program under the waiver provision in the
11 calendar year for which the waiver is granted. An institution's request for a new academic program, advanced
12 under authority of an approved waiver, shall be considered at the next regularly scheduled meeting of the
13 council after an institution has submitted a complete program application.

14 (b) If the council postpones or delays action on an academic program approval, it may extend the period
15 of consideration of a new academic program.

16 Section 6 [8]. Incorporation by Reference. The Kentucky Public Postsecondary Education Diversity
17 Policy and Framework for Institution Diversity Plan Development [(1) "The 1997-2002 Kentucky Plan for
18 Equal Opportunities in Postsecondary Education", Council on Postsecondary Education,] is incorporated by
19 reference.

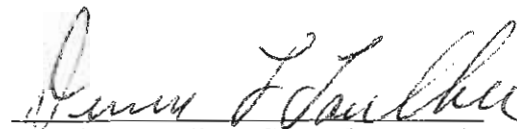
20 (2) It may be inspected, copied, or obtained at the Council on Postsecondary Education, 1024 Capital
21 Center Drive, Suite 320, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

2/3/2011
Date


Paul E. Patton, Chair
Council on Postsecondary Education

APPROVED AS TO FORM:

February 3, 2011
Date


Dennis L. Taulbee, General Counsel
Council on Postsecondary Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 21, 2011 at 10:30 a.m. at the Council on Postsecondary Education, 1024 Capital Center Drive, Suite 320, Frankfort, Kentucky, 40601 in Conference Room A. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification to attend the hearing is received by that date, the hearing may be cancelled.

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

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments will be accepted until March 31, 2011.

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

CONTACT PERSON:

Sherron Jackson, Associate Vice President
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Frankfort, Kentucky 40601
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Fax: 502.573.1535
Email: sherron.jackson@ky.gov

REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

Administrative Regulation 13 KAR 2:060. *Degree program approval; equal opportunity goals.*

Contact person: Sherron Jackson, Associate Vice President
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- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: Sets out the requirements for institutions in regard to equal opportunity goals, and establishes the basis for compliance with KRS 164.020(19).
 - (b) The necessity of this administrative regulation: This administrative regulation because KRS 164.020(19) requires that the Council on Postsecondary Education not approve new academic programs for institutions that fail to meet equal opportunity goals. The statute requires implementation to be through an administrative regulation.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation conforms explicitly to the authorizing statute.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The public postsecondary education institutions need information on how the Council on Postsecondary Education will implement KRS 164.020(19) and how they can continue to be eligible to receive approval for new academic programs.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: The Commonwealth of Kentucky has been released from the requirements of a U. S. Department of Education finding that it maintained the vestiges of a de jure segregated system of higher education. The current administrative regulation was designed to assist the Council with its oversight of the required statewide remedial plan. Now that the Commonwealth has been released by the U. S. Department of Education from further remedial action, the administrative regulation needs to be updated to recognize the

standard for equal opportunity goals, a diversity-based effort.

- (b) The necessity of the amendment to this administrative regulation: The Commonwealth of Kentucky has been released by the U. S. Department of Education from further remedial efforts in regard to equal opportunity. The administrative regulation needs to be altered to accommodate a diversity-based standard.
 - (c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms exactly to the authorizing statute.
 - (d) How the amendment will assist in the effective administration of the statutes: The public postsecondary education institutions need information on how the Council on Postsecondary Education will implement KRS 164.020(19) and how they can continue to be eligible to receive approval for new academic programs.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Eight state-supported postsecondary education institutions and the Kentucky Community and Technical College System (KCTCS) are affected.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Institutions, by Council policy, are required to develop and implement a campus diversity plan that contains measurable goals. The administrative regulation provides for a means of determining whether an institution qualifies each year for new academic programs.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs are anticipated as a result of the change in the administrative regulation.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question 3: the institutions will be in compliance with state law and will be able to develop new academic programs.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: Some of the affected institutions currently receive funds that can be applied to the

implementation of this regulation. The Council does not anticipate requesting additional state funds to assist in the implementation of this regulation.

(b) On a continuing basis: See (5)(a) above.

- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Institutions have general fund appropriations to assist with implementation of this regulation.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees or revenue are associated with this regulation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No.
- (9) TIERING: Is tiering applied? Tiering is not appropriate in these circumstances.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 13 KAR 2:060. Degree program approval; equal opportunity goals. Contact Person: Sherron Jackson

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? State-supported colleges and universities.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 164.020(19)

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? Institutions have previously received appropriations to implement equal opportunity activities; the Council does not anticipate requesting new funds.

(d) How much will it cost to administer this program for subsequent years? See 4.(c) above.

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

Revenues (+/-): This is a revenue neutral proposal

Expenditures (+/-):

Other Explanation: N/A