

## **MINUTES**

### **Council on Postsecondary Education**

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Type: Work Session  
Date: June 28, 2019  
Time: 9:00 a.m.  
Location: Midway University, LRC 207-209

### **WELCOMING & CALL TO ORDER**

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The Council on Postsecondary Education met Friday, June 28, 2019, at 9:00 a.m., ET, at Midway University in Midway, Kentucky. Chair Sherrill Zimmerman presided.

### **ATTENDANCE**

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Members in attendance: Ron Beal, Ben Brandstetter, Kim Halbauer, Lori Harper (by teleconference), Lucas Mentzer, Donna Moore, Kristi Nelson, OJ Oleka, Vidya Ravichandran, Shawn Reynolds, Robert Staat, Sebastian Torres, Brandon Wilson, Sherrill Zimmerman, and Wayne Lewis.

Member not in attendance: Carol Wright.

CPE President Aaron Thompson attended the meeting and served as Secretary of the board, per the CPE Bylaws. Heather Faesy, CPE's senior associate for Board Relations, served as recorder of the meeting minutes.

### **APPROVAL OF THE MINUTES**

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The minutes from the April 25-26, 2019 meetings were approved as distributed.

### **COMMENTS FROM THE PRESIDENT**

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Presenter: Aaron Thompson, CPE President

President Thompson discussed several areas of work during the previous few months including the Kentucky Higher Education Roundtable with the KY Chamber of Commerce, recent work with the Prichard Committee on affordability issues, the findings

thus far from the spring listening tours, the takeaways from the senior staff retreat, the developments of the 2019 Symposium on Postsecondary Education Trusteeship, and a status update on potential changes being made on academic program review.

## **EXECUTIVE COMMITTEE REPORT**

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Presenter: Sherrill Zimmerman, Chair

Chair Zimmerman presented the takeaways from the Executive Committee meeting on June 28 at 8:00 a.m., which included establishing the duties of the committee and meeting frequency.

Chair Zimmerman made the following committee appointments, effective May 15, 2019:

- Academic and Strategic Initiatives Committee: Lori Harper (to serve as chair), Lucas Mentzer, Donna Moore, OJ Oleka, Vidya Ravichandran, Robert Staat, Brandon Wilson, Ben Brandstetter, and Sherrill Zimmerman.
- Finance Committee: Ben Brandstetter (to serve as chair), Kim Halbauer, OJ Oleka, Robert Staat, Brandon Wilson, Carol Wright, and Sherrill Zimmerman.
- Executive Committee: Sherrill Zimmerman (to serve as chair), Ben Brandstetter, Kristi Nelson, Kim Halbauer, and Ron Beal.
- 2019 Nominating Committee: Kristi Nelson and Carol Wright.

Chair Zimmerman made the following appointments to the Committee on Equal Opportunities, effective July 1, 2019:

- Kim Halbauer, replacing Vidya Ravichandran as a CPE member
- Luv'Tesha Robertson, as a citizen member.
- Robert Staat named chair of the Committee, replacing outgoing Chair Shawn Reynolds.

## **FINANCE COMMITTEE REPORT**

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Presenter: Ben Brandstetter, Committee Chair

The Finance Committee met on June 14, 2019. Discussion items included establishing the committee's areas of oversight; work completed thus far on the 2020-22 Biennial Budget Recommendation; and the 2019-20 performance funding distribution and discussions regarding stop loss provisions. The following action items were reviewed and recommended for approval by the full Council:

- 1) Proposed 2019-20 tuition and mandatory fee rates for Eastern Kentucky University, Morehead State University, the University of Kentucky, and the University of Louisville. Each institution's proposed rates complied with the ceilings adopted by the Council in April of 2018.
- 2) 2019-20 Agency Operating Budget, of which the budget totals \$17.4 million, with just 22% of that going directly towards postsecondary education coordination. The rest of the funds are budgeted to data collection and analysis, contract spaces, contract administration, ovarian cancer screenings, special initiatives, and the technology trust fund.
- 3) Three proposed tuition reciprocity agreements with Ohio, each valid July 1, 2019 through June 30, 2021. The revisions to the agreements were minimal, with the additions of 2 Ohio universities on the first and third agreements, and the addition of a Kentucky community and technical college on the second. To ensure the agreement is mutually beneficial, CPE staff provided a comparison of Kentucky and Ohio student headcounts, FTE students, and attempted student credit hours, and the number of Kentucky students taking advantage of these agreements increased to 60% in 2018 (which is up from 57% in the previous year).
- 4) KCTCS's request for interim authorization of a capital project to renovate the Main Campus at Southcentral Kentucky Community and Technical College. This authorization would provide for HVAC upgrades, additional faculty offices, and expansion of the bookstore. It will require \$3,000,000 of agency restricted funds and no debt financing. The project was approved by KCTCS's Board of Regents on June 15, 2018.

MOTION: Ms. Nelson moved that the Council accept the recommendations of approval by the Finance Committee. Mr. Torres seconded the motion.

VOTE: The motion passed.

## **ACADEMIC AND STRATEGIC INITIATIVES COMMITTEE REPORT**

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Presenter: Lori Harper, Committee Chair

The Academic and Strategic Initiatives Committee met on June 14, 2019. The committee established its areas of responsibility and meeting frequency, and the following action items were reviewed and recommended for approval by the full Council:

- 1) Three new academic programs from the University of Kentucky – a Bachelor of Science in Consumer Economics and Personal Finance, a Bachelor of Arts in Public Policy and Leadership, and Master of Science in Data Science.
- 2) Two new academic programs from Murray State University – a Bachelor of Arts in Human Services, and Bachelor of Arts in Culture and Language Studies.
- 3) One new academic program at Northern Kentucky University of Kentucky – a Bachelor of Science in Japanese.
- 4) The following proposed revisions to the 2016-21 Statewide Strategic Agenda.
  - Remove Objective 4, due to the reorganization of Kentucky Adult Education to the Education and Workforce Development Cabinet.
  - Revise the metric “Average Credit Hours” to measure “Median Credit Hours” to provide a more realistic view of credits to degree and remove outliers that skew that average.
  - Add a metric to measure the enrollment of credential-seeking students, disaggregated as appropriate. Dual credit students would be included in a separate calculation.
  - Add a disaggregation based on age groups for the agenda’s enrollment and completion metrics, and to
  - Remove the metrics that were intended to measure academic quality.

MOTION: Dr. Staat moved that the Council accept the recommendations of approval by the Academic & Strategic Initiatives Committee. Ms. Moore seconded the motion.

VOTE: The motion passed.

## **COMMITTEE ON EQUAL OPPORTUNITIES REPORT**

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Presenter: Shawn Reynolds, Committee Chair  
Travis Powell, Vice President and General Counsel  
Dawn Offutt, Director of Initiatives for Diversity, Equity, & Inclusion

The Committee on Equal Opportunities met on June 24, 2019, and outgoing Chair Reynolds provided a summary of the meeting. Dr. Offutt and Mr. Powell discussed the results of the 2018 evaluations as related to the Kentucky Public Postsecondary Education Policy for Diversity, Equity and Inclusion. The policy was adopted in 2016, and in the spring of 2019, the Committee on Equal Opportunities oversaw the first evaluation of institutional progress toward meeting their individual goals. Agenda

materials included a summary of the evaluation results for each institution, an example narrative report on strategy implementation, evaluation, and determination of next steps.

## **AMENDMENT TO 13 KAR 1:020 – PRIVATE COLLEGE LICENSING**

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Presenter: Travis Powell, CPE Vice President and General Counsel

The Council on Postsecondary Education is charged with protecting institutions and citizens of the Commonwealth against those colleges which resort to fraudulent practices, unfair competition, or substandard educational programs per KRS 164.947. KRS 164.947(3) vests the authority to license with the president of the Council and it covers all private, for-profit and non-profit colleges offering a bachelor's degree or above and out-of-state private and public colleges that operate in Kentucky.

Mr. Powell presented the following proposed revisions to 13 KAR 1:020:

- 1) In-state colleges required to receive approval for an instructional site where 50% of an academic program is offered, rather than 25%.
- 2) Colleges required to provide notice to the Council when certain measures of federal financial aid distress are triggered.
- 3) If those measures are triggered, in-state colleges using unrestricted cash to meet their unearned tuition coverage obligations will be required to obtain a surety bond or letter of credit or transfer the cash to the Council until those measures are no longer triggered.
- 4) The process for the Council to call in a letter of credit to protect student claims for unearned tuition is outlined.
- 5) Colleges would be required to provide notice that they are the subject of any investigation, complaint, or disciplinary matter with any accreditors or state or federal agencies within 10 days of their receipt of notice.
- 6) By January 1, 2022, all licensed colleges shall maintain all student records in an electronic format that is searchable and readily transferable consistent with industry standards. New colleges seeking licensure shall meet this requirement as a part of initial licensure.
- 7) As part of the annual renewal application for licensure, colleges must provide documentation of any notice of disciplinary action, warning or probation from any state, federal, or accrediting agency within the past two years.
- 8) Technical revisions.

An approval action authorizes staff to file the proposed administrative regulation, and authorize CPE Vice President and General Counsel [pursuant to KRS 13A.290(4) and KRS 13A.320(1)(b)] to make such changes on behalf of the Council as necessary to

comply with KRS Chapter 13A and obtain adoption by the Administrative Regulation Review Subcommittee and the Interim Joint Committee on Education.

MOTION: Ms. Nelson moved to accept the proposed amendments to 13 KAR 1:020 as presented. Mr. Torres seconded the motion.

VOTE: The motion passed.

## **UPDATE FROM THE COMMISSIONER OF EDUCATION**

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Presenter: Wayne D. Lewis, KY Commissioner of Education

Dr. Lewis discussed the current teacher shortages and ways the state is trying to mitigate the impact those shortages are causing. Much of the discussion focused on alternative pathways to certification, alternative methods to the traditional way of teaching, and programs such as Teach for America that can be expanded for Kentucky's K-12 system.

## **ANNUAL STRATEGIC AGENDA PERFORMANCE BRIEFING FROM THE ASSOCIATION OF INDEPENDENT KENTUCKY COLLEGES AND UNIVERSITIES**

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Presenters: Gary Cox, President of AIKCU  
Kenneth L. Hoyt, Ph.D., The Higher Education Practice, LLC

The Association of Independent Kentucky Colleges and Universities (AIKCU) leadership staff provided the annual independent college briefing to the Council as directed by KRS 164.020(13). Following the briefing, an update was provided on the results of AIKCU's Optimizing Academic Balance (OAB) initiative, a three-year grant-funded project to engage AIKCU institutions in a data-driven analysis of their core academic missions to help institutions better understand their academic business models and enhance their sustainability. This is the first time this type of analysis has been done for a collective group of like institutions to provide comparative data. Thirteen of eighteen AIKCU members have now completed the process.

## **RESOLUTIONS**

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Periodically, the Council recognizes certain individuals for their support of and service to postsecondary education in Kentucky. At the meeting, resolutions for the following individuals were approved by the Council:

- Gary Cox, President of the Association of Independent Kentucky Colleges and Universities
- Sebastian Torres, student member of the Council
- Shawn Reynolds, member of the Council

## **CAMPUS “GOOD NEWS” REPORTS**

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Reports from the institutions were provided in the agenda materials.

## **EXECUTIVE SESSION**

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MOTION: Dr. Staat moved that the Council go into executive discussion to discuss a matter involving potential litigation pursuant to KRS 61.810(1)(c). Ms. Ravichandran seconded the motion.

VOTE: The motion passed.

Following the motion, everyone attending the meeting left the room. The Council entered into executive session at 12:10 p.m. and remained so for eight minutes.

MOTION: Dr. Staat moved that the Council go back into open session. Ms. Ravichandran seconded the motion.

VOTE: The motion passed.

Chair Zimmerman confirmed that no action was taken in executive session and all discussion pertained to the matter was identified in the motion.

## **ADJOURNMENT**

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The Council adjourned at 12:20 p.m., ET.

***MINUTES REVIEWED AND APPROVED BY THE COUNCIL: October 31, 2019***