

164.283 Student academic records confidential -- Exceptions.

- (1) As used in this section unless the context otherwise requires:
 - (a) "Academic" means a student's official record of academic performance, including, but not limited to transcript of grades or other action taken by the institution directly related to academic performance. The term "academic" does not include any nonacademically-related action the institution may take.
 - (b) "Universities and colleges" means all state supported postsecondary educational institutions in Kentucky.
 - (c) "Institution" means all public supported institutions of higher learning in Kentucky.
- (2) All student academic records shall be confidential and shall not require a student's Social Security number to identify the student, with the exception of the exemptions stated in subsections (3) to (9) of this section, and shall not be released by any public supported institution of higher education in Kentucky, to any person, organization, institution, group, or agency, except with the express consent of the individual student. This confidentiality shall apply only to student academic records, including, but not limited to, official transcript of grades.
- (3) All student academic records shall be made available upon request to any agency of the federal or state government for the purpose of determining a student's eligibility for military service and shall include making such records available to local draft boards. This authority shall be limited only to determining the student's eligibility for military service and shall not be extended, except with the individual student's consent as specified in subsection (2) of this section.
- (4) Any institution may provide the legal parents of any student under twenty-one (21) years of age with a copy of the student's academic record.
- (5) All student academic records shall be made available to any federal, state, or local law enforcement agency, the Department of Juvenile Justice, and any court of law upon written request.
- (6) All student academic records shall be made available upon request to any grantor of scholarships or loans based upon the maintenance of a satisfactory level of scholarship, but shall be for the official use of the grantors only.
- (7) All student academic records shall be made available upon request to a public or private junior college from which the individual student was graduated or to a public or private secondary school from which the individual student was graduated.
- (8) All student academic records shall be made available upon request to the Council on Postsecondary Education for professional academic research.
- (9) All student academic records shall be made available upon request to any official of the university or college in which the student is enrolled who is directly concerned with the student's academic progress. This authority shall include but is not limited to the individual student's academic adviser.

(10) This section shall be applicable to all academic records maintained by all public postsecondary educational institutions in Kentucky.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 606, sec. 17, effective July 15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 89, effective May 30, 1997. -- Amended 1988 Ky. Acts ch. 266, sec. 1, effective July 15, 1988. -- Amended 1978 Ky. Acts ch. 155, sec. 104, effective June 17, 1978. -- Created 1970 Ky. Acts ch. 51, sec. 1.

164.284 Waiver of tuition and fees for person sixty-five or older -- Conditions.

- (1) When any person sixty-five (65) years of age or older, who is a resident of the Commonwealth, is admitted and enrolls as a student in any state-supported institution of higher learning in this Commonwealth, the board of trustees of the institution or other appropriate institution officials shall waive all tuition charges and fees for such student, except as provided in subsection (2) of this section.
- (2) In the event that classes are full or the granting of free admission requires additional units, the institution may deny admission under this section.

History: Created 1976 Ky. Acts ch. 319, sec. 1.

164.2841 Free tuition at state-supported school for survivor of police officer, firefighter, or volunteer firefighter killed in line of duty -- Free tuition at state-supported-school for survivor of other state-administered retirement system participants who died as a result of duty-related injury -- Limitation.

- (1) (a) Any person whose parent or any nonmarried widow or widower whose spouse was a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, or volunteer firefighter and who was killed while in active service or training for active service or who died as a result of a service-connected disability shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution. The provisions of this subsection shall apply to any firefighter or volunteer firefighter who is killed or dies under the conditions covered in this subsection on July 1, 1989, or thereafter.
- (b) In order to obtain the benefits conferred by paragraph (a) of this subsection, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of the Kentucky Justice Cabinet, the appropriate city or county law enforcement agency which employed the deceased, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.
- (2) (a) Any person whose parent or any nonmarried widow or widower whose spouse was an employee participating in a state-administered retirement system, and not otherwise covered by subsection (1) of this section, and who died as a result of a duty-related injury as described in KRS 61.621 shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution.
- (b) In order to obtain the benefits conferred by paragraph (a) of this subsection, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of the employing agency or the appropriate retirement system.
- (3) If one so admitted to a state-supported university, community college, or vocational training institution under the provisions of this section shall have obtained a cash scholarship paid or payable to the institution, from whatever source, the amount of the scholarship shall be applied to the credit of the applicant in the payment of incidental expenses of his attendance at the institution, and any balance, if the terms of the scholarship permit, shall be returned to the applicant.

Effective: June 21, 2001

History: Amended 2001 Ky. Acts ch. 7, sec. 4, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 381, sec. 9, effective July 14, 1992; ch. 197, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 143, sec. 1, effective July 13, 1990. -- Created 1986 Ky. Acts ch. 324, sec. 2, effective April 4, 1986.

164.2842 Free tuition at state-supported school for survivor of police officer, firefighter, or volunteer firefighter permanently and totally disabled in line of duty -- Free tuition at state-supported school for survivor of other state-administered retirement system participants disabled as a request of duty-related injury.

- (1) (a) The spouse, regardless of age, and any child of a permanently and totally disabled law enforcement officer, firefighter, or volunteer firefighter injured while in active service or in training for active service, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.
- (b) For the spouse or child to be entitled to benefits under this section, the disabled law enforcement officer, firefighter, or volunteer firefighter shall be rated permanently and totally disabled for pension purposes or one hundred percent (100%) disabled for compensation purposes by the Kentucky Justice Cabinet, the appropriate city or county law enforcement agency which employed the disabled, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, or if deceased, the claim to benefits is to be based on the rating held by the law enforcement officer, firefighter, or volunteer firefighter at the time of death. The parent's or spouse's service and rating shall be evidenced by certification from the records of the Kentucky Justice Cabinet, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.
- (c) In the absence of certification of permanent and total disability by the Kentucky Department of Workers' Claims, the Kentucky Justice Cabinet, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty (30) days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice or an official of an accredited medical hospital.
- (d) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.
- (e) To entitle a spouse or child to benefits under this section the disabled law enforcement officer, firefighter, or volunteer firefighter shall have been a resident of

the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, or volunteer firefighter.

- (2) (a) The spouse, regardless of age, and any child of a person who was an employee participating in a state-administered retirement system and not otherwise covered by subsection (1) of this section and who was disabled as a result of a duty-related injury as described in KRS 61.621, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.
 - (b) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.
- (3) The marriage of an eligible child shall not serve to deny full entitlement to the benefits provided in this section.

Effective: June 21, 2001

History: Amended 2001 Ky. Acts ch. 7, sec. 5, effective June 21, 2001. -- Amended 1994 Ky. Acts ch. 181, sec. 100, effective April 4, 1994. -- Amended 1992 Ky. Acts ch. 381, sec. 10, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 143, sec. 2, effective July 13, 1990. -- Created 1986 Ky. Acts ch. 324, sec. 3, effective April 4, 1986.

164.2845 Tuition-free courses for supervising teachers and resource teachers.

- (1) In recognition of valuable service to the preparation of teachers and the need for all teachers to have continual professional growth, a supervising teacher or a resource teacher for teacher interns may, with prior approval of the course-offering institution, take a maximum of six (6) credit hours per term at any public postsecondary institution and pay no tuition. The postsecondary institution shall waive the tuition up to a maximum of six (6) credit hours.
- (2) The teachers covered in this section may exercise the tuition-free course option only if there is available space within a given course offering. A postsecondary institution shall not be required to establish a course to meet teacher requests.
- (3) The tuition-free courses may be used to partially satisfy requirements for an advanced degree.
- (4) Each public postsecondary education institution shall establish the procedures for implementing the provisions of this section, effective August 1, 2000.

Effective: July 14, 2000

History: Created 2000 Ky. Acts ch. 527, sec. 9, effective July 14, 2000.

164.2847 Waiver of tuition and mandatory student fees for Kentucky foster or adopted children.

- (1) Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Kentucky foster or adopted child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution, and if:
 - (a) The student's family receives state-funded adoption assistance under KRS 199.555;
 - (b) The student is currently committed to the Cabinet for Families and Children under KRS 610.010(4) and placed in a family foster home or is placed in accordance with KRS 605.090(3);
 - (c) The student is in an independent living program and the placement is funded by the Cabinet for Families and Children;
 - (d) The student who is an adopted child was in the permanent legal custody of and placed for adoption by the Cabinet for Families and Children. A student who meets the eligibility criteria of this paragraph and lives outside of Kentucky at the time of application to a Kentucky postsecondary institution may apply for the waiver up to the amount of tuition for a Kentucky resident; or
 - (e) The Cabinet for Families and Children was the student's legal custodian on his or her eighteenth birthday.
- (2) Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Department of Juvenile Justice foster child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution and obtains a recommendation for participation from an official from the Department of Juvenile Justice, and if:
 - (a) The student has not been sentenced to the Department of Juvenile Justice under KRS Chapter 640;
 - (b) The student has been committed to the Department of Juvenile Justice for a period of at least two (2) years;
 - (c) The student is in an independent living program and placement is funded by the Department of Juvenile Justice;
 - (d) The parental rights of the student's biological parents have been terminated; or
 - (e) The student was committed to the Cabinet for Families and Children prior to a commitment to the Department of Juvenile Justice.
- (3) Upon request of the postsecondary institution, the Cabinet for Families and Children shall confirm the eligibility status under subsection (1) of this section and the Department of

Juvenile Justice shall confirm the eligibility status and recommendations under subsection (2) of this section of the student seeking to participate in the waiver program. Release of this information shall not constitute a breach of confidentiality required by KRS 199.570, 610.320, or 620.050.

- (4) The student shall complete the Free Application for Federal Student Aid to determine the level of need and eligibility for state and federal financial aid programs. If the sum of the tuition waiver plus other student financial assistance, except loans and the work study program under 42 U.S.C. secs. 2751-2756b, from all sources exceeds the student's total cost of attendance, as defined in 20 U.S.C. sec. 1087ll, the tuition waiver shall be reduced by the amount exceeding the total cost of attendance.
- (5) The student shall be eligible for the tuition waiver:
 - (a) For entrance to the institution for a period of no more than four (4) years after the date of graduation from high school; and
 - (b) For a period of five (5) years after first admittance to any Kentucky institution if satisfactory progress is achieved or maintained.
- (6) The Cabinet for Families and Children shall report the number of students participating in the tuition waiver program under subsection (1) of this section and the Department of Juvenile Justice shall report the number of students participating in the tuition waiver program under subsection (2) of this section on October 1 each year to the Council on Postsecondary Education and the Legislative Research Commission.
- (7) The Council on Postsecondary Education shall report nonidentifying data on graduation rates of students participating in the tuition waiver program by November 30 each year to the Legislative Research Commission.
- (8) Nothing in this section shall be construed to:
 - (a) Guarantee acceptance of or entrance into any postsecondary institution for a foster or adopted child;
 - (b) Limit the participation of a foster or adopted student in any other program of financial assistance for postsecondary education;
 - (c) Require any postsecondary institution to waive costs or fees relating to room and board; or
 - (d) Restrict any postsecondary institution, the Department of Juvenile Justice, or the Cabinet for Families and Children from accessing other sources of financial assistance, except loans, that may be available to a foster or adopted student.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 279, sec. 2, effective July 15, 2002. -- Created 2001 Ky. Acts ch. 48, sec. 1, effective June 21, 2001.

164.2849 Legislative finding.

The General Assembly of the Commonwealth of Kentucky finds and declares that it is in the best interests of the Commonwealth to encourage and support adults to adopt and provide foster care for children in the custody of the state. The General Assembly recognizes that a child whose care, custody, and control has been assumed by the Commonwealth as evidenced by termination of the rights of the biological parents and adoption from state custody or a custodial commitment to the Cabinet for Families and Children or the Department of Juvenile Justice is a special ward of the state and faces particular challenges in pursuing higher education. Because it is the intent of the General Assembly to support adoption, foster parenting, and educational advancement, the purpose of KRS 164.2847 is to provide postsecondary education advancement opportunity for foster and adopted children who are or were wards of the state.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 279, sec. 1, effective July 15, 2002.

164.285 Provisions of KRS 64.640 and 156.010 inapplicable to institutions of higher learning.

KRS 156.010 and 64.640 and any other statute, to the extent that they provide that the University of Kentucky, Eastern Kentucky State University, Western Kentucky State University, Murray State University, and Morehead State University shall be included in the Department of Education and constitute a division thereof, are hereby repealed.

History: Created 1952 Ky. Acts ch. 28, sec. 3.

164.287 Motor vehicle liability insurance -- Conditions.

Each board of regents or trustees of the public postsecondary educational institutions is authorized to provide for liability and indemnity insurance against the negligence of drivers or operators of motor vehicles or other mobile equipment owned or operated by the board. If the transportation of members of the student bodies is let out under contract, the contract shall require the contractor to carry indemnity or liability insurance against negligence in such amount as the board designates. In either case the indemnity bond or insurance policy shall be issued by some surety or insurance company authorized to transact business in this state, and shall bind the company to pay any final judgment not to exceed the limits of the policy rendered against the insured for loss or damage to property of any student or other person, or death or injury of any student or other person.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 90, effective May 30, 1997.

-- Created 1962 Ky. Acts ch. 59, sec. 1.

164.2871 Liability insurance for governing board members, faculty, and staff -- Retirement annuity allowances exemption -- Taxability after December 31, 1997 -- Purchase of insurance not waiver of immunity --Self-insured employer group health plan.

- (1) The governing board of each state postsecondary educational institution is authorized to purchase liability insurance for the protection of the individual members of the governing board, faculty, and staff of such institutions from liability for acts and omissions committed in the course and scope of the individual's employment or service. Each institution may purchase the type and amount of liability coverage deemed to best serve the interest of such institution.
- (2) All retirement annuity allowances accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution are hereby exempt from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court. Except retirement benefits accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution on or after January 1, 1998, shall be subject to the tax imposed by KRS 141.020, to the extent provided in KRS 141.010 and 141.0215.
- (3) Except as provided in KRS Chapter 44, the purchase of liability insurance for members of governing boards, faculty and staff of institutions of higher education in this state shall not be construed to be a waiver of sovereign immunity or any other immunity or privilege.
- (4) The governing board of each state postsecondary education institution is authorized to provide a self-insured employer group health plan to its employees, which plan shall conform to the requirements of subtitle 32 of KRS Chapter 304 and shall be exempt from conformity with subtitle 17A of KRS Chapter 304.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 91, effective May 30, 1997. -- Amended 1995 (2d Extra. Sess.) Ky. Acts ch. 1, sec. 7, effective April 28, 1995. -- Amended 1988 Ky. Acts ch. 282, sec. 7, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 235, sec. 1, effective July 15, 1986. -- Created 1978 Ky. Acts ch. 347, sec. 1, effective June 17, 1978.

164.288 Power of state postsecondary education institutions to accept federal aid.

Any of the state postsecondary educational institutions or the state on behalf of any of the institutions may accept federal aid in the form of services, equipment, supplies, materials, or funds by way of gift, grant, or loan for the purpose of higher education, including student loans. Any of the institutions acting through its president or its governing board is hereby authorized to receive such services, equipment, supplies, materials, and funds as are available. The institutions are authorized to use funds appropriated to them in carrying out the matching provisions required by federal programs, loans, or grants.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 92, effective May 30, 1997.
-- Amended 1988 Ky. Acts ch. 257, sec. 1, effective July 15, 1988. -- Amended 1972 Ky. Acts ch. 203, sec. 31. -- Created 1960 Ky. Acts ch. 136, sec. 1.

164.289 Faculty member's power to vote.

Notwithstanding any other provision of KRS Chapter 164, the faculty member of any governing board of any postsecondary educational institution supported in whole or in part by state funds, whether or not described as nonvoting, shall have the right to vote on all matters except that of faculty compensation.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 93, effective May 30, 1997.
-- Created 1972 Ky. Acts ch. 196, sec. 6.

164.2891 Faculty voting member of board of trustees or regents.

Any university or postsecondary educational institution under the jurisdiction of the Council on Postsecondary Education may have a faculty member as a voting member of its board of trustees or regents.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 94, effective May 30, 1997.

-- Created 1978 Ky. Acts ch. 275, sec. 3, effective June 17, 1978.

164.290 State universities recognized -- Names -- Status of Kentucky State University.

- (1) The state colleges formerly designated as Eastern Kentucky State College, Morehead State College, Murray State College, Western Kentucky State College, Northern Kentucky State College, and Kentucky State College may be known and recognized as Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, Northern Kentucky University, and Kentucky State University.
- (2) Kentucky State University located at Frankfort, Kentucky, is a land-grant state institution and, as such, all the provisions of KRS Chapter 164 shall likewise apply to Kentucky State University. It is the intent of the General Assembly that Kentucky State University shall serve as a four (4) year residential institution emphasizing a program of liberal studies appropriate to its size and resources.

Effective: July 1, 1992

History: Amended 1992 Ky. Acts ch. 10, sec. 19, effective July 1, 1992. -- Amended 1982 Ky. Acts ch. 348, sec. 1, effective July 15, 1982. -- Amended 1976 Ky. Acts ch. 8, sec. 1. -- Amended 1972 Ky. Acts ch. 39, sec. 4. -- Amended 1966 Ky. Acts ch. 6, sec. 4. -- Amended 1952 Ky. Acts ch. 41, sec. 8. -- Amended 1948 Ky. Acts ch. 11, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-37.

164.291 Student body president to receive honorarium -- Effect.

The president of the student body of any state university may receive an honorarium for his service. The receipt of such honorarium or other compensation from the university shall not constitute a conflict of interest in the event he serves on the governing board of the university.

Effective: June 17, 1978

History: Created 1978 Ky. Acts ch. 392, sec. 1, effective June 17, 1978.

164.295 Programs of state universities.

The six (6) state universities shall provide:

- (1) Upon approval of the Council on Postsecondary Education, associate and baccalaureate programs of instruction;
- (2) Upon approval of the Council on Postsecondary Education, graduate programs of instruction at the master's-degree level in education, business, and the arts and sciences, specialist degrees, and programs beyond the master's-degree level to meet the requirements for teachers, school leaders, and other certified personnel;
- (3) Research and service programs directly related to the needs of their primary geographical areas;
- (4) And, may provide programs of a community college nature in their own community comparable to those listed for the Kentucky Community and Technical College System, as provided in KRS 164.580.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 95, effective May 30, 1997.
-- Amended 1978 Ky. Acts ch. 155, sec. 109, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 8, sec. 3. -- Amended 1972 Ky. Acts ch. 39, sec. 5. -- Created 1966 Ky. Acts ch. 6, sec. 5.

164.296 Vocational and nonvocational programs at state universities -- Joint programming -- Review of programs below associate level.

Vocational and nonvocational programs offered at the state universities shall be operated and administered by those universities consistent with the regulations developed by the board of trustees or regents and approved by the Council on Postsecondary Education for the issuance of associate, baccalaureate, or graduate degrees. Joint programming and articulation of vocational-technical education nondegree programs with associate degree programs shall be pursued between the Kentucky Community and Technical College System and other postsecondary institutions when feasible. No public institution of higher education shall offer any new program of a vocational-technical-occupational nature below the associate degree level without the review of the board of regents for the Kentucky Community and Technical College System and the approval of the Council on Postsecondary Education. The board of regents for the Kentucky Community and Technical College System, with approval of the Council on Postsecondary Education, may contract with public institutions of higher education for the operation of specific programs and projects.

Effective: May 30, 1997

History: Repealed, reenacted, renumbered, and amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 50, effective May 30, 1997. -- Created 1990 Ky. Acts ch. 470, sec. 21, effective July 1, 1990.

Formerly codified as KRS 151B.115.

164.297 English language proficiency assessment for instructors.

- (1) Each state university shall institute English language proficiency assessment for all instructors, including teaching assistants, for whom English is not their primary language. The instructors shall be evaluated periodically to demonstrate their ability to deliver all lectures and oral presentations in an English speech pattern which the students understand.
- (2) Subsection (1) of this section shall not apply to the teaching of foreign language courses.
- (3) If an instructor receives an unsatisfactory evaluation, he shall have one (1) semester to demonstrate his ability. If an instructor receives a second unsatisfactory evaluation, his employment shall be terminated.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 407, sec. 1, effective July 14, 1992.

164.300 Purpose of state universities and colleges.

The purpose of the state universities and colleges is to give instruction at the college level, in residence and through extension study, in academic, vocational and professional subjects and in the science and art of teaching, including professional ethics, to conduct training schools, field service and research, and to render such supplemental services as conducting libraries and museums, dormitories, farms, recreational facilities and offering instruction in such general and cultural subjects as constitute a part of their curricula.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-38.

164.310 Boards of regents for state regional universities and Kentucky Community and Technical College System.

There shall be a board of regents for each of the state universities, to be known as the board of regents of the State University and a board of regents for the Kentucky Community and Technical College System.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 96, effective May 30, 1997.
-- Amended 1948 Ky. Acts ch. 11, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-39.

164.321 Boards of Regents of Eastern Kentucky, Morehead State, Murray State, Western Kentucky, Kentucky State, Northern Kentucky Universities, and Kentucky Community and Technical College System -- Membership -- Terms.

- (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 regional 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 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.
 1. Four (4) members shall be appointed by the Governor from three (3) nominations for each of four (4) appointments, recommended by the board of trustees of the University of Kentucky. The Governor may request additional nominations at his discretion.
 2. Four (4) members shall be appointed by the Governor from nominations by the Governor's Postsecondary Nominating Committee, under KRS 164.005.
 3. 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.
 4. A change in residency of a gubernatorial appointee after the date of appointment shall not affect the appointee's ability to serve. 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, 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. Board members serving as of May 30, 1997, may be reappointed at the end of their existing terms and may serve two (2) additional full 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. Membership on the board shall reflect no less than proportional representation of the minority racial composition of the Commonwealth. 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.
- (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 he is appointed and until his successor is appointed and qualified.
- (6)
 - (a) The faculty member shall be a teaching or research member of the faculty of his respective university or college of the rank of assistant professor or above. He shall be elected by secret ballot by all faculty members of his university or college of the rank of 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 shall not be eligible to continue to serve as a member of the board if he ceases being a member of the teaching staff of the university or college. 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 representatives 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 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 regional university shall be any full-time staff member excluding the president, vice presidents, academic deans, and academic department chairpersons. He shall represent all nonteaching university employees including, but not limited to, building facilities and clerical personnel. He shall be elected by secret ballot by the nonteaching employees. The nonteaching personnel member shall serve a term of three (3) years and until his successor is elected and qualified. The nonteaching personnel member shall be eligible for reelection, but he shall not be eligible to continue to serve as a member of the board if he 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 regional university board shall be the president of the student body of the university during the appropriate academic year and may be an out-of-state resident if applicable. If the student member does not maintain his position as student body president or his 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 student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.
- (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 with the first meeting of the fiscal year that contains the academic year. If the student member does not maintain his or her status as a full-time student, a special election shall be held to fill the vacancy. The two

- (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.
- (9) All persons appointed after May 30, 1997, shall be required to attend and complete an orientation program prescribed by the council under KRS 164.020, as a condition of their service.
- (10) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the Council on Postsecondary Education and a finding of fact by the council.
- (11) The initial board of the Kentucky Community and Technical College System shall be appointed by July 31, 1997:
- (a) By not later than thirty (30) days after May 30, 1997, the Governor's Postsecondary Nominating Committee shall submit nominations to the Governor as set forth in subsection (1) of this section for initial appointments to the board.
- (b) By June 10, 1997, the board of trustees for the University of Kentucky shall submit nominations to the Governor, as set forth in subsection (1) of this section, for initial appointments to the board. For any subsequent appointment to be made from nominations from the board of trustees, the board of trustees shall forward nominations thirty (30) days prior to the expiration of a term or as soon as practicable following an unforeseen vacancy. If the Governor needs nominees of a particular sex in order to make an appointment, the board of trustees shall only provide nominees of that sex.

Effective: June 21, 2001

History: Amended 2001 Ky. Acts ch. 12, sec. 1, effective June 21, 2001. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 97, effective May 30, 1997. -- Amended 1994 Ky. Acts ch. 41, sec. 1, effective July 15, 1994. -- Created 1992 Ky. Acts ch. 10, sec. 5, effective July 1, 1992.

164.325 KRS 63.080(2) applicable to board of regents.

KRS 63.080(2) hereby is expressly made applicable to members of the board of regents of each of said universities or colleges.

History: Created 1956 (1st Extra. Sess.) Ky. Acts ch. 7, Art. XIV, sec. 2.

164.330 Organization and officers of boards of regents -- Expenses.

Each board of regents shall hold its first meeting within thirty (30) days after each appointment of new members. At this meeting there shall be elected a vice chairperson and a secretary for the board. Each board shall appoint a treasurer, and such officers as it deems necessary, but no member of any of the boards shall be appointed treasurer. No member of any board shall draw any salary for his services, but shall be reimbursed for necessary expenditures made in going to and from each meeting of the board and for other legitimate expenses, except a member who resides outside the Commonwealth shall not be reimbursed for out-of-state travel. The expenses shall be paid out of the funds of the appropriate institution.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 98, effective May 30, 1997.
-- Amended 1992 Ky. Acts ch. 10, sec. 11, effective July 1, 1992; ch. 27, sec. 10, effective July 1, 1992. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-42.

164.335 Members of General Assembly not to serve on governing boards of state postsecondary education institutions.

In addition to the qualifications provided in KRS 164.131 for members of the board of trustees of the University of Kentucky, in KRS 164.821 for members of the board of trustees of the University of Louisville, and in KRS 164.321 for members of the board of regents of other Kentucky universities and of the Kentucky Community and Technical College System, no person who is a member of either house of the Kentucky General Assembly shall serve as a member of the board of trustees or board of regents of any public institution.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 99, effective May 30, 1997. -- Amended 1992 Ky. Acts ch. 10, sec. 18, effective July 1, 1992. -- Created 1972 Ky. Acts ch. 5, sec. 1.

164.337 Member of General Assembly may be employee of state university or community college.

Notwithstanding the provisions of any statute to the contrary, a legislator may be an employee of any of the state universities or community colleges without resigning his membership in the General Assembly.

Effective: July 1, 1990

History: Created 1990 Ky. Acts ch. 470, sec. 78, effective July 1, 1990.

164.340 Meetings of boards -- Quorum.

The governing board shall meet quarterly at the institution or at such other place as is agreed upon. Upon written request of the president of the institution or of two (2) members of the board, the chairman of the board shall call a special meeting at a place designated by him, and the board may at such special meeting transact any or all business that it may transact at a regular meeting. A majority of the members of the board shall constitute a quorum for the transaction of business, but no appropriation of money shall be made nor any contract that requires a disbursement of money shall be authorized, and no teacher employed or dismissed, unless a majority of all the members of the board vote for it.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 100, effective May 30, 1997. -- Amended 1982 Ky. Acts ch. 391, sec. 16, effective July 15, 1982. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-43.

164.350 General powers and duties of boards of regents.

- (1) The government of each of the state universities and the Kentucky Community and Technical College System is vested in its respective board of regents. Each board of regents, when its members have been appointed and qualified, shall constitute a body corporate, with the usual corporate powers, and with all immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions. Each board may:
 - (a) Receive grants of money and expend the same for the use and benefit of the university or college;
 - (b) Adopt bylaws, rules, and regulations for the government of its members, officers, agents, and employees, and enforce obedience to such rules;
 - (c) Require such reports from the president, officers, faculty, and employees as it deems necessary and proper from time to time;
 - (d) Determine the number of divisions, departments, bureaus, offices, and agencies needed for the successful conduct of the affairs of the university or college; and
 - (e) Grant diplomas and confer degrees upon the recommendation of the president and faculty.
- (2) Each board of regents 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.
- (3) In addition to the duties required in subsections (1) and (2) of this section, the board of regents for the Kentucky Community and Technical College System, upon recommendation of the president of the system, shall:
 - (a) Develop and implement guidelines for the preparation of biennial budget requests by the administrators of the Technical Institutions' Branch and the University of Kentucky Community College System. The guidelines pertaining to community colleges shall define the processes for review and approval by the boards of directors for the community colleges;
 - (b) Adopt a biennial budget request for each branch of the Kentucky Community and Technical College System upon the recommendation of the chancellor for the respective branch and the president of the system.
 1. The board of regents shall submit the biennial budget request for the Technical Institutions' Branch to the Council on Postsecondary Education for its action.
 2. The board of regents shall transmit the biennial budget request for the University of Kentucky Community College System to the board of trustees of the University of Kentucky for consideration. The board of trustees shall review the biennial budget request for the University of Kentucky Community College System and shall transmit the biennial budget request for the University of Kentucky Community College System, along with recommendations to the council for its action.

3. The biennial budget request for the University of Kentucky, adopted by the board of trustees, shall identify the amount of funds by source and related purpose in the biennial budget request for administering the University of Kentucky Community College System except for the Lexington Community College.
 4. All funds that are appropriated to the University of Kentucky for administering the Community College System, except for the Lexington Community College, shall be transferred and allotted to the board of regents;
- (c) Adopt an allocation process for distributing the funds appropriated to the Technical Institutions' Branch and the University of Kentucky Community College System by the General Assembly to the institutions within the system; and
 - (d) Consider recommendations from the boards of directors of the community colleges to improve the overall budget planning and allocation processes.

The board of regents shall assure that the budget planning and implementation processes are consistent with the adopted strategic agenda and biennial budget and with the missions of the institutions within the system.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 101, effective May 30, 1997. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-44.

164.351 Information on preventing transmission of HIV infection to be made available to freshmen and transfer students.

- (1) State colleges and universities and the Kentucky Community and Technical College System shall provide information on how to prevent the transmission of the human immunodeficiency virus consistent with the Centers for Disease Control guidelines, to all freshmen and transfer students.
- (2) Each state technical institution, community college, or university shall inform students of the name and telephone number of a technical institution, community college, college, or university counselor trained to counsel persons about the human immunodeficiency virus.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 102, effective May 30, 1997. -- Created 1990 Ky. Acts ch. 443, sec. 38, effective July 13, 1990.

164.352 Military recruiters' access to university campuses and student directory information.

If a board of trustees or regents of a public institution of postsecondary education provides access to its campus or its student directory information to persons or groups which make students aware of occupational or educational options, the boards shall provide access on the same basis to official recruiting representatives of the military forces of the state and the United States for the purpose of informing students of educational and career opportunities available in the military.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 103, effective May 30, 1997. -- Created 1982 Ky. Acts ch. 84, sec. 1, effective July 15, 1982.

164.357 Governmental Services Center at Kentucky State University -- Authority to direct -- Duties and responsibilities of center -- Executive director of authority.

- (1) There is established as a separate administrative body of state government the Governmental Services Center at Kentucky State University which shall be attached to the Finance and Administration Cabinet for administrative purposes. The center shall be governed by the Governmental Services Center Authority.
- (2) The authority shall consist of the president of Kentucky State University, who shall be chairman, the secretary of the Finance and Administration Cabinet, the secretary of the Personnel Cabinet, two (2) members appointed by the Governor, each of whom shall serve as ex officio voting members of the authority, and two (2) other voting members to be appointed by the chairman of the authority. Appointed members shall be citizens and residents of the Commonwealth of Kentucky. The initial term of one (1) of the members appointed by the chairman shall be for two (2) years, and the initial term of the other appointed member shall be for a term of four (4) years; thereafter, all appointments shall be for terms of four (4) years, but appointed members shall be removable at will by the chairman of the authority.
- (3) The Governmental Services Center at Kentucky State University, under direction of the authority, shall be responsible for the development, coordination, content, approval, and implementation of all training, employee development, and related programs conducted for and on behalf of all program cabinets, departments, administrative bodies, and program managers of the state government. The center shall conduct, or cause to be conducted, ongoing management training programs for all program managers and supervisors within the executive branch of state government. The organizational units whose supervisors and managers received training at the center shall share the cost of the training on a pro rata basis. The center shall encourage the enrollment of state employees in academic courses and programs at Kentucky State University. If desired academic courses are not available at the university, and cannot feasibly be developed by the university, other universities and community colleges within the Commonwealth shall be utilized. The authority shall determine the appropriateness of all such programs.
- (4) The authority may employ an executive director and other employees necessary to perform the functions of the center in accordance with the provisions of KRS Chapter 18A. The executive director or any staff member of the center may hold concurrently with their employment by the center, and subject to the provisions of KRS 164.360 and 164.365, faculty appointments of appropriate rank at Kentucky State University.
- (5) Members of the authority who are not either state or university employees shall be reimbursed for their actual expenses in attending meetings for the authority.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 154, sec. 81, effective July 15, 1998. -- Created 1984 Ky. Acts ch. 346, sec. 2, effective July 13, 1984.

164.3571 Authority of center toward local government -- Reimbursement.

- (1) The Governmental Services Center may, upon request, of the Department for Local Government, and as financial and staff resources permit, develop, coordinate, implement, assist, and conduct employee and management training programs, seminars, and conferences, for agencies, departments, divisions, boards, and commissions of county and city government, and any other political subdivisions of the state.
- (2) The Governmental Services Center may enter into contractual agreements with county and city governments and other political subdivisions as necessary to allow the Governmental Services Center to properly perform its duties and responsibilities as established by KRS 164.3571 to 164.3573.
- (3) Any agency of a county, city, or other political subdivision whose employees receive the benefit of the Governmental Services Center's services, shall reimburse the Governmental Services Center for those costs and expenses which it incurs as a result of providing these services.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 69, sec. 64, effective July 15, 1998. -- Created 1990 Ky. Acts ch. 301, sec. 1, effective July 13, 1990.

164.3572 Authority of center toward private industry -- Reimbursement.

- (1) In furtherance of the Commonwealth's economic development programs, the Governmental Services Center may, upon request of the Cabinet for Economic Development and as financial and staff resources permit, develop, coordinate, implement, assist, and provide private industry with consultation, research, programs, and employee assessment services.
- (2) The Governmental Services Center may enter into contractual agreements with private industry, as necessary to allow the Governmental Services Center to properly perform its duties and responsibilities as established by KRS 164.3571 to 164.3573.
- (3) Any private industry whose employees or prospective employees receive the benefit of any of the Governmental Services Center's programs shall reimburse the Governmental Services Center for the costs and expenses which it incurs as a result of developing, coordinating, implementing, and conducting any of the programs or services provided in KRS 164.3571 to 164.3573.

Effective: July 13, 1990

History: Created 1990 Ky. Acts ch. 301, sec. 2, effective July 13, 1990.

164.3573 Deposit of receipts for services.

The receipts for services rendered by the Governmental Services Center pursuant to KRS 164.3571 to 164.3573 shall be deposited in the State Treasury and credited to the trust and agency fund of the Governmental Services Center's operating account.

Effective: July 13, 1990

History: Created 1990 Ky. Acts ch. 301, sec. 3, effective July 13, 1990.

164.360 Appointment and removal of president, faculty, and employees.

- (1) (a) Each board of regents for the universities may appoint a president, and on the recommendation of the president may, in its discretion, appoint all faculty members and employees and fix their compensation and tenure of service, subject to the provisions of subsection (2) of this section.
- (b) The board of regents for the Kentucky Community and Technical College System shall appoint a president, and on the recommendation of the president may, in its discretion, appoint all faculty members and employees and fix their compensation and tenure of service, subject to the provisions of subsection (2) of this section.
- (2) No person shall be employed for a longer period than four (4) years. No person shall be employed at an institution where his relative serves on the board of regents for that institution.
- (3) Each board may remove the president of the university or Kentucky Community and Technical College System, and upon the recommendation of the president may remove any faculty member or employees, but no president or faculty member shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct. A president or faculty member shall not be removed until after ten (10) days' notice in writing, stating the nature of the charges preferred, and after an opportunity has been given him to make defense before the board by counsel or otherwise and to introduce testimony which shall be heard and determined by the board. Charges against a president shall be preferred by the chairperson of the board upon written information furnished to him, and charges against a faculty member shall be preferred in writing by the president unless the offense is committed in his presence.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 104, effective May 30, 1997. -- Amended 1992 Ky. Acts ch. 10, sec. 14, effective July 1, 1992. -- Amended 1974 Ky. Acts ch. 386, sec. 32. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4527-44, 4527-46.

2000-2002 Budget Reference. See State/Executive Branch Budget, 2000 Ky. Acts ch. 549, pt. IX, item 39(g), at 3472; and State/Executive Branch Budget Memorandum, 2000 Ky. Acts ch. 525, at 2513, 2514, and 2515 (Final Budget Memorandum, at 665).

164.365 Governing boards to have exclusive control of employment, tenure, and official relations of employees -- Payroll deduction of employee membership organization dues for KCTCS employees.

- (1) Anything in any statute of the Commonwealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries, and compensation payable out of the State Treasury or otherwise, promotions, and official relations of all employees of Eastern Kentucky University, Western Kentucky University, Murray State University, Northern Kentucky University, and Morehead State University, as provided in KRS 164.350 and 164.360, and of Kentucky State University and the Kentucky Community and Technical College System, shall be under the exclusive jurisdiction of the respective governing boards of each of the institutions named.
- (2) The board of regents for the Kentucky Community and Technical College System shall develop personnel rules for the governing of its members, officers, agents, and employees by June 30, 1998. The board shall adopt interim policies to govern employees hired from July 1, 1997, until the permanent rules are adopted.
- (3) Upon receipt of a written authorization from an employee of the Kentucky Community and Technical College System, the board shall deduct dues from the employee's paycheck for employee membership organizations. Dues shall be deducted at a rate established by the organization, and shall be discontinued upon written notification by an employee to both the system and the employee organization. On a quarterly basis, the Kentucky Community and Technical College System shall provide to each employee membership organization an updated list that includes the names and home addresses of the employees who are having dues deducted from their paychecks for the purpose of maintaining membership in that organization.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 105, effective May 30, 1997. -- Amended 1990 Ky. Acts ch. 60, sec. 1, effective July 13, 1990. -- Created 1952 Ky. Acts ch. 28, sec. 2.

164.390 Interest in contracts prohibited.

No president, professor, teacher, member of the executive council or other officer or employee shall be interested in any contract or purchase for the building or repairing of any structure or furnishing of any supplies for the use of a university or college.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 392, sec. 3, effective June 17, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-48.

164.400 Incidental expenses -- Fees.

The respective boards of regents of the state universities and colleges and the Kentucky Community and Technical College System shall establish such incidental fees and nonresident tuition fees as will be sufficient for the purpose of paying the incidental expenses of the university or college and as are consistent with the recommendations of the Council on Postsecondary Education. No money derived from nonresident tuition or other fees paid by students shall be used for any other purpose, except such amount as is over and above that needed to defray the incidental expenses.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 106, effective May 30, 1997. -- Amended 1978 Ky. Acts ch. 155, sec. 104, effective June 17, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-49.

164.410 Acquisition and sale of property -- Disposition of surplus property.

- (1) The governing board of a postsecondary education institution may purchase or lease land under KRS 164A.575 for the purpose of securing the erection of buildings and may receive by any legal mode of conveyance, purchase, and hold property under KRS 164A.575 of any description that the board deems necessary for the purposes of the school, and may build and construct improvements for such purposes and hold or sell the same. If a governing board is unable to agree with the owner of the real estate as to its value, or to its purchase, it may proceed in its own name to condemn the real estate in the manner provided in the Eminent Domain Act of Kentucky. Real estate acquired by purchase or condemnation shall be paid for out of money appropriated to the institution.
- (2) The governing board of each institution shall periodically review the assets of the institution and shall sell and convey under KRS 164A.575 those assets not necessary for implementing the institutional mission. Proceeds from the disposition shall be deposited in the unexpended plant fund account or in the fund for excellence authorized by KRS 164A.620.
- (3) Any real property acquired under this section shall be in name of the Commonwealth for the use and benefit of the institution.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 107, effective May 30, 1997. -- Amended 1988 Ky. Acts ch. 257, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 391, sec. 7, effective July 15, 1982. -- Amended 1976 Ky. Acts ch. 140, sec. 69. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4527-44, 4527-51.

164.420 Duties of treasurer.

The treasurer of each governing board shall receive and disburse all money under the control of the board, perform all acts that pertain to his office under the direction of the board, and make timely reports to the board on a schedule established by the board.

Effective: July 15, 1988

History: Amended 1988 Ky. Acts ch. 257, sec. 3, effective July 15, 1988. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-56.

164.440 Depository -- Bond and duties of.

Each board of regents shall appoint a bank or trust company to serve as its depository. The depository shall, before entering upon its duties, execute a bond for the faithful performance of the duties of the office, to be approved by the board. The bond shall be guaranteed by at least five (5) solvent personal sureties whose solvency exceeds the amount of the bond, or by a surety company authorized to do business in this state, or through the execution of a collateral bond consistent with the general banking laws of this state and the bonding laws applying to the safeguarding of state funds. The depository shall be designated for a period of one (1) year or a part thereof, and before entering upon its duties shall agree with the board of regents as to the amount of interest to be paid on average daily or average monthly balances. The interest shall not be less than two percent (2%) if the board pays the premium on the depository bond. The penal sum of the depository bond shall be determined by the board of regents and shall as nearly as possible cover the maximum amount of money that the board might have on hand in the depository at any one (1) time. The depository shall hold for the board, subject to its withdrawal at any time, all funds deposited by the treasurer or any agent of the board, and shall pay over to such person and in such manner as the board directs all funds so deposited. The depository shall keep full and complete accounts of all the board's funds, make such reports to the board or its authorized agents as the board directs, and keep and turn over to the successor of its office all records relating to its transactions and duties together with all public funds on hand.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-55.

164.450 Secretary -- Duties and compensation.

The secretary of each board of regents shall keep and prepare all records, books and papers belonging to the board. He shall keep a journal of the proceedings of the board in which, if requested by any member of the board, the "yeas" and "nays" on all questions shall be entered. He shall prepare, under the direction of the board, all reports and estimates, and shall execute all matters belonging to his office. His compensation shall be fixed by the board.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-52.

164.460 Reports of presidents.

The president of each postsecondary education institution shall make to his governing board written reports which shall contain a full account of receipts of money from all sources, amount, and purpose of disbursements thereof, and the condition of the university or college. The reports shall be made according to a schedule established by the board.

Effective: May 30, 1997

History: Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 108, effective May 30, 1997. -- Amended 1988 Ky. Acts ch. 257, sec. 4, effective July 15, 1988. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-53.

164.470 Funds to be used as specified.

All appropriations, grants, gifts, bequests and donations to a university or college for a specified use shall be applied to such use and no other.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4527-57.

**164.475 Allocation of enrollment positions by state schools of medicine and dentistry -
- Competitive selection of entering class medical, dental, or law students.**

- (1) The boards of trustees of the state colleges and universities offering degree programs in medicine or dentistry shall allocate seventy percent (70%) of the enrollment positions for the entering class each year, equally among each of the Kentucky Supreme Court districts, using the population of each Supreme Court district as determined by the last decennial federal census to determine that district's proportion of the positions, and shall assign these apportioned enrollment positions for each district to those applicants who are legal residents in that Supreme Court district.
- (2) Fifteen percent (15%) of the remaining positions shall be allocated to the state at-large and assigned to applicants who are legal residents at any place within the State of Kentucky.
- (3) Any qualified legal resident shall have a preference in securing an assignment to a position when compared to a nonresident.
- (4) The total number of nonresidents assigned positions shall not exceed fifteen percent (15%) of the total entering class enrollment positions assigned for any school year.
- (5) The selection of entering class medical, dental, or law students shall be accomplished competitively with due consideration being given scholastic standings, recommendations of the pre-professional advisory committees of the various schools where the applicants pursue the pre-professional academic program, and their performance on any required admission test, and any other procedures that deal fairly with the applicant group as a whole.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 235, sec. 4, effective July 14, 1992. -- Created 1978 Ky. Acts ch. 275, sec. 4, effective June 17, 1978.