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COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION II

CIVIL ACTION No. 26-CI-587

STUDENT DOE 1, et al., **PLAINTIFFS**

vs.

COMMONWEALTH OF KENTUCKY, et al. **DEFENDANTS**

ORDER

This matter is before the Court upon Defendants, Commonwealth of Kentucky, Council on Postsecondary Education, Dr. Aaron Thompson, and Madison Silvert's Motion to Dismiss; Defendants Kentucky State University, Tammi Dukes, and Koffi C. Akakpo's Motion to Dismiss; and Plaintiffs, Student Doe 1, Student Doe 2, Student Doe 3, Student Doe 4, Student Doe 5, Student Doe 6, Student Doe 7, and Student Doe 8's *Motion for Declaratory Judgment*. This matter was called before the Court on Monday, July 27, 2026. Upon review of the parties' briefs and papers, and after being sufficiently advised, this Court hereby **GRANTS** Defendants' *Motions to Dismiss*; and **DENIES** Plaintiffs' *Motion for Declaratory Judgment*.

STATEMENT OF FACTS

Kentucky State University ("KSU") is an 1890 land-grant institution and Kentucky's only public Historically Black College or University ("HBCU"). KSU has experienced accreditation and financial issues that has required the University to search out ways to improve and revitalize KSU's operations. In 2022, the General Assembly provided KSU a $23 million loan to keep the university operational. In December 2023,

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the Southern Association of Colleges and Schools Commission on Colleges placed KSU on warning status after being found to be in "significant noncompliance" with accreditation standards. Governor Andy Beshear then appointed a new Board of Regents, KSU hired a new president, and worked diligently to stabilize operations. The General Assembly has been working with KSU in recent years in an attempt to improve the financial condition and academic programming.

This action stems from the enaction of the 2026 Senate Bill 185 ("SB 185"). This bill was the result of the General Assembly's collaboration with KSU as well as state education officials in an effort to assist KSU and avoid further accreditation and financial issues, or the potential for closure. SB 185 Sponsor Senator Chris McDaniel explained that there had been discussions about potentially having to close KSU:

> "Over the course of the past decade, [the General Assembly has] experienced great frustrations with the university and after the events of last winter when we returned in January, closure of the institution was high in the conversations. … After taking a hard look at many of the things that have happened at Kentucky State University under his leadership and after hearing his recognition of the great days of Kentucky State, and his vision for the future of Kentucky State, we became convinced that now was not the time to explore closure of Kentucky State, but rather to be a partner in the redefinition of this institution and what it means to the Commonwealth. I can say without hesitation that what is in front of you is only possible because of the immense work by Doctor Thompson and his staff at CPE, Dr. Akakpo and his staff at Kentucky State, Senator Neal, Representative Watkins, Senate leadership and House leadership. This work is a recognition of the importance of a vibrant, public HBCU in the Commonwealth. It is a recognition that high standards will lead to great outcomes, and it is a vote of confidence in Dr. Akakpo's leadership of the university and our belief that, with the partnership of the general assembly, the university can return to the glory that it once knew. "[1]

[1] Ky. LRC Committee Meetings, House Standing Committee on Appropriations and Revenue (4-1 at 21:00, (Apr. 1, 2026), available https://www.youtube.com/live/jxiL74Pu7jk?si=T0stbXxZ0ezWvaII (last accessed July 31, 2026).

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On April 1, 2026, the General Assembly passed SB 185, and the Governor signed SB 185 into law on April 13, 2026.

SB 185 seeks to enhance KSU's mission by designating KSU as a four-year "residential polytechnic institution that focuses on highly technical, industry-based applied learning and offers liberal studies and polytechnic programs that are aligned with the workforce needs of the Commonwealth and consistent with the historical mission of an HBCU." 2026 Ky. Acts 120, Section 1. Under SB 185, KSU shall offer no more than ten academic areas of study, excluding certain online programs. SB 185 directs the Board of Regents, in consultation with the Council on Postsecondary Education ("CPE") to conduct a review of the academic programs, looking to long-term viability, financial stability, alignment with the mission as a polytechnic institution, and criteria determined by the Board and CPE regarding which academic programs KSU proposes to Maintain. SB 185, Section 2(1).

Plaintiffs assert that SB 185 was not enacted in a manner required by the Kentucky Constitution and request this Court find SB 185 as invalid, void, and without legal effect.

STANDARD OF REVIEW

Because the Court is considering matters outside the pleadings, the motions to dismiss must be treated as one for summary judgment. *Harrodsburg Indus. Warehousing, Inc. v. MIGS, LLC*, 182 S.W.3d 529, 533 (Ky. Ct. App. 2005). Accordingly, the Court shall undertake a review in accordance with the summary judgment standard of review.

Summary judgment is appropriate when the Court concludes that no genuine issue of material fact for which the law provides relief exists. CR 56.03. Summary judgment "shall be rendered forthwith if the pleadings, depositions, answers to interrogatories,

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stipulations, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." CR 56.01.

The moving party bears the initial burden of showing the non-existence of a genuine issue of material fact, and the burden then shifts to the opposing party to affirmatively show the absence of a genuine issue of material fact. *Jones v. Abner*, 335 S.W.3d 471, 475 (Ky. Ct. App. 2011). The movant will only succeed by showing "with such clarity that there is no room left for controversy." *Steelvest, Inc. v. Scansteel Service Ctr.*, 807 S.W. 2d 476, 482 (Ky. 1991). "The inquiry should be whether, from the evidence on record, facts exist which would make it possible for the non-moving party to prevail. In the analysis, the focus should be on what is of record rather than what might be presented at trial." *Welch v. Am. Publ'g Co. of Kentucky*, 3 S.W.3d 724, 730 (Ky. 1999). In reviewing Motions for Summary Judgment, the Court views all facts in the light most favorable to the non-moving party and resolves all doubts in its favor. The Court will only grant summary judgment when the facts indicate that the nonmoving party cannot produce evidence at trial that would render a favorable judgment. *Steelvest*, 807 S.W. 2d at 480.

The Court recognizes that the summary judgment is a device that should be used with caution and is not a substitute for trial. "[T]he proper function of summary judgment is to terminate litigation when, as a matter of law, it appears that it would be impossible for the respondent to produce evidence at the trial warranting a judgment in his favor." *Jones v. Abner*, 335 S.W.3d at 480. Thus, this Court finds that summary judgment will be proper when it is shown with clarity from the evidence on record that the adverse party cannot prevail, as a matter of law, under any circumstances.

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ANALYSIS

I. Standing

In *Commonwealth v. Sexton*, 566 S.W.3d 185 (Ky. 2018), Kentucky adopted the federal *Lujan* constitutional standing test. Under that standard, a plaintiff must establish three elements: 1) a concrete and particularized injury that is actual or imminent; 2) the injury must be fairly traceable to the defendants' allegedly unlawful conduct; and 3) the injury can likely be redressed by judicial relief. Before the Court can address constitutional issues, it must first answer the standing question and, here, the Court believes the Student Doe plaintiffs have standing. Plaintiffs are not proceeding as citizens objecting generally to SB 185; the Student Doe plaintiffs are current, enrolled students whose educational, financial, enrollment, and contractual interests are directly affected by SB 185.

The first prong of a concrete and particularized injury is satisfied by the Petition. Each Plaintiff, individually, is subject to the implementation of SB 185. SB 185 states plainly that there will be program restrictions, altered degree pathways, student-debt consequences, and more. While, at the time of filing, there were no defined programs that were set to be closed, degree closures were both imminent and irrefutable: SB 185 states that, beginning with the 2026-2027 academic year and continuing for five academic years thereafter, KSU shall offer no more than ten academic areas of study, excluding exclusively online programs, in the college of education, or those determined by the Council on Postsecondary Education to be necessary to the university's mission as a polytechnic institution.

The assertion that Plaintiffs lack standing because the alleged consequences had not materialized at the time of filing is unpersuasive. *Sexton* recognizes standing where the

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injury is imminent, and SB 185 was already operative and beginning the first phases of implementation, with consequences materializing before the litigation can reach final judgment. Therefore, Plaintiffs have alleged a sufficiently concrete and imminent stake in the controversy.

The second prong requires causation. Plaintiffs must allege that their injuries are fairly traceable to SB 185. SB 185 itself creates the challenge, as Plaintiffs allege that the statute immediately alters KSU's governance, academic programs, financial operations, admissions and enrollment, debt mechanisms, and program-closure processes. This establishes that Plaintiffs' injuries arise from the statutory framework they contend is unconstitutional. *Sexton* asks whether the injuries are fairly traceable to the challenged conduct or official responsibilities of the defendants. SB 185 assigns implementation duties to KSU and its officials, with KSU's Board being responsible for program-review submissions, program-closure recommendations, teach-out planning, and other SB 185 implementation duties.

KSU Defendants contend that the university could independently take some of the same actions absent SB 185. While that may be true, the prospect of taking independent action absent SB 185 does not impact the Court's analysis. The question before the Court asks: are the injuries fairly traceable to SB 185 and KSU's statutorily required implementation, and if an injunction would redress the injury. Plaintiffs challenge the mandatory statutory regime, and the current alleged injuries that Plaintiffs are facing are fairly traceable to the conduct and official responsibilities of the defendants.

Third, Plaintiffs must demonstrate that the requested relief is likely to redress their injuries. This requirement is also satisfied, as the requested relief of declaring SB 185

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unconstitutional and prohibiting its enforcement and implementation would directly address the source of the injuries alleged in the Petition. Redressability is straightforward with respect to injuries caused by the statutory authority itself. Without SB 185, KSU would have to begin an independent path if it intended to pursue a status as a polytechnic institute, and any debt notices would necessarily lose the "per SB 185" language. It follows, then, that declaration that the statute is void would remove the statutory authority for the harms that Plaintiffs allege to suffer.

Accordingly, Plaintiffs have pleaded all three elements required by *Sexton*. Therefore, the Court concludes that Plaintiffs have standing with regard to this action. Thus, the Court must turn instead to the merits of their claims.

II. Ky. Const. Section 46 and Section 51

Section 46 of the Kentucky Constitution states:

> No bill shall be considered for final passage unless the same has been reported by a committee and printed for the use of the members. Every bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending. But whenever a committee refuses or fails to report a bill submitted to it in a reasonable time, the same may be called up by any member, and be considered in the same manner it would have been considered if it had been reported. No bill shall become a law unless, on its final passage, it receives the votes of at least two-fifths of the members elected to each House, and a majority of the members voting, the vote to be taken by yeas and nays and entered in the journal: Provided, Any act or resolution for the appropriation of money or the creation of debt shall, on its final passage, receive the votes of a majority of all the members elected to each House.

In *Bevin v. Commonwealth ex rel. Beshear*, 563 S.W.3d 74 (Ky. 2018), the Supreme Court did not state all the ways by which a bill may be "read" in compliance with Section 46, and held that a literal full read of every bill in each house would be a burden and outside the scope of what the framers intended when enacting Section 46. *Id*. at 90. "We are satisfied

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that the common legislative practice of reading only the title of the bill and electronically publishing simultaneously the full text of the bill to the electronic legislative journal available on every legislator's desk satisfies the constitutional mandate of Section 46." *Id*.

Section 51 of the Kentucky Constitution requires that every law enacted by the General Assembly shall relate to one subject, and that subject shall be expressed in the title. "The purpose of Section 51 is to prevent mislabeling of legislation so as to mislead. Unless the title of an act is so wholly inaccurate as to actually deceive, it will be held to be constitutional under Section 51[.]" *Yeoman v. Commonwealth, Health Pol'y Bd*., 983 S.W.2d 459, 476 (Ky. 1998). "A fundamental premise underlying our holding that reading a bill 'by title only' is an appropriate mode of compliance with Section 46's mandate to read a bill 'at length' is the assumption that the title so read is germane to the law being enacted." *Bevin,* 563 S.W.3d at 91. The *Bevin* court further noted, although "reading of a bill 'by title only' would achieve the framers' purpose for Section 46," the bill's title must be "germane to the subject of the bill so that the reading by title only triggers some recognition of the bill's contents." *Id.* But the *Bevin* court further noted that legislators may amend the text of a bill between its readings without "running afoul" of Section 46. Revised texts in some variation of the original text, and remaining consistent with the theme reflected in the title of the bill ordinarily fall into compliance with Section 46.

The ultimate purpose and intent of Section 46 is, as the *Bevin* court opined, "to ensure that every legislator has a fair opportunity to fully consider a bill before it is called for a vote." *Id*. at 92. To satisfy the minimal requirement of reading the title three times, the title must have a rational relationship to the subject of the law being enacted.

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Contrary to the title issue in *Bevin*, SB 185's original title was "AN ACT relating to branch budget recommendations." The 2026-2028 Executive Branch budget recommendation provided data on the KSU Fiscal Stabilization Program.[2] The budget recommendation also included resources from the General Fund in the amount of $10,381,000 in each fiscal year for KSU's land grant program. Here, it appears that the original title of SB 185 was, in fact, relevant to the General Assembly's provision of funds for KSU's survival and therefore it does have a rational relationship to the subject of the law being enacted. In *Bevin*, the bill began as a bill concerning wastewater services and ended as one concerning pensions. Here, legislators worked closely with KSU administration and CPE officials to address KSU's struggles, the Senators were familiar with SB 185's contents and, while the substance of SB 185 changed, the bill began as a bill related to budget recommendations generally and ended as a bill related to budget recommendations specific to KSU.

No Senator objected to the bill because of its title, the Senate approved a title amendment to more accurately reflect the content of the bill before sending it to the House.[3] On March 26, 2026, the Senate conducted a third reading, passed 38-0 with Committee Substitute (1), Floor Amendment (1) and Committee Amendment (1-title).The House then read the bill three times under the amended title between March 26, 2026, and April 1, 2026, adopted a committee substitute upon the third reading which passed 90-1. Then, the

[2] "The KSU Fiscal Stabilization Program was established as a result of House Bill 250 enacted by the 2022 General Assembly. In that act, the General Assembly appropriated funding to Kentucky State University (KSU) to avert a fiscal crisis and provided strategic operating funds to KSU to be distributed by CPE. The act also required CPE to provide ongoing oversight of KSU's progress toward the goals outlined in its management improvement plan". Office of State Budget Director, 2026–2028 Executive Budget, available at https://perma.cc/PKZ9-P67J (last accessed August 5, 2026), at 294.

[3] Senate Committee Amendment 1 changed the title of SB 185 from "AN ACT relating to branch budget recommendations" to "AN ACT relating to Kentucky State University and declaring an emergency."

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bill returned to the Senate, where it was read again under its final title before securing final passage with a vote of 37-0. The bill, with its final title, was read three times in the Senate: once when the title amendment was adopted before sending the bill to the House, a second time as the Senate voted to concur in the House Committee Substitute, and a third time as the Senate voted to give final passage to the bill.

The title of SB 185 was not misleading so as to actually deceive, and therefore is sufficient to satisfy the requirements of Section 51. In reaching this conclusion, the Court is guided by the Kentucky Supreme Court's reasoning in *R. L. P. v. Commonwealth*, 733 S.W.3d 265, 291 (Ky. 2026). There, the Supreme Court observed that "[i]f the purpose of §46 is to 'ensure that every legislator [has] a fair opportunity to fully consider each piece of legislation that would be brought to a vote[,]' then clearly that purpose was satisfied here." *Id.* (internal citation omitted). The Court finds that the same reasoning applies here. The legislative record demonstrates that the members of the General Assembly had a fair opportunity to consider SB 185 before its passage.

Moreover, the Supreme Court emphasized that, "[b]ased on the circumstances of HB 310's essentially unanimous passage by the legislative branch of our government, followed by endorsement from the head of our executive branch, we would be loath to render it void without a clear violation of either 46 or 51." *Id.* The Court finds the Supreme Court's caution equally applicable here. Given the circumstances surrounding the enactment of SB 185, this Court is likewise unwilling to declare the legislation void absent a clear violation of either Section 46 or Section 51. Because the Court concludes that no such violation occurred, Plaintiffs' challenge to SB 185 on these grounds must fail.

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III. Ky. Const. Section 55

Section 55 of the Kentucky Constitution states:

> No act, except general appropriation bills, shall become a law until ninety days after the adjournment of the session at which it was passed, except in cases of emergency, when, by the concurrence of a majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journals, an act may become a law when approved by the Governor; but the reasons for the emergency that justifies this action must be set out at length in the journal of each House.

Plaintiffs assert that SB 185 did not, at its third reading, contain an emergency title. However, the language under Section 55 does not require emergency language to be included in the bill title. Instead, Section 55 requires a majority yea vote, with reasons for the emergency to be set out in the journal of each House. The Court acknowledges Plaintiffs' contention that the official journals are not published online and therefore do not have access to these certified journal entries, but "when the reason for declaring an emergency is sufficiently expressed in the legislation itself, the requirement that it be recited in the journal is satisfied." *Zuckerman v. Bevin*, 565 S.W.3d 580, 604 (Ky. 2018) (citing *Am. Ins. Ass'n v. Geary*, 635 S.W.2d 306, 307 (Ky. 1982)). Moreover, both the House of Representatives and the Senate passed SB 185 with the emergency language.

SB 185 Section Seven provides the reason for declaring such an emergency:

> Whereas Kentucky State University is in a state of financial exigency that needs to be remedied, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Under the precedent in *Zuckerman*, the reason for declaring an emergency with regard to KSU and SB 185 is sufficiently expressed. Thus, a review of the House and Senate journals is unnecessary. SB 185's emergency designation is valid under Section 55.

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IV. Legislative Procedural Rules

The Plaintiffs seek a "declaration of statutory and legislative-process violations" because they assert that "KRS [ ]6.350 required a compliant actuarial analysis" and "Senate Rule 52 and House Rule 52 required fiscal statements." Compl. ¶¶ 197–198. The Court cannot evaluate a statute's validity based on legislative procedural rules. "The General Assembly itself is the final arbiter of its own rules." *Bevin*, 563 S.W.3d at 79 n.3. The Supreme Court instructs courts, including this Court, to refrain from determining whether legislative rules were violated because "[p]roper respect for a coordinate branch of the government" requires striking down a statute only where it is clearly demonstrated that a constitutional violation has occurred. *Id*. (citation omitted).

The General Assembly is authorized "to establish rules governing its own proceedings," and "[s]o long as those rules do not violate some other provision of the constitution, it is not within [a court's] prerogative to approve, disapprove, or enforce them." *Bd. of Trustees of Jud. Form Ret. Sys. v. Att'y Gen*., 132 S.W.3d 770, 777 (Ky. 2003). KRS 6.350 is procedural in nature and holds no constitutional implications. *Id*. It is not within this Court's power to void SB 185 based upon alleged failure to comply with KRS 6.350 or House or Senate Rules.

An important note, however: even if noncompliance with KRS 6.350 could invalidate a statute, SB 185 does not trigger KRS 6.350's requirements. Plaintiffs' claim is based on a possibility that SB 185 may, at some point in the future, affect teachers who may or may not participate in state retirement systems. SB 185 is not a sweeping legislation affecting state retirement systems that KRS 6.350 contemplates, as KSU faculty are not even required to maintain state retirement plans.

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Furthermore, the Kentucky Legislative Research Commission lists an Actuarial Analysis, dated March 26, 2026, in the bill's official record.[4] This analysis states there is no material increase or decrease in benefits, or participation in benefits. There is no estimated increase in employer cost, and there is no estimated increase in administrative costs. Ultimately, that Actuarial Analysis states that SB 185 would not increase or decrease retirement benefits or participation in benefits, and there would be no impact to the actuarial liability of the system.

V. Impermissible Special Legislation

When determining whether a statute is impermissible special legislation, Kentucky courts look to "whether there is any articulable natural and distinctive reason for the class distinctions drawn by the legislature." *Coleman v. Jefferson Cnty. Bd. of Educ.*, 733 S.W.3d 302, 310 (Ky. 2024), reh'g denied (Apr. 23, 2026) When the legislative aim is focused on one entity without any articulable reasonable basis, that legislation violates the prohibition on special legislations. In Section 59 challenges, where one can "perceive that a statutorily drawn classification reasonably furthers the underlying statutory purposes and objectives, the statute does not violate Sections 59 or 60." *Id.*

SB 185 was enacted to address the mismanagement of KSU that left it in a precarious situation, which is a "natural and distinctive reason" for the focus on KSU in SB 185. The unfortunate challenges that KSU faces are unique only to KSU, and no other public postsecondary institute faces the unique circumstances that positioned KSU in its precarious situation. SB 185, as enacted by the General Assembly, aims to assess the

[4] Ky. Teachers' Ret. Sys., Actuarial Analysis of 2026 Ky. S.B. 185, (Mar. 27, 2026), available at: https://apps.legislature.ky.gov/recorddocuments/note/26RS/sb185/AA.pdf

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unique circumstances and guide KSU toward greener pastures. The distinction made by SB 185 is permissibly done because the application to only KSU is directly tied to the underlying purpose: preservation of KSU as a public postsecondary institution.

Legislation that affects only one public university is not a new issue, nor have previous statutes been impermissible. State postsecondary education institutions are not required to be identical in goals, programs, or emphasis. Take, for example, another land-grant institution, the University of Kentucky ("UK"). UK is "the principal state institution for the conduct of statewide research and statewide service programs and shall be the primary institution authorized to expend state general fund appropriations on research and service programs of a statewide nature financed principally by state funds. KRS 164.125(2). The General Assembly's goal for UK is that it be a "major comprehensive research institution ranked nationally in the top twenty (20) public universities." KRS 164.003(2)(b). Similarly, but not identical, is that of the University of Louisville's goal, which is to be a "premier, nationally recognized metropolitan research university." KRS 164.003(2)(c).

KSU has, as its goal, "at least one (1) nationally recognized program of distinction or one (1) nationally recognized applied research program, working cooperatively with other postsecondary institutions to assure statewide access to baccalaureate and master's degrees of a quality at or above the national average." KRS 164.003(2)(d). Prior to enactment of SB 185, KSU was recognized as a land-grant institution and was to "serve as a four (4) year residential institution emphasizing a program of liberal studies appropriate to its size and resources." KRS 164.290(2) (1992 ed.). SB 185 deleted this subsection from

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KRS 164.290 and replaced it with the new provision in Section 1(1) of the bill, refocusing its academic mission:

> Kentucky State University, recognized as an 1890 land-grant university that is Kentucky's only public Historically Black College or University (HBCU), shall be a four (4) year residential polytechnic institution that focuses on highly technical, industry-based applied learning and offers liberal studies and polytechnic programs that are aligned with the workforce needs of the Commonwealth and consistent with the historical mission of an HBCU.

UK and the University of Louisville have unique missions, and SB 185 now gives a unique mission to KSU. Therefore, the Court believes that this legislation is permissible and well-tailored to the needs of the Commonwealth as well as KSU.

VI. Ky. Const. Section 19

Plaintiffs contend that SB 185 violates Section 19 of the Kentucky Constitution because it impairs existing student contracts and student-university relationships by altering the consequences of balances, payment arrangements, registration, financial aid, and more. Section 19(1) of the Kentucky Constitution states: "no ex post facto law, nor any law impairing the obligation of contracts, shall be enacted." However, the contract impairment clause is not "an absolute one to be read with literal exactness." *Maze v. Bd. Of Dir. For Com. Postsecondary Educ. Prepaid Tuition Tr. Fund*, 559 S.W.3d 354, 369 (Ky. 2018) (internal citation omitted).

In determining whether legislation violates Section 19, the Court must consider whether the legislation substantially impairs a contractual relationship and, if so, whether there is a "significant and legitimate public purpose behind the regulation, such as the remedying of a broad and general social or economic problem," and, if the government is

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a party, whether the impairment is a legitimate exercise of the state's power and based upon reasonable conditions. *Id*.

Plaintiffs claim that SB 185 retroactively changes the consequences of contractual relationships with KSU, noting that the balance over $1,000 due for more than sixty days now triggers a statutory bar on admission. Prior to the enactment of SB 185, KSU had a statutory policy that was less lenient and cannot interfere with any existing contracts. As the Court has noted previously, even if KSU operated under pre-SB 185 policies, there is a pre-existing right to refuse enrollment to students who fail to pay their debts after the 60-day period.

Regardless, there is a significant and legitimate purpose behind SB 185 to ensure KSU continues to exist as a postsecondary institution. The student debt provisions exist to enforce efforts to collect past-due amounts owed to KSU, and do not alter the terms of any contract. The provisions merely require KSU to make efforts to collect those past-due amounts from students who are already in breach of their agreements with KSU to pay the contractually required tuition and fees. SB 185 does not change the legal consequences of any existing contractual relationships with KSU.

CONCLUSION

WHEREFORE, Plaintiffs' *Motion for Declaratory Judgment* is **DENIED**; and Defendants' *Motions to Dismiss* are **GRANTED**.

Furthermore, because the Court finds that dismissal is warranted, Plaintiffs' *Emergency Ex Parte Motion for Temporary Restraining Order under CR 65.03* is hereby **DENIED AS MOOT.** The Court nevertheless urges Kentucky State University to utilize all available resources to ensure that the affected students are afforded their due process

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rights and that all pending matters are reviewed and resolved in an efficient and timely manner.

This order is final and appealable and there is no just cause for delay.

SO ORDERED, this ___ day of August, 2026.

/s/ JUDGE THOMAS DAWSON WINGATE
electronically signed
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THOMAS D. WINGATE
Judge, Franklin Circuit Court

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