

## HOUSE BILL No. 2469

By Representative Landwehr

4-4

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AN ACT concerning postsecondary education; relating to tuition waivers for foster care children; amending K.S.A. 74-32,151 and 74-32,161 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 74-32,151 is hereby amended to read as follows: 74-32,151. (a) This section and K.S.A. 74-32,152 through 74-32,159, and amendments thereto, shall be known and may be cited as the workforce development loan program act.

(b) As used in the workforce development loan act, "postsecondary educational institution" shall have the meaning ascribed thereto by K.S.A. 74-3201b, and amendments thereto.

(c) Within the limits of appropriations and private contributions therefor, and in accordance with the provisions of this act, the state board of regents may award such loans to Kansas residents who are enrolled in or admitted to an area vocational technical school, technical college, community college, vocational school coordinated under the state board of regents or associate degree programs at postsecondary educational institutions and who enter into a written agreement with the state board of regents as provided in K.S.A. 74-32,152 and amendments thereto.

(d) The board of regents may accept any private contributions to the program. The chief executive officer of the board of regents shall turn such contributions over to the state treasurer who shall deposit such moneys into the workforce development loan fund.

(e) After consultation with the secretaries of the departments of human resources, social and rehabilitation services and commerce and housing, the board may establish a list of education programs in which an applicant must enroll to be eligible for a loan under this program.

(f) The loans shall be awarded on a priority basis to qualified applicants who have the greatest financial need with the highest priority given to those applicants with the greatest financial need who were in foster care on ~~or before~~ their 18th birthday or were released from foster care prior to their 18th birthday after having graduated from high school or completing the requirements for a general educational development (GED) certificate while in foster care. All loans shall be awarded to res-

1 ident students attending area vocational technical schools, technical col-  
2 leges, community colleges, area vocational schools or associate degree  
3 programs at postsecondary educational institutions. Special preference  
4 shall also be established for residents drawing unemployment compen-  
5 sation or such residents who were laid off from employment within the  
6 prior six months. The board may also establish preferences for workers  
7 deemed to be eligible for North American free trade agreement transition  
8 assistance under United States department of labor standards or the Kan-  
9 sas department of human resources standards.

10 (g) Loans awarded under this program shall be awarded on an annual  
11 basis and shall be in effect for one year unless otherwise terminated be-  
12 fore the expiration of such period of time. Such loans shall be awarded  
13 for the payment of tuition, fees, books, room and board and any other  
14 necessary school related expenses.

15 Sec. 2. K.S.A. 74-32,161 is hereby amended to read as follows: 74-  
16 32,161. (a) As used in this section:

17 (1) "Kansas educational institution" means and includes area voca-  
18 tional schools, area vocational-technical schools, community colleges,  
19 state educational institutions and technical colleges.

20 (2) "State board" means the state board of regents.

21 (b) Subject to appropriations therefor and except as otherwise pro-  
22 vided by this section, every Kansas educational institution shall provide  
23 for enrollment without charge of tuition, undergraduate fees, including  
24 registration, matriculation and laboratory fees for any eligible applicant.  
25 No Kansas educational institution shall be required by this section to  
26 provide for the enrollment of more than three new applicants in any  
27 academic year. An applicant who was in the custody of social and reha-  
28 bilitation services on the date such applicant reached 18 years of age, *who*  
29 *has graduated from a high school or fulfilled the requirements for a gen-*  
30 *eral educational development (GED) certificate or was released from the*  
31 *custody of the Kansas department of social and rehabilitation services*  
32 *prior to age 18 after having graduated from a high school or fulfilled the*  
33 *requirements for a general educational development (GED) certificate*  
34 *while in the custody of the Kansas department of social and rehabilitation*  
35 *services* and who is accepted to a Kansas educational institution within  
36 two years following the date such applicant graduated from a high school  
37 or fulfilled the requirements for a general educational development  
38 (GED) certificate shall be eligible for enrollment at a Kansas educational  
39 institution without charge of tuition or such fees not to exceed eight se-  
40 mesters of undergraduate instruction, or the equivalent thereof, at all  
41 such institutions.

42 (c) Subject to appropriations therefor, any Kansas educational insti-  
43 tution which at the time of enrollment did not charge tuition or fees as

1 prescribed by subsection (b), and amendments thereto, of the eligible  
2 applicant may file a claim with the state board for reimbursement of the  
3 amount of such tuition and fees. The state board shall be responsible for  
4 payment of reimbursements to Kansas educational institutions upon cer-  
5 tification by each such institution of the amount of reimbursement to  
6 which the educational institution is entitled. Such payments to Kansas  
7 educational institutions shall be made upon vouchers approved by the  
8 state board and upon warrants of the director of accounts and reports.  
9 Payments may be made by issuance of a single warrant to each Kansas  
10 educational institution at which one or more eligible applicants are en-  
11 rolled for the total amount of tuition and fees not charged eligible appli-  
12 cants for enrollment at that institution. The director of accounts and re-  
13 ports shall cause such warrant to be delivered to the Kansas educational  
14 institution at which such eligible applicant or applicants are enrolled. If  
15 an eligible applicant discontinues attendance before the end of any se-  
16 mester, after the Kansas educational institution has received payment  
17 under this subsection, the institution shall pay to the state the entire  
18 amount which such eligible applicant would otherwise qualify to have  
19 refunded, not to exceed the amount of the payment made by the state  
20 on behalf of such applicant for the semester. All amounts paid to the state  
21 by Kansas educational institutions under this subsection shall be depos-  
22 ited in the state treasury and credited to the tuition waiver gifts, grants  
23 and reimbursements fund *unless such amount was from federal funds*  
24 *transferred under the authority of subsection (g) which funds shall be*  
25 *returned to the director of accounts and reports for reposit to the origi-*  
26 *nating federal funding source.*

27 (d) The chief executive officer of the state board shall submit a report  
28 to the house and senate committees on education during the 2004 and  
29 2006 regular session of the legislature on the results, outcomes and ef-  
30 fectiveness of the tuition waiver program authorized by this section.

31 (e) The state board is authorized to receive any grants, gifts, contri-  
32 butions or bequests made for the purpose of supporting the tuition waiver  
33 program authorized by this section and to expend the same.

34 (f) There is hereby established in the state treasury the tuition waiver  
35 gifts, grants and reimbursements fund. Expenditures from the fund may  
36 be made for the purpose of payment of claims of Kansas educational  
37 institutions pursuant to this section and for such purposes as may be  
38 specified with regard to any grant, gift, contribution or bequest. All such  
39 expenditures shall be authorized by the chief executive officer of the state  
40 board, or such officer's designee and made upon warrants of the director  
41 of accounts and reports issued pursuant to vouchers approved by the chief  
42 executive officer of the state board, or such officer's designee.

43 (g) During each year, the chief executive officer of the state board

1 shall make one or more certifications of the amount or amounts required  
2 to pay claims received from Kansas educational institutions for tuition  
3 and fees under this section to the director of accounts and reports and  
4 the secretary of social and rehabilitation services. Upon receipt of each  
5 such certification, the director of accounts shall transfer the amount cer-  
6 tified from moneys received under the federal Chafee foster care inde-  
7 pendence grant and credited to the foster care assistance federal fund of  
8 the department of social and rehabilitation services to the tuition waiver  
9 gifts, grants and reimbursements fund of the state board. *Annual ex-*  
10 *penditures with the tuition waiver program made by the Kansas depart-*  
11 *ment of social and rehabilitation services shall not exceed a maximum of*  
12 *more than 20% of the federal award each year.*

13 (h) On or before the 10th of each month, the director of accounts  
14 and reports shall transfer from the state general fund to the tuition waiver  
15 gifts and grants fund interest earnings based on:

16 (1) The average daily balance of moneys in the tuition waiver gifts  
17 and grants fund for the preceding month; and

18 (2) the net earnings rate for the pooled money investment portfolio  
19 for the preceding month.

20 (i) Applicants eligible for the benefits under this section shall be ex-  
21 empt from the provisions of K.S.A. 76-717, and amendments thereto.

22 (j) The state board shall adopt rules and regulations requiring eligible  
23 applicants to be enrolled as a full-time undergraduate student in good  
24 academic standing and to maintain part-time employment to remain eli-  
25 gible and other rules and regulations, as appropriate, for administration  
26 of the applicable provisions of this section ~~and shall determine the eligi-~~  
27 ~~bility of applicants for the benefits provided under this section.~~ *When*  
28 *there is a candidate that appears to meet the eligibility guidelines for*  
29 *federal Chafee funding administered by the Kansas department of social*  
30 *and rehabilitation services, the state board shall notify the Kansas de-*  
31 *partment of social and rehabilitation services. The Kansas department of*  
32 *social and rehabilitation services shall notify the state board of approval*  
33 *of the candidate's eligibility.*

34 (k) The provisions of this section shall expire on June 30, 2006, except  
35 that any eligible applicant who received a tuition waiver before June 30,  
36 2006, and is deemed by the state board to be eligible pursuant to this  
37 section shall be allowed to remain eligible until such applicant completes  
38 such applicant's course of study or becomes ineligible pursuant to the  
39 provisions of this section.

40 Sec. 3. K.S.A. 74-32,151 and 74-32,161 are hereby repealed.

41 Sec. 4. This act shall take effect and be in force from and after its  
42 publication in the statute book.