

SENATE BILL No. 406

By Legislative Educational Planning Committee
(By request of the Kansas Autism Task Force)

1-3

10 AN ACT concerning colleges and universities; relating to fees and tui-
11 tion; establishing the autism service scholarship program.
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. Sections 1 through 8, and amendments thereto, shall be
15 known and may be cited as the autism service scholarship program act.
16 The provisions of the autism service scholarship program act shall expire
17 on June 30, 2013.

18 Sec. 2. As used in the autism service scholarship program act:

19 (a) "Autism" means all disorders within the autism spectrum includ-
20 ing, but not limited to, autism, Asperger's disorder, Rett's disorder, child-
21 hood disintegrative disorder, pervasive developmental disorders and per-
22 vasive developmental disorder not otherwise specified, as such terms are
23 specified in the diagnostic and statistical manual of mental disorders,
24 fourth edition, text revision (DSM-IV-TR), of the American psychiatric
25 association, as published in May 2000, or later versions as established in
26 rules and regulations adopted by the behavioral sciences regulatory board
27 pursuant to K.S.A. 74-7507, and amendments thereto.

28 (b) "Act" means the autism service scholarship program act.

29 (c) "Program" means the autism service scholarship program.

30 (d) "Executive officer" means the chief executive officer of the state
31 board of regents appointed under K.S.A. 74-3203a, and amendments
32 thereto.

33 (e) "Institution" means a state educational institution as defined by
34 K.S.A. 76-711, and amendments thereto, and Washburn university.

35 (f) "Qualified student" means a person who: (1) Is a resident of the
36 state of Kansas; (2) has been accepted for admission to or is enrolled in
37 an institution in a course of instruction leading to licensure as a profes-
38 sional who is pursuing a master's degree in an allied health care degree
39 program, including, but not limited to, speech therapy, occupational ther-
40 apy, psychology, applied behavioral sciences and social work programs,
41 with an emphasis in autism and who agrees to provide services to children
42 with autism; and (3) has qualified for the award of a scholarship under
43 the service scholarship program on the basis of having demonstrated scho-

1 lastic ability, or who has previously so qualified and remains qualified for
2 renewal of the scholarship on the basis of remaining in good standing and
3 making satisfactory progress toward completion of the requirements of
4 the course of instruction in which enrolled.

5 (g) "Underserved area" means a geographic area of the state in which
6 there is a critical shortage of professionals who provide services for chil-
7 dren with autism as determined and specified by the state board of
8 education.

9 Sec. 3. (a) There is hereby established the autism service scholarship
10 program. A scholarship may be awarded to any qualified student and may
11 be renewed for each such student who remains qualified for the schol-
12 arship. Determination of the students qualified for such scholarships shall
13 be made by the executive officer. Scholastic ability shall be determined
14 on the basis of any one or more of the following: (1) High ACT or SAT
15 score; (2) rank in high school graduation class; (3) cumulative high school
16 or college grade point average; or (4) any other indicator of scholastic
17 ability which the state board of regents determines to be demonstrative
18 of potential for successful completion of a course of instruction leading
19 to licensure as a professional who provides services for children with au-
20 tism. To the extent practicable and consistent with qualification factors,
21 consideration shall be given to qualified students who are members of
22 ethnic minority groups.

23 (b) Within the limitations of appropriations therefor, the number of
24 scholarships awarded and the amount awarded to each applicant shall be
25 determined by the executive officer. The amount awarded shall be spec-
26 ified in the agreement. The amount awarded may vary depending upon
27 the number of hours and the program in which the applicant is enrolled.
28 For academic year 2008-2009, the amount awarded shall not exceed
29 \$2,500 each semester or its equivalent. For academic year 2009-2010 and
30 each year thereafter, the maximum amount that may be awarded shall be
31 increased by an amount equal to the percentage increase in the CPI
32 (urban) during the preceding fiscal year as certified to the executive of-
33 ficer by the director of the budget on August 15 of each year.

34 (c) If a student is not enrolled in an institution on a full-time basis, a
35 student shall complete the course of study within the time period speci-
36 fied in the agreement and shall receive a proportionate amount of the
37 scholarship allowed under subsection (b) based upon the number of hours
38 enrolled in an academic period, and computed as a fraction of the total
39 number of credit hours required for full-time enrollment.

40 Sec. 4. (a) An applicant for designation as a qualified student and for
41 the award of a scholarship under the program shall provide to the exec-
42 utive officer, on forms supplied by the executive officer, information re-
43 quired by the executive officer.

- 1 (b) As a condition to awarding a scholarship under this act, the ex-
2 ecutive officer and the applicant shall enter into an agreement which shall
3 require the applicant to:
- 4 (1) Complete the required course of instruction as specified in the
5 agreement;
 - 6 (2) obtain and maintain necessary licensure and endorsement as spec-
7 ified in the agreement;
 - 8 (3) engage in providing services for children with autism in Kansas
9 in an underserved area and comply with such other terms and conditions
10 as may be specified by such agreement;
 - 11 (4) commence providing services for children with autism in Kansas
12 on a full-time or part-time basis within six months after licensure and
13 continue for the period of time required by the agreement;
 - 14 (5) maintain records and make reports to the executive officer as re-
15 quired by the executive officer to document the satisfaction of the obli-
16 gations under this act and the agreement; and
 - 17 (6) upon failure to satisfy an agreement to engage in providing serv-
18 ices for children with autism in an underserved area as specified in the
19 agreement and for the required period of time under any such agreement,
20 repay to the state amounts as provided in section 5, and amendments
21 thereto.
- 22 Sec. 5. (a) Except as provided in section 8, and amendments thereto,
23 upon the failure of any person to satisfy the obligation under any agree-
24 ment entered into pursuant to the program, such person shall pay to the
25 executive officer an amount equal to the total amount of money received
26 by such person pursuant to such agreement plus accrued interest at a
27 rate which is equivalent to the interest rate applicable to loans made
28 under the federal PLUS program at the time such person first entered
29 into an agreement plus five percentage points. Amounts of payment un-
30 der this section shall be adjusted proportionately for full years of the
31 obligation that have been satisfied. Installment payments of any such
32 amounts may be made in accordance with the provisions of the agreement
33 entered into by the scholarship recipient or if no such provisions exist in
34 such agreement, in accordance with rules and regulations of the state
35 board of regents, except that such installment payments shall commence
36 six months after the date of the action or circumstances that cause the
37 failure of the person to satisfy the obligations of such agreements, as
38 determined by the executive officer based upon the circumstances of each
39 individual case. Amounts paid under this section to the executive officer
40 shall be deposited in the autism service scholarship repayment fund in
41 accordance with section 7, and amendments thereto.
- 42 (b) The state board of regents is authorized to turn any repayment
43 account arising under the program over to a designated loan servicer or

1 collection agency, the state not being involved other than to receive pay-
2 ments from the loan servicer or collection agency at the interest rate
3 prescribed under this section.

4 Sec. 6. The state board of regents shall adopt rules and regulations
5 for administration of the autism service scholarship program and shall
6 establish terms, conditions and obligations which shall be incorporated
7 into the provisions of any agreement entered into between the executive
8 officer and an applicant for the award of a scholarship under the program.
9 The terms, conditions and obligations shall be consistent with the provi-
10 sions of law relating to the program and shall include, but not be limited
11 to, the circumstances under which eligibility for financial assistance under
12 the program may be terminated, the amount of financial assistance to be
13 provided, the circumstances under which obligations may be discharged
14 or forgiven, the amount of money required to be repaid because of failure
15 to satisfy the obligations under an agreement and the method of
16 repayment.

17 Sec. 7. (a) There is hereby created in the state treasury the autism
18 service scholarship program fund. The executive officer shall remit all
19 moneys received under the autism service scholarship program, which
20 are paid because of nonattendance or discontinuance by scholarship re-
21 cipients, to the state treasurer in accordance with the provisions of K.S.A.
22 75-4215, and amendments thereto. Upon receipt of each such remittance,
23 the state treasurer shall deposit the entire amount in the state treasury
24 to the credit of the autism service scholarship program fund. All expend-
25 itures from the autism service scholarship program fund shall be for schol-
26 arships awarded under the program and shall be made in accordance with
27 appropriation acts upon warrants of the director of accounts and reports
28 issued pursuant to vouchers approved by the executive officer or by a
29 person designated by the executive officer.

30 (b) There is hereby created in the state treasury the autism service
31 scholarship repayment fund. The executive officer shall remit all moneys
32 received under the autism service scholarship program, which are for
33 payment of amounts pursuant to section 5, and amendments thereto, to
34 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
35 and amendments thereto. Upon receipt of each such remittance, the state
36 treasurer shall deposit the entire amount in the state treasury to the credit
37 of the autism service scholarship repayment fund. All expenditures from
38 the autism service scholarship repayment fund shall be for scholarships
39 awarded under the autism service scholarship program and shall be made
40 in accordance with appropriation acts upon warrants of the director of
41 accounts and reports issued pursuant to vouchers approved by the exec-
42 utive officer or by a person designated by the executive officer.

43 Sec. 8. (a) Except as otherwise specified in the agreement, an obli-

1 gation under any agreement entered into under the autism service schol-
2 arship program shall be postponed: (1) During any required period of
3 active military service; (2) during any period of service as a part of vol-
4 unteers in service to America (VISTA); (3) during any period of service
5 in the peace corps; (4) during any period of service commitment to the
6 United States public health service; (5) during any period of religious
7 missionary work conducted by an organization exempt from tax under
8 section 501(c)(3) of the federal internal revenue code as in effect on
9 December 31, 2000; (6) during any period of time the person obligated
10 is unable because of temporary medical disability; (7) during any period
11 of time the person obligated is enrolled and actively engaged on a full-
12 time basis in a course of study leading to a degree in the field of service
13 which is higher than that formerly attained; (8) during any period of time
14 the person obligated is on job-protected leave under the federal family
15 and medical leave act of 1993; or (9) during any period of time the state
16 board of regents determines that the person obligated is unable because
17 of special circumstances. Except for clauses (6), (8) and (9), an obligation
18 under any agreement entered into as provided in the program shall not
19 be postponed more than five years from the time the obligation was to
20 have been commenced under such agreement. An obligation under any
21 agreement entered into as provided in the autism service scholarship pro-
22 gram shall be postponed under clause (6) during the period of time the
23 medical disability exists. An obligation under any agreement entered into
24 as provided in the program shall be postponed under clause (8) during
25 the period of time the person obligated remains on FMLA leave. An
26 obligation to engage in providing services for children with autism in
27 accordance with an agreement under the program shall be postponed
28 under clause (9) during the period of time the state board of regents
29 determines that the special circumstances exist. The state board of re-
30 gents shall adopt rules and regulations prescribing criteria or guidelines
31 for determination of the existence of special circumstances causing an
32 inability to provide services as specified in the agreement, and shall de-
33 termine the documentation required to prove the existence of such
34 circumstances.

35 (b) An obligation under any agreement entered into as provided in
36 the program shall be satisfied: (1) If the obligation has been completed
37 in accordance with the agreement; (2) if the person obligated dies; (3) if,
38 because of permanent physical disability, the person obligated is unable
39 to satisfy the obligation; (4) if the person obligated fails to satisfy the
40 requirements for a graduation after making the best effort possible; (5)
41 if the person obligated fails to satisfy all requirements for licensure in
42 Kansas or has been denied licensure after applying for a license and mak-
43 ing the best effort possible to obtain such license; or (6) if the person

1 obligated is unable to obtain employment in an underserved area as spec-
2 ified in the agreement after making the best effort possible to obtain such
3 employment and the person obligated otherwise completes the terms,
4 conditions and obligations of the agreement.

5 Sec. 9. This act shall take effect and be in force from and after its
6 publication in the statute book.