

M I N U T E S

LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE  
(1202 Commission)

August 8 and 9, 1977

Room 532 - State House (August 8)  
Room 529 - State House (August 9)

Members Present

Representative Ruth Luzzati, Chairperson  
Senator Joseph Harder, Vice-Chairperson  
Senator Billy McCray  
Senator Jan Meyers (August 8)  
Senator Tom Rehorn  
Representative Don Crumbaker  
Representative Kalo Hineman  
Representative Bill Reardon  
Representative Fred Weaver

Staff Present

Phillip Jones, Director, Kansas Legislative Research Department  
Carolyn Rampey, Kansas Legislative Research Department  
Deb Krajnak, Kansas Legislative Research Department  
Linda Tigges, Kansas Legislative Research Department  
Avis Badke, Revisor of Statutes Office

Conferees Present

Dr. John Henderson, President, Washburn University  
Frank Rice, Chairman, Washburn University Board of Regents  
Ed Walbourn, Executive Director, Kansas Association of Community Colleges  
Jack Brier, Assistant Secretary of State, Secretary of State's Office  
William Griffin, Assistant Attorney General, Consumer Protection Division, Attorney  
General's Office  
Dr. Joe McFarland, Academic Officer, Kansas State Board of Regents  
William Kauffman, Staff Attorney, Kansas State Board of Regents  
Warren Corman, Facilities Officer, Kansas State Board of Regents  
L. C. Crouch, Assistant Commissioner, Kansas State Department of Education  
Dr. Robert Kelly, Executive Director, Associated Independent Colleges of Kansas  
John Peterson, Kansas Association of Private Career Schools

August 8, 1977

The minutes of the previous meeting were approved.

Washburn University

The staff reviewed the Washburn University Feasibility Study that had been made in 1976 and reviewed legislation concerning Washburn University that had been introduced during the 1977 Legislative Session. The legislation included H.B. 2557 which raised the state credit hour aid for Washburn University and community colleges to \$16.50 per credit hour,

H.B. 2369 which proposed to double the current levy limits for Washburn University, and H.B. 2556 which proposed a total maximum levy limit of ten mills. (The latter two bills did not pass.)

Representative Crumbaker told the Committee that the statutes currently limited the amount that Washburn University could levy and that it was up to the legislature to provide some fiscal relief to the University by giving it some additional levying authority. He pointed out that the Shawnee County Legislative Delegation would not likely propose increasing the levy limits on property within the City of Topeka, although some members of the delegation might personally support such a proposal.

Following Representative Crumbaker's remarks, the Committee discussed several funding options for Washburn University including spreading the University's tax base to include all of Shawnee County, charging three levels of student tuition for Topeka residents, Kansas residents, and students from out-of-state, and increasing the mill levy limits.

Dr. Henderson told the Committee he would be meeting with the Shawnee County Legislative Delegation soon and that the delegation might take a position on Washburn University. He said he thought it was well within the role and scope of the Legislative Educational Planning Committee (1202 Commission) to make a recommendation concerning Washburn University because the Committee was responsible for planning for postsecondary education.

He personally favored that the Committee recommend the maximum increase in the levy limits so that it would not be necessary to continually come before the legislature asking for small increases. He assured the Committee that, if the levying authority were increased, the University would not go to the maximum levy at once. He told the Committee increased resources would enable the University to enrich its research activities and student counseling services.

Mr. Rice pointed out that Washburn University was providing a high-quality education at a low cost. He said that he supported a county-wide mill levy and increased state aid for the University.

#### Postsecondary Data Collection Activities

The staff informed the Committee that the enrollment data were being collected for the summer session report. Enrollment definitions had been revised so as to be uniform for all segments of postsecondary education included in the report. The new definitions would be used for the first time in the spring, 1978, report.

The staff informed the Committee that the Physical Facilities and Space Utilization Report was almost complete and material was distributed showing how information on facilities would be combined with other data relating to enrollments, budgets, programs, and institutional plans in order to give a comprehensive view of each postsecondary institution.

Mr. Corman said the Board of Regents was currently revising some of its long-range physical facilities plans and would be making some changes in its standards relating to space utilization. He said material contained in the Physical Facilities and Space Utilization Report was used by the institutions and the Board of Regents as a management tool. He said such information was valuable at the legislative level, particularly with regard to institutional appropriations and postsecondary education planning.

The staff reported to the Committee that all of the community college presidents had been invited to apply to the Committee by August 31 in order to have their institution be considered as a pilot institution in which Information Exchange Procedures (IEP) will be tested this year.

#### Extension Course Guidelines

Representative Luzzati told the Committee she had received a letter requesting that the Kansas State Board of Regents, the Kansas State Board of Education, and the Associated Independent Colleges of Kansas be given until the end of October to present their guidelines for extension course offerings to the Committee. Representative Luzzati

reviewed the motion adopted by the Committee May 6, 1977, which requested that the Kansas State Board of Regents, the Kansas State Board of Education, and the Associated Independent Colleges of Kansas adopt joint guidelines relating to the offering of off-campus courses offered for credit and report to the Committee on or before September 1, 1977.

The letter to Representative Luzzati explained that the extension was necessary because more time was needed to permit the various Boards and councils to review the proposed guidelines.

Upon a motion made by Representative Weaver, seconded by Representative Crumbaker, the Committee voted to extend the deadline to the October meeting of the Committee.

Community College Sixty-Four Credit Hour Limit  
for State Aid

For discussion purposes, the staff listed the following options relating to the 64-credit hour limit for state aid to community colleges:

1. Remove the limit entirely.
2. Raise the limit by an arbitrary amount.
3. Provide for two levels of state aid.
4. Remove the ceiling for students enrolled in vocational and occupational programs or courses.
5. Remove the limit for in-district students only.
6. Charge students with more than 64-hours a higher tuition.

At the Committee's request, information will be available at the next meeting from the Kansas State Department of Education showing the number of credit hours offered by each institution to students who had more than 64-credit hours.

Senator Harder explained that the 64-credit hour limit had been established because, since the community colleges were viewed as two-year schools that did not offer courses beyond the freshman and sophomore level, it was not anticipated that their clientele would be students with more than 64 college hours. In addition, the 64-credit hour limit kept the state's appropriation to the community colleges at a lower level than what would be the case if the limit were removed.

Mr. Walbourn pointed out that the community college statutes applied only to schools whose collegiate credit curriculums were limited to a program of not more than two years (K.S.A. 71-606) and that the statutes directed that the state plan for community colleges be developed to provide for the offering of courses at a level not higher than those courses normally offered to freshmen and sophomores at four-year colleges and universities (K.S.A. 71-1003).

Mr. Walbourn said the rationale for the 64-credit hour limit was that 64 credit-hours was one-half the number of credit hours normally needed to graduate from a four-year institution. He said that 64-credit hours was the maximum a four-year school would accept as transfer credits.

During Committee discussion, the points were made that the large number of persons returning to school for vocational retraining could indicate a failure of the educational system to adequately prepare students earlier in their educational careers. Mr. Walbourn estimated that 85 percent of the hours over the 64-credit hour limit were hours in vocational courses taken by students who wanted job training.

Mr. Walbourn said Kansas was the only state that had a credit hour limit for state aid, although some other states limited state appropriations by, for example, granting aid for only certain approved courses.

Mr. Walbourn said he did not favor a higher level of tuition for students with more than 64-credit hours because such a policy went against the community college philosophy of low student tuition and could affect the student least able to pay -- the out-of-work student who was returning to school for job training. Mr. Walbourn said if full credit hour state aid could not be paid for all credit hours, then he favored the option of two levels of state aid instead of two levels of student tuition.

Committee members observed that some community college students paid almost as high a tuition as students at Fort Hays, Emporia, and Pittsburg State Universities. In addition, students at the state universities were not charged higher tuitions after they accumulated 64 college credit hours.

Dr. McFarland reported that the Kansas State Board of Regents and the Kansas State Board of Education had appointed a subcommittee to study the issue of the 64-credit hour limit which would make a recommendation to the 1978 Legislature. He said the subcommittee might be ready to express its views on the subject by the next Committee meeting.

Dr. McFarland recommended that, if the statutes were amended, the sections pertaining to the two-year curriculum limit and the freshman and sophomore level courses for community colleges should be incorporated into the same section that related to the credit hour state aid.

Additional points were made by Committee members including the idea that one option would be to reduce the amount of state aid currently paid for each eligible credit hour and pay a lower amount of state aid per hour for all hours taken. Another Committee member pointed out that the 64-credit hour limit did not adversely affect the student, who was able to take the course regardless of the number of credit hours he or she had already taken.

Mr. Walbourn said it was the local taxpayer who bore the burden. Also, the student did suffer because schools could not afford to offer programs especially geared to meet the needs of students with more than 64 college credit hours.

At the request of Representative Hineman, the staff will prepare material for the next meeting based on the idea of providing for two levels of credit hour state aid and charging a higher rate of tuition for students with more than 64 credit hours.

August 9, 1977

#### Approval of Institutions Granting Academic Degrees

The staff reviewed K.S.A. 17-6105, which requires any Kansas corporation that offers an academic or honorary degree to be approved by the Kansas State Board of Education, and told the Committee that the Board of Education had requested that legislation be introduced transferring the approval authority to the Kansas State Board of Regents (1977 H.B. 2233).

Mr. Brier said that whenever a Kansas corporation filed its articles of incorporation with the Secretary of State and indicated that it was an educational institution granting degrees, it was referred to the State Board of Education in order to be approved. Otherwise, Mr. Brier said the Secretary of State treated degree granting corporations no differently from other corporations.

Mr. Crouch pointed out that the statute designated the Board of Education as the approving authority, but did not give the Board the authority to develop rules and regulations to administer the act. He said the Board had developed guidelines and that Way College of Emporia was the only school attempting to get the Board's approval at the present time.

Mr. Crouch said Way College was operating but could not grant degrees. He said some out-of-state schools and Emporia State University accepted a limited number of courses from Way College on a transfer basis.

Mr. Griffin said there were some ambiguities in the statute (K.S.A. 17-6105), such as who was authorized to issue an injunction against an unapproved corporation and how was "quality education" defined.

He told the Committee cases of fraud, deceptive advertising, and other unfair and illegal practices came under the Consumer Protection Act. He said the Attorney

General's office received about 50 complaints a year, mostly involving unscrupulous proprietary schools. He told the Committee there had been no complaints against Kansas public schools or accredited private schools.

Dr. McFarland said the greatest problem was with regard to out-of-state institutions coming into Kansas to offer courses, particularly at the graduate level. He said he knew of ten or twelve such schools doing business in Kansas.

He said the Board of Regents was not anxious to become the approval-granting authority under K.S.A. 17-6105, but it conceded that the Board of Education had limited familiarity with four-year institutions.

Dr. McFarland said approving degree granting institutions was an activity similar to accrediting an institution and was not consistent with the current duties of the Board of Regents.

Dr. McFarland said the Interstate Commerce Law prevented Kansas from setting up regulations specifically designed to keep out-of-state institutions from doing business in the state. He said the standards applied to out-of-state institutions could not be more rigorous than those applied to Kansas institutions.

Dr. McFarland said the Regents' institutions offered perhaps four or five courses outside Kansas, but that there was no state money involved in the offerings.

During Committee discussion, it was pointed out that there might be a conflict in interest for the Board of Regents to have the authority to approve out-of-state institutions since such institutions would be competing with Kansas schools.

Mr. Crouch reiterated that the State Board of Education believed it lacked specific authority to develop rules and regulations under the act, and that it had no money in its budget to carry out activities required by the statute.

Dr. Kelly said the main concern of the Associated Independent Colleges of Kansas was that, if the statute were amended, those schools that had already been approved by the Board of Education would have to be approved again. He said the real issue was quality of education and that the accrediting agencies were currently examining the question of extension and out-of-state offerings.

Mr. Peterson said his association took no position on who should administer the act, but did want to propose several amendments, including the amendment that out-of-state institutions be required to meet certain standards.

Following Committee discussion, it was suggested that all proposed amendments to K.S.A. 17-6105 be reviewed at the next meeting.

#### Washburn University, (Continued)

A motion was made by Representative Hineman, seconded by Senator McCray, that the levy limit for the general operations fund of Washburn University be increased to eight mills and that the limit for the debt retirement and construction fund be increased to two mills. (The increases could not exceed yearly increments of one mill and one-quarter mills, for each fund respectively.)

During Committee discussion, the points were made that Washburn University had the option of bringing the question of expanding its tax base to the voters and that the legislature should wait until University and Topeka officials specifically requested that it take action. The motion was withdrawn.

It was noted that if the tax base were expanded to include all of Shawnee County, the legislature might want to change the composition of the Washburn University Board of Regents to make it more representative of the county as a whole and not just the City of Topeka.

Other Committee members noted that given the high student tuition charged by Washburn University and the fact that the maximum levy limit had been reached, the only viable option for the University was to ask for more state aid.