

Approved February 11, 1991
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at
Chairperson

1:30 ~~am~~ p.m. on Wednesday, January 30, 1991 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Revisor of Statutes
Mr. Dale Dennis, Assistant Commissioner of Education
Mrs. Millie Randell, Committee Secretary

Conferees appearing before the committee:

SB 21 - Public institutions of postsecondary education; residence of students for fee purposes

Proponents:

Mr. Ted D. Ayres, General Counsel, Kansas Board of Regents

Following a call to order by Chairman Joseph C. Harder, Senator Steineger moved that minutes of the meeting of January 29 be approved. Vice-chairman Frahm seconded the motion, and the minutes were approved.

The Chairman informed members of an invitation the Committee had received to attend a workshop relating to "Business and Education Partnerships" at the Ramada Inn on Tuesday, February 5, from 3:30 to 5:15 p.m. sponsored by the Kansas Chamber of Commerce and Industry and requested that they make reservations with the Committee secretary by February 4.

The Chair asked the Committee to turn its attention to SB 21, concerning public institutions of postsecondary education; relating to residence of students for fee purposes. He recognized Senator Langworthy, chairman of the Legislative Educational Planning Committee which had recommended introduction of SB 21 on behalf of the Board of Regents. (Attachment 1)

Mr. Ted Ayres, general counsel, Kansas Board of Regents, testified in support of SB 21. He noted situations where children of non-resident parents have attended a private school in Kansas, graduated therefrom, and then sought benefits under K.S.A. 76-729 (b) (6). He advised that passage of SB 21 would address such situations and more closely state the legislative intent of the legislature in 1987. (Attachment 2)

Responding to a question, Mr. Ayres replied that although the number of these instances is small, the Board of Regents felt the situation should be corrected.

Senator Kerr moved that SB 21 be recommended favorably for passage, and Senator Langworthy seconded the motion.

Following concerns expressed by the Committee, Senator Langworthy offered to confer with Mr. Ayres to amend the language of SB 21.

Senator Kerr withdrew his motion to recommend SB 21 favorably for passage, and Senator Langworthy withdrew her second.

The Chair announced that the Committee will not take further action on the bill at this time, and he adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Wednesday, January 30, 1991

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Faith Pearson	R.R. 3 Baldwin, KS 66006	Page
Cilla Ohmstead	RR # 3 Baldwin, KS 66006	Page
Kristin Flory	RR 2 Baldwin, KS 66006	Page
Mark Tatham	Topeka	KASB
Connie Hunsell	Topeka	Se Bd of Ed
Chuck Stewart	Topeka	USA
TED D. AYLES	TOPEKA	KS. BD. OF REGENTS
David E. Price	"	KCOVE
Bob Kelly	Topeka	KICA
Craig Grant	Topeka	K-NEA
Kriste Wardell	topeka	ASK
Scott Brunner	Topeka	Sen Hayden
Gerry Anderson	Topeka	USA
John Kroszner	Topeka	KASB

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

CHAIRMAN: CONFIRMATIONS
CHAIRMAN: LEGISLATIVE EDUCATIONAL PLANNING
VICE-CHAIRMAN: ASSESSMENT AND TAXATION
VICE-CHAIRMAN: PUBLIC HEALTH AND WELFARE
MEMBER: EDUCATION
MEMBER: ENERGY AND NATURAL RESOURCES
MEMBER: LOCAL GOVERNMENT
MEMBER: CHILDREN AND YOUTH ADVISORY COUNCIL

JANUARY 30, 1991

TO: SENATE EDUCATION COMMITTEE SENATE BILL 21

KANSAS LAW REQUIRES PERSONS (OR, IF MINORS, THEIR PARENTS) TO HAVE BEEN RESIDENTS OF KANSAS FOR AT LEAST 12 MONTHS PRIOR TO ENROLLMENT FOR ANY TERM OR SESSION IN ORDER TO BE CONSIDERED A KANSAS RESIDENT FOR TUITION PURPOSES AT A REGENTS' INSTITUTION AND SIX MONTHS AT A COMMUNITY COLLEGE. THE BOARD OF REGENTS AND BOARD OF EDUCATION HAVE CRITERIA THAT IS CONSIDERED IN SUPPORT OF A CLAIM OF RESIDENCY.

IT CAME TO THE COMMITTEE'S ATTENTION THAT THERE IS A LOOPHOLE IN KANSAS STATUTES THAT PERMITS A STUDENT TO ATTEND A COMMUNITY COLLEGE OR A REGENTS' INSTITUTION AT IN-STATE RATES EVEN THOUGH THE STUDENT'S PARENTS ARE NOT AND NEVER HAVE BEEN KANSAS RESIDENTS FOR TUITION PURPOSES. THESE STATUTES ALLOW A STUDENT WHO IS A GRADUATE OF AN ACCREDITED KANSAS HIGH SCHOOL TO ATTEND SCHOOL AT IN-STATE RATES.

THE COMMITTEE'S CONCLUSION IS THAT IS IS NOT GOOD PUBLIC POLICY TO ALLOW PERSONS WHO HAVE NEVER LIVED IN KANSAS TO QUALIFY FOR IN-STATE TUITION RATES AND RECOMMENDS THOSE WHO ARE LIVING OUTSIDE THE STATE BUT GRADUATE FROM A KANSAS HIGH SCHOOL ARE INELIGIBLE FOR IN-STATE TUITIONS. THE BILL DOES NOT AFFECT OTHER PROVISIONS OF THE LAW THAT ALLOW CERTAIN EXCEPTIONS TO THE GENERAL RULE THAT PERSONS BE RESIDENTS OF KANSAS IN ORDER TO PAY IN-STATE TUITION RATES. HOWEVER, IT WOULD AFFECT PEOPLE WHO HAVE LIVED IN KANSAS, WHO MOVE TO ANOTHER STATE, BUT WHOSE CHILDREN REMAIN IN KANSAS AND GRADUATE FROM AN ACCREDITED KANSAS HIGH SCHOOL.

I WOULD BE HAPPY TO ANSWER QUESTIONS BUT WOULD PREFER TO DO SO AFTER THE REGENTS HAVE TESTIFIED.

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Chairperson Harder and Members of the Committee:

My name is Ted D. Ayres and I am General Counsel to the Kansas Board of Regents. I am here this afternoon representing the Board of Regents. I speak in support of Senate Bill 21. In this regard, I would publicly express the appreciation of the Board of Regents to the LEPC for introducing this legislation.

Senate Bill 21 relates to K.S.A. 76-729(b)(6), which the Legislature added in 1987 (L. 1987, Ch. 264, Section 3). The statutory language provides that the Board of Regents may permit the following individuals to pay an amount equal to resident fees:

"(6) persons who have graduated from a high school accredited by the state board of education within 12 months of enrollment and who are entitled to admission pursuant to K.S.A. 72-116 and amendments there to;"

We have been advised of situations where children of non-resident parents have attended a private high school in Kansas, i.e. Bishop Miege, Maur Hill, and graduated therefrom and then sought benefits under the above-referenced statute. We have also received numerous inquiries from foreign nationals who have attended high school in Kansas, obtained a diploma and then sought benefits under this provision of the law.

The Board endorses and supports the revisions proposed by the Legislative Educational Planning Committee. I feel that the modifications which are proposed by S.B. 21 will help us address these problems and more closely state the legislative intent in 1987.

Thank you for your attention to my comments.

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