

Approved: March 26, 1992
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Rick Bowden at 3:30 p.m. on March 24, 1992 in Room 519-S of the Capitol.

All members were present except:

Representative Al Lane - Excused

Committee staff present:

Dale Dennis, Board of Education
Ben Barrett, Legislative Research
Avis Swartzman, Revisor of Statutes Office
Shirley Wilds, Secretary to the Committee

Conferees appearing before the committee:

Representative Elizabeth Baker
Willie Martin, Intergovernmental Coordinator - Sedgwick County Kansas
Merle Hill, Executive Director - KS Association of Community Colleges
David L. DePue, Executive Director - KS Council on Voc-ed

The meeting was called to order by Chairperson Rick Bowden.

Action on HB 109:

Representative Crumbaker moved to amend changes to SB 109: On Page 4, line 16, after "as," by striking "a" and inserting "the;" in line 17, by striking "under the provisions" and inserting "prior to the effective date;" On Page 5, in line 7, by striking "it" and inserting "the board;" and on Page 8, in line 5, by striking "71-5441" and inserting "72-5441." Representative Harder seconded the motion. Motion carried.

Representative Crumbaker moved to pass SB 109 favorably, as amended; seconded by Representative Harder. Motion carried.

Hearing on HB 2922:

Representative Elizabeth Baker. Representative Baker reported that HB 2922 will encourage more efficiency and less duplication of educational services by requiring review of out-district course offerings by the affected state institution. Additionally, she commented the fundamental issue before the committee is one of accountability and with this legislation there should be increased cooperation among community colleges, state universities and county officials. (See Attachment #1.)

Willie Martin. Ms. Martin said an important aspect of HB 2922 is that it links the current Department of Education's relationship with the Board of Regents, allowing the Board's institution to review and approve classes of all courses provided in the county.. She reported that Sedgwick County requests the committee's support of this bill to allow counties to become better stewards of local tax dollars. (See Attachment #2.)

Merle Hill. Mr. Hill said the recommended statutory changes contained in HB 2922 1) increase the information required of community colleges to append to out-district tuition billings; 2) make it possible for a non-community college county to pay lower out-district tuition than currently required; and 3) require approval by a state university chief executive officer for community college courses for which out-district tuition is expected to be charged. Mr. Hill addressed each of these respective areas and encouraged the committee to report this bill unfavorable for passage. In addition, Mr. Hill gave a brief synopsis of written testimony by Dr. Rodney V. Cox, Jr., Butler Community College and Dr. Laura Meeks, President, Fort Scott Community College, both of whom were also opponents to HB 2922. (See Attachment #3.0)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on March 24, 1992.

David L. DePue. In opposition to HB 2922, Mr. DePue stated that what is needed are fewer barriers to Kansas residents, not restrictions. Community colleges have proven their effectiveness in meeting the training, upgrading and continuing education needs of area residents. He added community colleges are the best tool in the quest to keep the nation competitive and regain the shrinking family income. (See Attachment #4.)

The next scheduled meeting is March 25 in Room 519-S, 3:30 p.m. Statehouse.

Upon completion of its business, the meeting adjourned at 4:20 p.m.



TOPEKA

HOUSE OF
REPRESENTATIVES

ELIZABETH BAKER
REPRESENTATIVE, EIGHTY-SECOND DISTRICT
SEDGWICK COUNTY
601 HONEYBROOK LANE
DERBY, KANSAS 67037

OFFICER: BOARD OF TRUSTEES
WICHITA STATE UNIVERSITY
REGIONAL OMBUDSMAN: KANSAS
COMMITTEE FOR EMPLOYEE
SUPPORT OF THE GUARD AND
RESERVE
COMMITTEE ASSIGNMENTS
STATE FEDERAL ASSEMBLY: COMMERCE, LABOR
& REGULATION
RANKING MINORITY MEMBER: FEDERAL & STATE
AFFAIRS
MEMBER: ECONOMIC DEVELOPMENT
ELECTIONS

March 24, 1992

TO: HOUSE COMMITTEE ON EDUCATION

RE: HB 2922

HB 2922 requires community colleges to submit certain information to the board of county commissioners of any county that is liable for payment of out-district tuition. Those additional requirements are as follows: the student's name and address, total number of credit hours, the number and title of the course and whether the course is a part of a degree program, location of the course, number of credit hours the student has completed and the amount being charged each student.

In addition, this proposed legislation provides that any courses offered by community colleges must be approved by the regent's institution located within the county. This provision codifies present practice into law.

Requiring additional information will allow County Commissions to distinguish between:

- (a) students residing in their county who attend the main campus of a community college outside the county,
- (b) students who attend at a military institution, and
- (c) students who are taking off-campus courses offered within their home county by an out-of-county educational institution with the authorization of the home-county state educational institution.

Presently, the only information required on out-district tuition billings submitted to County Commissions is the student's name, SSN#, residence address, number of college hours completed, and number of hours submitted for out-district tuition reimbursement for a particular term.

This is not enough information for adequate audit of out-district tuition expenditures by the affected county or for county officials to explain to local taxpayers the specific activities for which out-district tuition is paid.

*Education
Attachment #1
3/24/92*

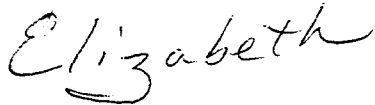
HB 2922 will also encourage more efficiency and less duplication of educational services by requiring review of out-district course offerings by the affected state institution. It will not prevent out-of-county community colleges from meeting bona fide student needs with courses and programs unique to the community college.

The end result, if this legislation passes, should be increased cooperation between community colleges, state universities and county officials.

I believe the fundamental issue before you today is one of accountability. Out-district tuition payments by counties with regents' institutions located within their borders have increased dramatically over these last years. With dwindling revenue growth and our constituents suffering from onerous property tax burdens, government expenditures of those constituents hard-earned tax dollars must be prudent. They deserve no less!

I urge your favorable recommendation of HB 2922.

Respectfully submitted,



Elizabeth Baker
State Representative
82nd District

Attch #1-2



SEDGWICK COUNTY, KANSAS

INTERGOVERNMENTAL COORDINATOR

WILLIE MARTIN

COUNTY COURTHOUSE • 525 N. MAIN • SUITE 315 • WICHITA, KANSAS 67203 • TELEPHONE (316)383-7552

TO: House Education Committee
FROM: Willie Martin, Intergovernmental Coordinator
DATE: March 24, 1992
RE: House Bill 2922
Out-District Tuition

Chairman Bowden and Members of the Committee:

I am Willie Martin representing the Sedgwick County Board of Commissioners. I appreciate the opportunity to testify on HB 2922.

Sedgwick County would like to support House Bill No 2922 which requests additional information regarding out-district payments to Community Colleges.

Over the past five years, Sedgwick County, like many municipalities across the State of Kansas, has heard pleas from citizens to reduce its reliance on property taxes without reducing its quality of services to the community. Sedgwick County has responded to the challenge in a positive way: we have investigated user fees which would place more of burden on consumers who can afford to pay for services, while reducing the burden to taxpayers. Additionally, we have searched for other non-tax revenue sources which could also reduce our reliance on taxation.

Unfortunately, Sedgwick County is also inhibited by many statutes which prohibit us from recouping many of our service costs. Thus, property taxes have remained a stable influence on our budgets to date. As a result, we have tried to closely monitor which services our taxpayers are supporting. We have implemented more control over payments made for services rendered, and held more service providers accountable for tax dollars spent. We consider this a positive move that all taxpayers will support.

*Education
Attachment #2
3/24/92*

House Bill 2922 answers a need for better accountability. The information requested therein as a condition of County payment for out-district tuition, would provide basic information that all colleges maintain on their students:

- 1) Name and address of residence in the county;
- 2) Total number of duly enrolled credit hours;
- 3) Number and title of each course;
- 4) Whether the course is part of a degree program; and
- 5) Amount of tuition charged to each student.

Additionally, and most importantly, this bill also links the current Department of Education's relationship with the Board of Regents to allow the Board's institution to review and approve classes of all courses provided in the County.

Sedgwick County is fortunate to have a Board of Regent's institution within its borders. We are committed to its success and have worked with the City of Wichita in developing a county-wide one and a half mill levy for the institution. In addition to this expenditure, we have budgeted an additional \$1.3 million to Community Colleges in 1992. We carefully control the amount levied for the university. Conversely, we can neither control expenditures for out-district tuition nor obtain reasonable data to review the expenditures for Community Colleges.

In 1991, Community Colleges underestimated their charges to Sedgwick County by almost 10%. Coupled with this is the fact that Community College payments have risen 50% in five years! Cost increases would not be difficult, except that counties are statutorily obligated to pay the excesses even when budgeted funds have been exhausted. The statutes provide that no-fund warrants may be used a solution. As you are aware, this cannot, and will not, be a solution for a county the size of Sedgwick that issues yearly debt. Thus, other services must suffer in order to pay for the out-district tuition.

As you can see, the 50% increase in five years combined with the growing pressure to eliminate reliance on property taxes have brought Sedgwick County to the position we take today. We need the opportunity to become more proactive in our financial encumbrances to ensure that payments are being properly made.

Sedgwick County requests your support of House Bill 2922 to allow counties to become better stewards of local tax dollars. Thank you for your consideration.

Attach # 2-2

#3



KANSAS ASSOCIATION OF COMMUNITY COLLEGES

Jayhawk Tower, Suite 901 • 700 S.W. Jackson • Topeka, KS 66603

W. Merle Hill
Executive Director

Phone 913/357-5156
Fax 913/357-5157

To: House Committee on Education

From: Merle Hill

Date: March 24, 1992

Subj: House Bill No. 2922, an act concerning community colleges; relating to charges against counties for out-district tuition; requiring provision of certain information by boards of trustees; imposing conditions on the teaching of subjects and courses in certain counties; amending K.S.A. 1991 Supp. 71-301 and 71-609 and repealing the existing sections.

Mr. Chairman, members of the Committee, I am Merle Hill, executive director of the Kansas Association of Community Colleges. Thank you very much for giving Association members the opportunity to express their concerns relative to the three major recommendations contained in House Bill No. 2922.

The recommended statutory changes contained in HB 2922 (1) increase significantly the information community colleges are required to append to out-district tuition billings, (2) make it possible for a non-community college county to pay a lower out-district tuition charge than is currently required, and (3) require approval by a state university chief executive officer for community college courses for which out-district tuition is expected to be charged. I shall address each of these three proposed changes in turn.

(1) In addition to concerns over what I have been told would result in a significant increase in the paper work involved in billing for out-district tuition, community college administrators believe that providing the additional requested information to county officials may be contrary to the federal guidelines of the Family Educational Rights and Privacy Act (34 CFR, Part 99).

You should also be aware that the State Board of Education already conducts an annual audit of all community college out-district tuition billings. If the auditor believes outdistrict charges were made.

*Education
Attachment #3
3/24/92*

inappropriately, the counties are notified of the "overcharge" by the State Board of Education; and the money is either repaid by the community colleges or withheld by the counties from the next billing.

Community college officials have the same concern as that expressed recently before this Committee by officials from Douglas County, namely, to be certain the appropriate county is charged for out-district tuition. If a resident of Shawnee County attends The University of Kansas and, while residing in Lawrence, enrolls for a course at Johnson County Community College, the out-district tuition should be the responsibility of Shawnee, not Douglas County. However, it does not appear that this particular concern is being addressed by the change recommended on page 1, line 42 through page 2, line 13.

KACC members believe the annual audit of out-district tuition billings performed by the State Board of Education and the limitations of the so-called Buckley Amendment on privacy protect both counties being billed and students' rights.

(2) Out-district tuition is not actually tuition like that paid by students. When the Community Junior College Act was passed in 1965, legislators recognized the responsibility of a "sending" county to assist a community college in offering courses to Kansans not residing in community college taxing districts. What was called out-district tuition was actually an ad valorem tax assessed by county commissioners. Subject to certain restrictions, the rate of out-district tuition was computed by multiplying a county's total number of full-time-equivalent students (FTE) by an institution's average maintenance and operating costs per FTE, less student tuition, credit hour state aid and anticipated federal aid. The expectation was that the "sending" county would, thus, pay the "full remaining average cost" for out-county students attending a community college.

In 1973, the county commissioners were successful in getting the state to accept half of the counties' out-district tuition responsibilities. A "sending" county was to pay half the "full remaining average cost" and the state pay half through a new aid category, state out-district aid.

Attach #3-2

In 1978, out-district state aid and out-district tuition were changed from a rate based on the operating costs of each institution to a uniform rate of \$21 per credit hour (subject to the 64/72-hour limitations).

Since 1965, out-district tuition has been based on operating costs, not on the tuition rate charged by the community colleges. In 1978, for example, when the tuition rate at community colleges was \$8-\$12, the out-district tuition rate was \$21, or 1.75 times more than the maximum tuition rate set by the Legislature. In 1991-92, the tuition range set by the Legislature is \$18-\$26 and the out-district is only \$24, or \$2 less than the maximum tuition. Out-district tuition has not kept pace with average maintenance and operating costs since 1978.

Since 1987, when the community colleges' five-year financial plan was introduced, with the goal of reaching the 40-percent level of "state" funding, one of the provisions of the plan was to phase out out-district tuition and have the state assume on a dollar-for-dollar basis any reductions in out-district tuition, thus completing an action initiated by the Legislature in 1973 when it assumed half the counties' out-district tuition responsibilities. The Kansas Association of Counties did not support this phase-out, nor did individual counties, and the concept was dropped from the State Board of Education's request this year. The colleges are in need of "new" rather than "replacement" dollars.

Our members also wonder if permitting "regents' counties" to pay "out-district tuition" at a rate lower than that provided by statute for 99 other counties, meets constitutional guidelines. Even with classification, court law requires equal treatment within a class, it appears.

(3) Since this hearing was changed from last Thursday to today, neither Dr. Rodney Cox, president of Butler County Community College, nor Dr. Laura Meeks, president of Fort Scott Community College, could change their schedules to make today's hearing. Dr. Cox is in Chicago at a meeting and Dr. Meeks has a very important Endowment Fund dinner

Attach # 3-3

this evening. I have attached their written testimony to my own but will quote from their presentations.

Dr. Cox: "This section of the bill is not necessary, since present practice is for the State Board of Education to require such a sign-off before such courses can be offered and out-district tuition billed. The sign-off verifies that the proposed course does not duplicate a university course and/or the university either cannot or does not want to deliver it to students."

Also, in "the Sedgwick County area...the South Central Postsecondary Educational Consortium...will receive requests from school districts, businesses and communities for postsecondary education and training in the 'regents county' and determine which institution is best suited to meet the requested course; and the university's chief executive officer will then 'sign off' on the documentation required by the State Board of Education for out-district tuition payment..."

Dr. Meeks: We do not need this law in Southeast Kansas for two reasons. First, the State Board of Education already has developed guidelines in cooperation with the Board of Regents to...guard against duplication of costly efforts. Second, in Southeast Kansas community colleges are harmoniously working with Pittsburg State University to meet the educational needs of our region."

Dr. Meeks also mentions several programs which were dropped by Pittsburg State University. "President Wilson contacted two community colleges...to determine if any could provide (these programs) in Pittsburg..." Fort Scott Community College and Labette Community College responded, and Fort Scott is now offering in Crawford County a cosmetology program, formerly offered by PSU, and Fort Scott and Labette share offerings in an office management degree and certification program in Pittsburg, also formerly offered by PSU.

Dr. Meeks ends her statement with the following: "The purpose of this testimony is to emphasize the workability of the status quo in which community colleges serve their mission efficiently -- both in working

Attach # 3-4

with each other and in working with a university."

In regard to the recommended approval by a university chief executive officer, the State Board of Education has informed me that all community college courses being offered today in "regents counties" for which out-district tuition is to be charged have the required regental approval.

The members of the Kansas Association of Community Colleges request that you report House Bill No. 2922 unfavorable for passage.

I shall be happy to stand for questions. Thank you.

Attach #3-5

TESTIMONY BY

Dr. Rodney V. Cox, Jr.
Butler County Community College

on House Bill No. 2922

March 19, 1992

Mr. Chairman, members of the Committee, thank you very much for the opportunity to speak on House Bill No. 2922. I will limit my remarks to the part of the bill dealing with a sign-off by a university chief executive officer before out-district charges will be paid for community college courses taught in a "regents' county."

This section of the bill is not necessary, since present practice is for the State Board of Education to require such a sign-off before such courses can be offered and out-district tuition billed. The sign-off verifies that the proposed course does not duplicate a university course and/or the university either cannot or does not want to deliver it to students.

In the Sedgwick County area, four community colleges, the Wichita Area Vocational-technical School and The Wichita State University have joined together to form the South Central Postsecondary Educational Consortium. This Consortium will act as a clearing house for the delivery of academic courses, training for industry and services to business. The Consortium will receive requests from school districts, businesses and communities for postsecondary education and training in the "regents' county" and determine which institution is best suited to meet the requested course; and the university's chief executive officer will then "sign off" on the documentation required by the State Board of Education for out-district tuition payment when one of the community colleges is assigned to deliver the requested course.

Putting into law the sign-off by the university chief executive officer is not necessary because it is already present practice and required by the State Board of Education. In addition, passing such laws can only hamper the cooperative agreements to meet the needs of Kansas businesses and citizens.

Thank you very much.

Attach #3-6

TESTIMONY BY

Dr. Laura Maeks, President
Fort Scott Community College

on House Bill No. 2922

March 24, 1992

Mr. Chairman, members of the committee, I regret our annual Endowment Dinner at Fort Scott Community College this evening prevents me from making my remarks in person. This testimony addresses Section I of HB 2922 mandating that a university chief executive officer must sign off before charges will be paid for a course taught in a county in which a Regents college is located. We do not need this law in Southeast Kansas for two reasons. First, the State Board of Education already has developed guidelines in cooperation with the Board of Regents to the same effect -- namely, to guard against duplication of costly efforts. Second, in Southeast Kansas community colleges are harmoniously working with Pittsburg State University to meet the educational needs of our region.

In Southeast Kansas six community colleges and Pittsburg State University established the Southeast Kansas Educational Consortium in 1983. Since then the consortium has engaged in cooperative programs including long-range planning, professional development activities, and comprehensive, cost-effective educational programs and services offered through member institutions. Some of the outcomes of this consortium include grant-writing seminars, annual legislative leadership conferences, and library projects. Goals are established by the board. For example in 1989 the main objectives for the

consortium were to develop a common core, general education course numbering system; to increase the level of in-service presenters for consortium-wide audiences; and to develop a plan for shared activities and professional development.

The governance structure has remained constant with officers elected by a Board of Directors and with a college designated as the depository. The Council meets on the second Tuesday of September, December, February and April at each college on a rotational cycle. Three sub-groups meet including presidents, chief academic officers and deans of students. A copy of the Southeast Kansas Higher Educational Consortium Annual Report of February 1990 will be available through Merle Hill if you would like to examine the consortium mission, committees and budget.

In Southeast Kansas full cooperation for curriculum offerings is facilitated by oral and written agreements with Pittsburg State University and other community colleges. Our goal is to provide quality education in our service area without duplication of services. Let me give you some examples showing how our program works. Approximately five years ago Pittsburg State University decided to discontinue its cosmetology program. President Wilson contacted two community colleges with cosmetology programs to determine if any could provide this program in Pittsburg since a demand existed for cosmetologists. Fort Scott Community College responded, entering into a written agreement with Pittsburg State University to open a cosmetology program in Pittsburg similar to our on-campus program. Through this invitation

from Pittsburg State our programs in Fort Scott and Pittsburg are able to work together effectively and efficiently.

Another example to show how our community college programs have served Crawford County residents can be viewed in the secretarial programs at Pittsburg. At the invitation of Pittsburg State University, Labette and Fort Scott Community Colleges established an office management degree and certificate program in Pittsburg. These courses meet the training needs of business and industry. The students at the Pittsburg Office Management Center receive training that would otherwise not be available.

The written agreement among our colleges has resulted in programs which meet the needs of students living in a county of a Regents institution. Many other courses and programs are offered through mutual planning such as the 2 + 2 degree programs PSU offers at community colleges. For example, a business degree from PSU may be obtained at Independence Community College. We communicate well and receive support from President Wilson.

I would also like to tell you how Fort Scott Community College provides a transportation program (truck driver training) at Kansas City, Kansas, Community College. Our colleges have avoided duplication of vocational program services by entering into written agreements with each other.

The purpose of this testimony is to emphasize the workability of the status quo in which community colleges serve their

mission efficiently -- both in working with each other and in working with a university. Our growing enrollments show that we can serve the educational needs of our region by providing high quality programs in the most cost-efficient manner.

#4



KANSAS COUNCIL ON VOCATIONAL EDUCATION

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913-296-2451

J.C. "Cash" Bruner, Chair
Business Representative
International Assn. of Machinists
and Aerospace Workers
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Eddie Estes, Ph.D., Vice Chair
President, Western Kansas
Manufacturers Association
Dodge City

Robert Thiry
Executive Committee Member
Coordinator, KS Carpentry
Apprenticeship
Perry

Dr. David L. DePue
Executive Director

TO: The Honorable Representative
Rick Bowden, Chair, and Members of the
House Committee on Education

FROM: David L. DePue
Executive Director *David L. DePue*

SUBJECT: Opposition to HB 2922
Restrictions on Out-District Tuition

DATE: March 24, 1992

Karen Conklin
Market & Survey Research Analyst
Johnson Co. Community College
Overland Park

Fran Graham
Vocational Counselor
Johnson County AVTS
Olathe Center
Olathe

Allene Knedlik
Coordinator of Tech Prep
Southeast Kansas Tech Prep Consortia
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Coffeyville

Jule E. Kuhn
Counselor/Placement Coordinator
Manhattan AVTS
Manhattan

Janis Lee
State Senator
Farmer/Rancher
Kensington

D. Joe Mildrexler
Dean of Community Services
Colby Community College
Colby

Carol Nigus, Director
Brown County Kansas Special
Education Cooperative
Hiawatha

Dennis K. Shurtz
Agribusiness/Commodities
Arkansas City

Mitch Sexton
Manager of Training & Quality Programs
Jostens School Products Group
Topeka

Gary Withrow
Employee Relations Manager
Morton International
Hutchinson

The State Council on Vocational Education is established by the U.S. Congress to provide oversight and policy advice on vocational education and training related issues. Each of our 13 members represents one of the constituent groups served by programs.

Numerous publications and our recent employer forums make clear the need for on-going training, retraining, and upgrading of workers. People need opportunities to upgrade their skills to get a better job and to keep the one they may have. The Kansas (and Nation's) economy requires skilled workers to run the high-performance organizations that will keep us competitive in the world economy.

What is needed are fewer barriers to Kansas residents, not restrictions. Community colleges have proven their effectiveness in meeting the training, upgrading, and continuing education needs of area residents.

Community colleges are the best tool in our quest to keep the Nation competitive and regain the shrinking family income.

What is needed is a recognition that community college support is a bargain value; it is an investment in our communities and our State economy. Out-district tuition payments allow a county to have the benefits of community college service at a fraction of the cost of program support.

Modern business has learned to identify its customers and focus on meeting their needs. School and government administration must learn to do the same. Turf barriers between counties and educational institutions are not acceptable. Barriers restrict the growth of people and the development of the economy. Business and industry will only look to other markets for their training and upgrading services (contract trainers, satellite delivery, private institutions, etc.). Another frequent option is to contract out their work or expand/move to another community, state, or nation. In the true spirit of teamwork, let's have each educational institution focus on its mission and put their "customer" first. We cannot succeed in the global marketplace when we focus on "turf" and work against each other.

DLD:vdc