

MINUTES OF THE SELECT COMMITTEE ON HIGHER EDUCATION.

The meeting was called to order by Chairperson Cindy Empson at 1:30 on February 9, 1995 in Room 522-S of the Capitol.

All members were present except:

Committee staff present: Caroline Rampey, Legislative Research Department
Julian Efird, Legislative Research Department
Laura Howard, Legislative Research Department
Helen Abramson, Committee Secretary

Conferees appearing before the committee: David Monical, Washburn University
Dean Ferrell, Washburn University

Others attending: See attached list

Dean Ferrell, Chairman of the Board of Directors, Washburn University, briefed the Committee on their roll in higher education. Washburn has been a public institution since 1941 and has been receiving state funding since 1961. Washburn has sought full state affiliation for the last eight years. Last year, the Senate rejected a proposal, which had the endorsement of the Governor and the Kansas Board of Regents, to enter the state university system. Although Washburn University is a state-wide educational recourse there is no state-wide board which represents the University's interests.

When the Joint Committee on Governance (JCG) meets and considers issues relating to higher education policy in the state of Kansas, no one represents the interests of Washburn University. It has been suggested these regional consortia will fulfill this role, but it is unclear how regional consortiums will be involved by the JCG in issues related to policy, state-wide planning and coordination. The University is asking the Select Committee to consider what role Washburn University should play in the activities of the JCG, and in the various initiatives being generated regarding policies and practices which affect all of the state's higher education institutions.

David Monical, Executive Assistance to the President, Washburn University, explained that Washburn is the last remaining municipal university in America, receiving about 25 percent of its revenue from property taxes in the city of Topeka. Washburn's student body is typical of universities in urban areas. About half of its students are part time, and they typically take few credit hours than students at state universities. With no community college in Topeka, Washburn is trying to meet some of those needs for the people of the community.

David Monical submitted to the Committee for their review handouts of Washburn University's mission statement, student profile information, degrees granted, a list of academic programs offered and a compilation of selected financial information. Committee discussion followed.

Staff briefed the Committee on HB 2102 - reorganizing higher education governance - (Attachment 1) and on the Ad Hoc postsecondary education restructuring group's proposal (Attachment 2). This group met last Legislative session to try to pull together a proposal that would tie together in one package the Regents, area vocational schools and community colleges. It proposed that Washburn University, community colleges, and area vocational schools be given the option of coming under the supervision of the Kansas Board of Regents. That option involved certain changes in governance, funding, powers, and duties of both the Board of Regents and the institutions that come under its supervision. Also, changes in funding were proposed for community colleges that remain under the supervision of the State Board of Education. It involved the Board of Regents, but did not change the Board's authority over the Regents institutions, but did allow for community colleges and area vocational schools to affiliate with the Board of Regents on a voluntary basis.

Staff handed out a report of the Task Force on Higher Education of the Legislative Commission on Economic

Development. (This report is located in the Legislative Research Department, Statehouse).

Chairman Empson appointed Representative David Heinemann as Chairperson of a subcommittee, with Representatives Barbara Ballard, Jim Wempe, and herself also serving as members. This subcommittee will put together recommendation for a bill which will be brought back to the Committee for introduction, subsequent to hearings, and going through the normal process.

The meeting adjourned.

The next meeting is scheduled for February 16, 1995.

MEMORANDUM

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February 8, 1995

To: House Select Committee on Higher Education

Re: 1987 H.B. 2102 (Reorganizing Higher Education Governance)

In 1986, the Legislature passed authorizing legislation to establish the Legislative Commission on Kansas Economic Development. That Commission and four task force groups worked during the 1986 interim to develop recommendations for the 1987 Legislature. In the *Report of the Legislative Commission on Kansas Economic Development* (January 9, 1987), recommendations formulated both by the Task Force on Higher Education and the Commission itself are elaborated in Supplement 1 (Task Force Recommendations) and Supplement 2 (Commission Recommendations). Central to the recommendations was a theme that higher education governance in Kansas ought to be restructured. As a result, 1987 H.B. 2102 was introduced to implement the specific recommendations of the Commission.

Deliberations by the House Committee on Education produced a Substitute for H.B. 2102 (Supplement 3). That version of the bill often is referred to as the "Braden Bill" since Jim Braden was Speaker of the House and Chairman of the Legislative Commission on Kansas Economic Development, and the amendments which were incorporated into the revised bill were attributed to the Speaker.

1987 HOUSE BILL NO. 2102 As Recommended by House Committee on Education

Sub. for H.B. 2102 proposed to expand the statutory powers and duties of the State Board of Regents by adding responsibility for statewide coordination of higher education, which includes the state educational institutions (which are the six Regents' universities, the Medical Center, the Veterinary Medical Center, and Kansas Technical Institute); Washburn University; the community colleges; and the two- and four-year independent colleges and universities.

In addition, all powers, duties, and functions of the State Board of Education relating to the supervision of community colleges are transferred on July 1, 1987, to the State Board of Regents. The community colleges' boards of trustees retain responsibility for operation, management, and control of the colleges under their jurisdiction. No substantive changes are made in the statutory funding arrangements for community colleges.

Additionally, all powers, duties and functions of the State Board of Education relating to the supervision of Washburn University are transferred to the State Board of Regents. Washburn's Board

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of Regents retains responsibility for operation, management, and control of the institution. No substantive changes are made in the statutory funding arrangements for Washburn University.

In order to assist in performing the State Board of Regents' new responsibilities, two five-member committees are established.

1. The State Committee on Community Colleges is assigned responsibilities pertaining to the 19 community colleges.
2. The State Committee on State Educational Institutions and Municipal Universities is assigned responsibilities pertaining to the six Regents universities, the Medical Center, the Veterinary Medical Center, Kansas Technical Institute, and Washburn University.

Members of the two committees would be Regents. Four of the nine Regents would be appointed by the Chairperson of the State Board to serve on one committee and the other four to serve on the second committee. The Chairperson would be an ex officio member of each such committee. No member of the State Board other than the Chairperson would serve on one of the committees for more than two consecutive years.

The State Board is authorized to appoint a Commissioner of Higher Education. The Commissioner, subject to approval by the State Board of Regents, will appoint an Assistant Commissioner of Community Colleges, an Assistant Commissioner of State Educational Institutions and Municipal Universities, and other staff deemed necessary.

State Board of Regents

New duties and functions assigned to the Regents include:

1. Conduct master planning for statewide coordination of higher education.
2. Provide for transfer and articulation of students among higher education institutions.
3. Approve all new programs and courses.
4. Review existing programs and courses, and have authority to eliminate those at state educational institutions.
5. Review institutional budget requests and state funding requests, and make recommendations to the Governor and Legislature.
6. Develop and recommend annually to the Governor and Legislature a policy agenda for higher education which assesses priorities for policy changes, programs, and state funding.

7. Study ways to maximize utilization of resources and initiate changes deemed necessary for higher education.
8. Study accessibility to postsecondary education and initiate programs to increase access.
9. Review recommendations of the two State Committees and take appropriate actions.
10. Report annually to the Governor and Legislature.
11. Exercise other powers and duties deemed necessary or prescribed by law.

Commissioner of Higher Education

Powers and duties assigned to the Commissioner include:

1. Serve as chief executive officer for the State Board of Regents.
2. Set the Board's agenda and call special meetings of the Board.
3. Develop and recommend to the State Board a master plan for statewide coordination of higher education, and update the master plan recommendations as necessary.
4. Advise the State Board and recommend appropriate policies and actions.
5. Review programs, courses, and budgets of state educational institutions, and make recommendations to the State Board.
6. Represent the State Board before the Governor and Legislature.
7. Make recommendations to the State Board on appointments of institutional chief executive officers at state educational institutions.
8. Appoint assistant commissioners and other staff subject to approval of the Board.
9. Exercise other powers and duties delegated by the Board, or prescribed by law.

Assistant Commissioners

Responsibilities assigned to the assistant Commissioners include:

1. Serve as chief administrative officer for the respective Committee.

2. Set the respective Committee's agenda and keep a record of its proceedings.
3. Advise the respective Committee and provide information.
4. Exercise other powers and duties as delegated by the respective Committee, by the Commissioner, or as prescribed by law.

State Committee on Community Colleges

Powers and duties assigned to the State Committee include:

1. Plan for community colleges.
2. Recommend new programs and courses for state funding.
3. Review existing programs and courses, and recommend any changes in the eligibility for state funding.
4. Review state funding requests of community colleges and make recommendations on the requests.
5. Develop annually a policy agenda for community colleges.
6. Study ways to maximize utilization of resources available for community colleges and initiate changes to improve utilization.
7. Report on activities and make recommendations to the Board.
8. Propose rules and regulations for supervision of community colleges.
9. Exercise other powers and duties deemed necessary or prescribed by law.

State Committee on State Educational Institutions and Municipal Universities

Powers and duties assigned to the State Committee include:

1. Initiate plans for institutional advancement, new programs, and new courses.
2. Review existing programs and courses at state educational institutions, and make decisions about continuation of programs and courses based on educational and economic justification.

3. Formulate budget requests for state educational institutions.
4. Review state funding requests of municipal universities and make recommendations on the requests.
5. Develop annually a policy agenda for state educational institutions and municipal universities.
6. Study ways to maximize utilization of resources available for state educational institutions and municipal universities, and initiate changes to improve utilization.
7. Report on activities and make recommendations to the State Board.
8. Propose rules and regulations for operation and management of state educational institutions and for supervision of municipal universities.
9. Exercise other powers and duties deemed necessary or prescribed by law.

Background

H.B. 2102 was recommended by the Legislative Commission on Economic Development as the result of 1986 interim study by its Task Force on Higher Education. The bill as introduced would have transferred vocational education and area vocational schools to the State Board of Regents, in addition to the community colleges and Washburn University. It also would have established two additional boards (both subject to the State Board of Regents), one to supervise community colleges and area vocational schools and the other to manage Regents institutions and to supervise Washburn. The State Board of Regents would have served as the master planning and coordinating board for postsecondary education.

The major changes in H.B. 2102 approved by the House Committee on Education were submitted to it by the Speaker of the House. The main thrust of the amendments were twofold:

1. References in the bill to vocational education and area vocational schools were deleted. Vocational education and area vocational schools thus would remain under the supervision of the State Board of Education. Approval of vocational education courses for state funding would remain a function of the State Board of Education. No changes are made in the statutory funding arrangements for vocational education.
2. The two additional boards included in the bill were deleted and their functions essentially were assigned to the State Committees of the State Board of Regents.

The House Committee on Education made several other minor changes. One change added to the State Board's responsibilities the charge to study accessibility to higher education. Another change would allow the Commissioner to discharge those staff appointed by the commissioner, including Assistant Commissioners.

The statutory powers and duties of the State Board of Regents would remain in effect, except as modified by Sub. H.B. 2102. Those functions include operating and managing the state

educational institutions, administering certain student aid programs, and approving new degree-granting programs for instate private postsecondary institutions and registering out-of-state private postsecondary institutions which offer courses in Kansas.

Reaction in the Senate

After the House passed (63 to 60) the proposed legislation, the Senate Committee on Education held hearings later in the 1987 Session. The bill died in the Senate Committee at the end of the 1988 Session since bills that year did not carry over to the next session. However, the Chairman of the Senate Education Committee requested the Legislative Coordinating Council to authorize an interim study in 1987 to "review the Education Article of the *Constitution* and make recommendations about possible constitutional and other changes which would allow flexibility in statutorily implementing statewide governance of public elementary, secondary, and postsecondary education." That 1987 interim study was approved as Proposal No. 22 and was studied during the 1987 interim (Supplement 4). A proposed constitutional amendment was recommended to the 1988 Legislature, apparently superseding H.B. 2102 since no further consideration was given that bill in the Senate.

MEMORANDUM

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March 31, 1994

To: House Committee on Education
From: Ad Hoc Postsecondary Education Restructuring Group
Re: Discussion Piece: A Proposal to Restructure Postsecondary Education

It is proposed that Washburn University, community colleges, and area vocational schools be given the option of coming under the supervision of the Kansas Board of Regents. That option involves certain changes in governance, funding, and powers and duties of both the Board of Regents and the institutions that come under its supervision. In addition, changes in funding are proposed for community colleges that remain under the supervision of the State Board of Education. These changes are outlined in the material that follows.

The proposal has the following major components.

Kansas Board of Regents and Existing Regents Institutions

The jurisdiction of the Board of Regents would be expanded statutorily to include any institutions (community colleges, area vocational schools, and Washburn University) that opt to come under its supervision. The Board would be responsible for ensuring that coordination and cooperation is ongoing between the Board of Regents and the State Board of Education and the private colleges and universities. No change affecting existing Regents institutions is proposed, except to the extent that they would be affected by affiliations they voluntarily enter into with other postsecondary institutions.

Washburn University

Washburn University would be given the option to become a freestanding Regents institution, upon petition of the Washburn University Board of Regents to the State Board of Regents and subject to approval by the State Board. Conditions of the University entering the state system would be patterned after 1994 S.B. 779 and include the continuation of City of Topeka mill levies for capital improvements and operating expenses. The mill levy for capital improvements would be limited to 3.0 mills and the rate for University operations would be set at 13.5 mills.

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Major provisions of S.B. 779 include the following:

1. Upon the effective date of the transfer, all rights and liabilities of Washburn University would be transferred to the Board of Regents, with the exception of endowment property, outstanding general obligation bonds, and other contractual obligations of the University.
2. Washburn employees would transfer into either the classified or unclassified components of the Kansas civil service system. Classified employees would be eligible as provided by statute for membership or participation in the Kansas Public Employees Retirement System and unclassified employees would be eligible for participation in the Regents retirement annuity plan under K.S.A 74-4925.
3. A Regents Graduate Center would be located on the campus of Washburn University on the effective date of the transfer, to be administered by the State Board of Regents. All graduate courses and programs made available in Shawnee County by existing Regents institutions and by Washburn University, except for courses and programs offered through the Washburn University School of Law, would be offered through the Regents Graduate Center at Washburn University.
4. One year preceding the effective date of the transfer, the State Board of Regents shall implement a review process to determine the graduate courses and programs to be offered through the Regents Graduate Center at Washburn. Each graduate program at Washburn that is not approved to be offered through the Regents Graduate Center or through the Washburn University School of Law will be phased out of operation.
5. On the effective date of the transfer, Washburn University will transfer to the state balances of its funds in an amount to be determined by the Washburn University Board of Regents and the State Board of Regents, of which one-fourth of the amount transferred will be spent on University operations in each of the four succeeding fiscal years.
6. For the academic year following the effective date of the transfer and for each academic year thereafter, until such time as the State Board of Regents determines that the rates of Kansas resident undergraduate tuition for other Regents institutions are comparable to the rate of the tuition at Washburn, the State Board shall submit budget requests for Washburn which presume that the percentage of any tuition increase for Washburn shall not exceed the percentage increase in the CPI-U.

Community Colleges

Implementation of this proposal would bifurcate state supervision of community colleges. Those institutions that do not choose to affiliate with the Board of Regents would be unaffected with regard to governance or supervision by the State Board of Education. (Unaffiliated community colleges, however, would be affected by funding and other changes, which are described elsewhere in this memorandum.) Those community colleges that wish to affiliate with a Regents institution would become Regents colleges and would come under the supervision of the Board of Regents.

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Governance, Supervision, and Local Boards. For those community colleges that remain under the supervision of the State Board of Education, no change would be made in their relationship with the State Board or with their boards of trustees. Those institutions that become Regents colleges would be required to affiliate with a Regents institution and would be subject to the control and supervision of the Board of Regents. The head of the Regents institution with which the college affiliates would have authority to review and approve or disapprove courses and programs offered by the affiliating institution, including off-campus offerings, subject to final approval by the Board.

Local governing boards for institutions that become Regents colleges would continue. Among their powers and duties would be the following:

1. Authority to levy property taxes and to issue bonds.
2. Authority to conduct a search and to recommend to the head of the affiliating Regents institution the name of a person and that person's salary to be considered for the position of chief administrative officer of the college. The authority to hire and fire the chief administrative officer would reside with the head of the Regents institution, subject to the approval of the Board of Regents. The chief administrative officer of the Regents college would report both to the board of trustees and to the head of the affiliating Regents institution.
3. Upon the recommendation of the chief administrative officer of the college, authority to appoint and to fix the salaries of school employees, including the head of any affiliating technical college.
4. Authority to determine the educational program of the college, including the development of institutional mission statements and approval of programs and courses to be offered, subject to the approval of the head of the affiliating Regents institution and final approval of the Board of Regents.
5. Authority to set student tuition for the college and any affiliating technical college, subject to applicable statutory ranges.
6. Authority to enter into contracts.
7. Authority to purchase, receive, dispose of, and to enter into lease agreements involving property owned or controlled by the college or affiliating technical college.
8. Authority to serve in an advisory capacity to the head of the affiliating Regents institution in matters affecting the college.

Funding. The major components of community college and Regents college funding are listed below:

1. State and county out-district tuition would be eliminated. Each county would be required to impose a uniform property tax levy of 1.5 mills. In those counties in which there is a community college, Regents college, or Washburn University, the proceeds from the levy would be credited to the college district. (In the case of Washburn University, proceeds from the levy on City of Topeka property would be credited to the University.) Remaining proceeds from the levy would be

credited to a state fund to be used to support community colleges and Regents colleges.

2. Mill levies in support of Regents colleges would be capped at 25 mills, except that those institutions that presently are levying more than 25 mills would be prevented from increasing their levies over the current rates. (Community colleges that remain under the supervision of the State Board of Education would be unaffected by this provision.)
3. Student tuition for community colleges and Regents colleges would be set by the college's board of trustees, subject to a statutory range of \$28 to \$40 per hour for Kansas residents.
4. State credit hour aid would be \$50 for academic hours offered by a Regents college and \$40 for academic hours offered by a community college. Reimbursement for vocational hours would be 1.5 times the applicable rate for academic hours, or \$75 per hour for Regents colleges and \$60 per hour for community colleges.
5. General state aid to community colleges and Regents colleges would be increased. (The recommendation is that the general state aid program be increased from \$2.6 million to \$15.0 million.)
6. State aid programs for community colleges would be administered by the State Board of Education and state aid programs for Regents colleges would be administered by the Board of Regents. However, there would be no change in the distribution of certain federal funds currently allocated by the State Board of Education that are required to be administered by a single board.

Area Vocational Schools and Technical Colleges

There would be no change in area vocational schools that remain under the State Board of Education. Any area vocational school that wants to offer a degree must become a technical college and must affiliate with an existing Regents institution or a Regents college. Area vocational schools under the State Board of Education could not grant degrees. Technical colleges would have the authority to contract with school districts to offer programs to secondary students.

Technical colleges that affiliate with a Regents college would be under the control of the college board of trustees and would become a unit of the Regents college. The head of the technical college would be appointed by the board of trustees upon the recommendation of the chief administrative officer of the college and would report to the chief administrative officer. Technical colleges that affiliate with an existing Regents institution would become a unit of the Regents institution. The head of the technical college would be appointed by and report to the head of the Regents institution. Associate degrees, as approved by the Board of Regents, would be conferred by the technical college.

No postsecondary area vocational school state aid would be provided for technical colleges. State funding would be on a credit hour basis and would be the same rate per hour as vocational hours offered by Regents colleges (\$75).

State Affiliation

State affiliation would be triggered by action of the local governing board. Notification would be made to the Board of Regents of intent to apply. The Board would be responsible for providing technical assistance to the affected institutions during the time an application for affiliation is being prepared.

By rule and regulation, the Board would establish the affiliation process and identify conditions of application that must be met. It is assumed that affiliating institutions would enter into a negotiating process and would develop an affiliation agreement. Any item considered relevant to the affiliation could be addressed in the agreement, but by statute the Board would be required to ensure that the following issues have been considered:

1. **Uniform curriculum** and articulation guidelines that ensure transferability of courses, including the conversion of clock hours to credit hours for technical colleges.
2. Evidence of a plan to share programs and resources, such as student services, remedial courses, facilities, telecommunications systems, and personnel. *SAVING*
3. Evidence of a plan to provide programs and services to the **service areas** of the affiliated institutions, including a description of the service area of the affiliated institutions and evidence that the provision of programs and courses by institutions under the State Board of Education and private colleges and universities have been taken into account.

Affiliated institutions would be permitted to renegotiate an agreement by notifying the Board of Regents and submitting a proposed revised agreement to the Board for its approval. In the case of the termination of an affiliation, the Board of Regents would initiate a process whereby the affected institutions would develop a termination agreement that addresses issues such as how shared or joint programs, services, equipment, and facilities would continue to be provided or divided. Any proposal to terminate an affiliation would be approved by the Board of Regents when the Board is satisfied that the institutions have met conditions established by the Board to ensure the orderly termination of an agreement. In the case of a Regents institution, the notification to terminate would be made by the head of the institution. In the case of an affiliating institution, the notification would be made by the governing board. In the case of Washburn University, it would not be possible for the institution to remove itself from the Board's supervision except by act of the Legislature.

Powers and Duties of the Board of Regents

Powers and duties of the Board of Regents would include the following:

1. Authority to approve degrees offered for all institutions under its supervision.
2. Authority to approve or disapprove off-campus programs for all institutions under its supervision.

3. Authority to review and to make budget recommendations to the Legislature for all institutions under its supervision.
4. Authority to review and approve applications for affiliation with a Regents institution, to approve altered applications, and to approve applications for termination of affiliation.