

17

Approved: January 26, 1998  
Date

MINUTES OF THE HOUSE SELECT COMMITTEE ON HIGHER EDUCATION.

The meeting was called to order by Chairperson David Adkins at 9:00 a.m. on January 22, 1998 in Room 423-S of the Capitol.

All members were present.

Committee staff present: Carolyn Ramey, Legislative Research Department  
Leah Robinson, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Jim Wilson, Revisor of Statutes  
Leona Fultz, Committee Secretary

Conferees appearing before the committee: Senator Tim Emert

Others attending: See attached list

Representative Adkins introduced Senator Emert. He presented the committee with handouts entitled Education in Kansas -- Current Organization and Education Governance in Kansas -- One Alternative. (Attachment 1) He then answered questions from the committee. The Research Department presented the committee with handouts entitled Constitution of the State of Kansas (Article 6 -- Education), selected provisions of Kansas statutes dealing with Kansas Board of Regents and Community Colleges and State Indicators in Education 1997. (Attachments 2, 3, 4, 5, and 6).

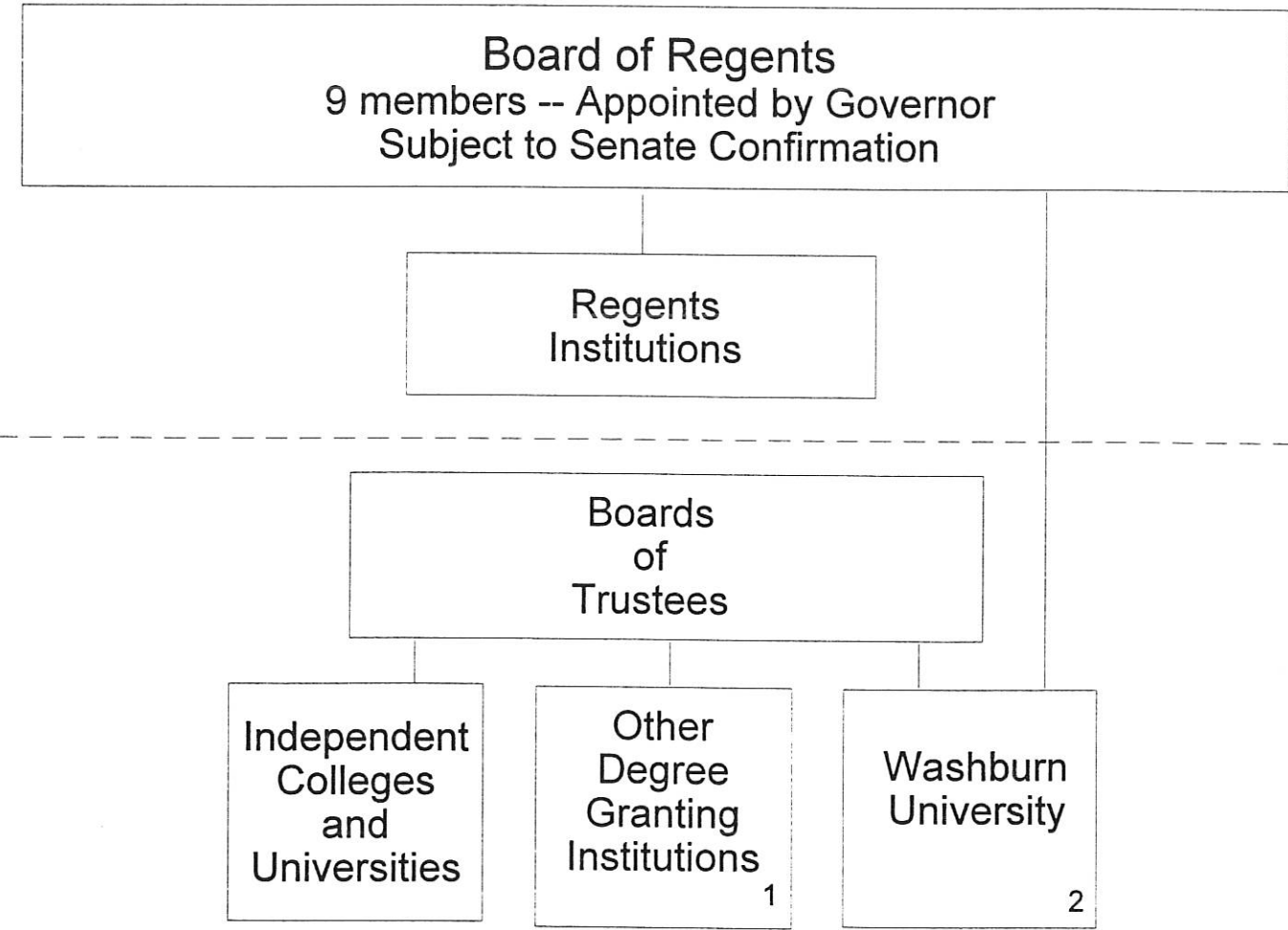
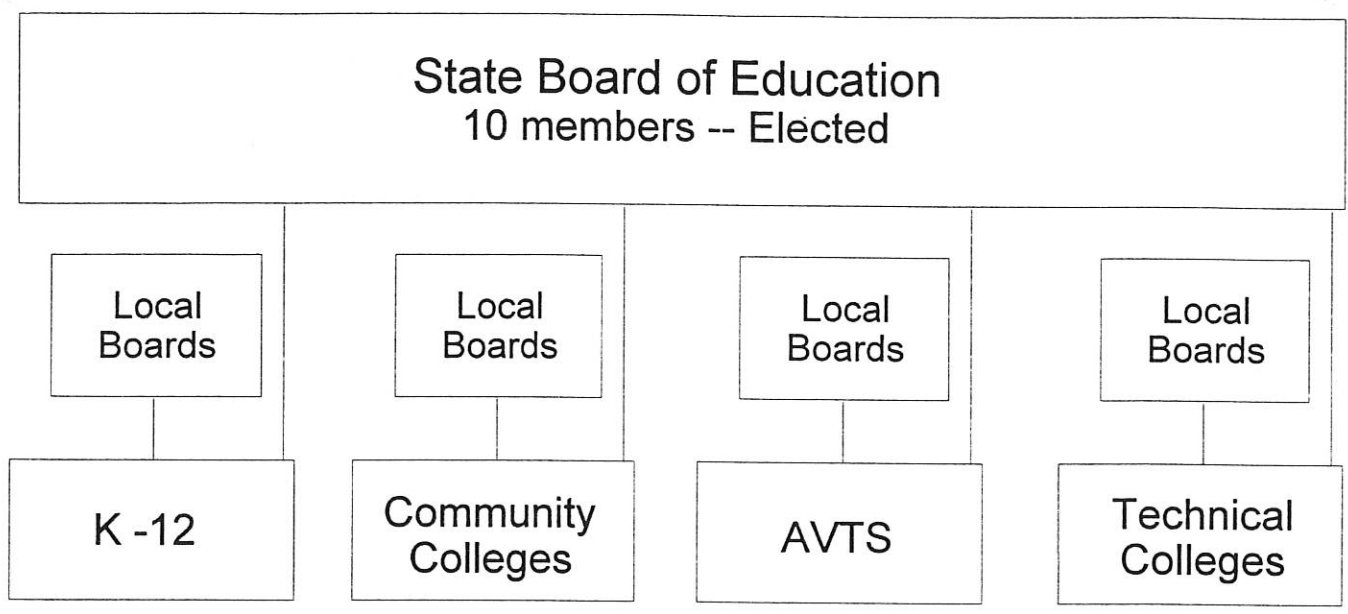
The committee meeting adjourned and the next meeting was scheduled for Monday, January 26, 1998 at 4:30 p.m.

**SELECT COMMITTEE ON HIGHER EDUCATION  
COMMITTEE GUEST LIST**

DATE: January 22, 1998

NAME	REPRESENTING
Roger Toelkes	Senator Neusley Office
Sheila Finkbeiner	KACCT
Marvin Burris	KBOR
Debra Frideaux	FHSU
Joe Rossillon	ESU
Scott Hill	KSBE
Eric Sexton	WSU
Sue Peterson	K-STAT &
Katie Sackman	Rep. Farmer

# EDUCATION IN KANSAS -- CURRENT ORGANIZATION



Select Committee on Higher Education  
 January 22, 1998  
 Attachment 1

- 1) "Other degree granting institutions" are those such as Bible Colleges and theological seminaries.
- 2) The Board of Regents receives Washburn's request for state funds and forwards both that request and the Board's recommendation to the Governor and Legislature.

# EDUCATION GOVERNANCE IN KANSAS -- ONE ALTERNATIVE 1997 SCR 1607 (Constitutional Amendment)

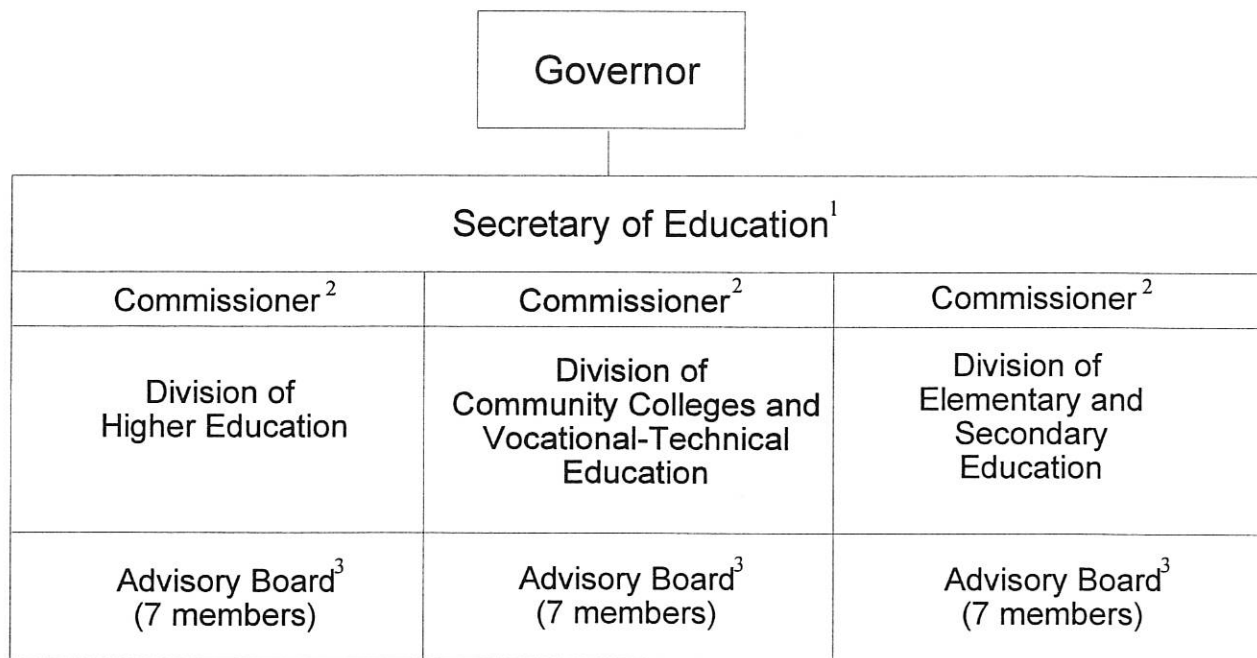
## Legislature

THE LEGISLATURE MAKES SUITABLE PROVISION FOR GOVERNANCE OF THE PUBLIC EDUCATION SYSTEM AND THE SCHOOLS AND INSTITUTIONS THAT ARE A PART THEREOF. **THIS INCLUDES CREATION OF ANY INSTRUMENTALITIES OF GOVERNANCE.**

PUBLIC ELEMENTARY AND SECONDARY SCHOOLS MUST BE MAINTAINED, OPERATED, AND MANAGED BY LOCALLY ELECTED BOARDS.

*How will SCR 1607 be implemented?*

## GOVERNANCE OF EDUCATION IN KANSAS (1997 S.B. 359)



1. Secretary of Education appointed by Governor and confirmed by Senate.
2. Commissioner appointed by Secretary of Education.
3. Advisory board members appointed by Governor.

# CONSTITUTION OF THE STATE OF KANSAS

## Article 6.--EDUCATION

### § 1. Schools and related institutions and activities.

The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law.

§ 2. State board of education and state board of regents. (a) The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents. The state board of education shall perform such other duties as may be provided by law.

(b) The legislature shall provide for a state board of regents and for its control and supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate or postbaccalaureate degrees and such other institutions and educational interests as may be provided by law. The state board of regents shall perform such other duties as may be prescribed by law.

(c) Any municipal university shall be operated, supervised and controlled as provided by law.

**§ 3. Members of state board of education and state board of regents.** (a) There shall be ten members of the state board of education with overlapping terms as the legislature may prescribe. The legislature shall make provision for ten member districts, each comprised of four contiguous senatorial districts. The electors of each member district shall elect one person residing in the district as a member of the board. The legislature shall prescribe the manner in which vacancies occurring on the board shall be filled.

(b) The state board of regents shall have nine members with overlapping terms as the legislature may prescribe. Members shall be appointed by the governor, subject to confirmation by the senate. One member shall be appointed from each congressional district with the remaining members appointed at large, however, no two members shall reside in the same county at the time of their appointment. Vacancies occurring on the board shall be filled by appointment by the governor as provided by law.

(c) Subsequent redistricting shall not disqualify any member of either board from service for the remainder of his term. Any member of either board may be removed from office for cause as may be provided by law.

**§ 4. Commissioner of education.** The state board of education shall appoint a commissioner of education who shall serve at the pleasure of the board as its executive officer.

**§ 5. Local public schools.** Local public schools under the general supervision of the state board of education shall be

maintained, developed and operated by locally elected boards. When authorized by law, such boards may make and carry out agreements for cooperative operation and administration of educational programs under the general supervision of the state board of education, but such agreements shall be subject to limitation, change or termination by the legislature.

**§ 6. Finance.** (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(c) No religious sect or sects shall control any part of the public educational funds.

**§ 7. Savings clause.** (a) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. All laws inconsistent with this amendment, unless

sooner repealed or amended to conform with this amendment, shall remain in full force and effect until July 1, 1969.

(b) Notwithstanding any other provision of the constitution to the contrary, no state superintendent of public instruction or county superintendent of public instruction shall be elected after January 1, 1967.

(c) The state perpetual school fund or any part thereof may be managed and invested as provided by law or all or any part thereof may be appropriated, both as to principal and income, to the support of the public schools supervised by the state board of education.



**LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE**

**KSA 46-1208a**

**46-1208a. Legislative educational planning committee.** (a) The legislative educational planning committee is hereby established and shall be composed of 11 members, six of whom shall be members of the house of representatives and five of whom shall be senators. At least five members of the committee shall be of the minority party, with at least two thereof from each house. Members of the legislative educational planning committee shall be appointed by the legislative coordinating council. The committee shall be permanent with membership changing from time to time as the legislative coordinating council shall determine.

(b) The legislative educational planning committee shall plan for public and private postsecondary education in Kansas, including vocational and technical education. The committee shall annually make a report and recommendations to the legislature and the governor and may cause the same to be published separately from other documents which are required by law to be submitted to the legislative coordinating council. The reports and recommendations of the committee shall include a developmental schedule for implementation of educational goals established by the committee. The committee shall from time to time update such schedule as new or additional information is developed or refined.

(c) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the legislative educational planning committee to the extent that the same do not conflict with the specific provisions of this act applicable to the committee.

(d) Upon request of the legislative educational planning committee, the state board of regents and the state board of education shall provide consultants from the faculties and staffs of institutions and agencies under the respective control and jurisdiction thereof.

(e) The legislative educational planning committee may introduce such legislation as it deems necessary in performing its functions.

**History:** L. 1974, ch. 216, § 1; L. 1985, ch. 179, § 1; April 11.

Requested by: Mary Cheng

For database: KSSTATS

References

Documents

Statement 4: #2, #3

144

44

Print Option: Full Text

\*\*\*\*\* 71 02 001 K

71-201. Boards of trustees; meetings; annual reports; expenses; powers and duties; acquisition and ownership of land and improvements, general obligation bonds, limitations. (a) The board of trustees, in accordance with the provisions of law and the rules and regulations of the state board of education, shall have custody of and be responsible for the property of the community college and shall be responsible for the management and control of the college. The board of trustees shall hold at least one regular meeting each month at a time prescribed by the board. The board shall make an annual report in the manner prescribed by the state board of education. Members of a board of trustees shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties.

(b) For effectuation of the purposes of this act, the board of trustees in addition to such other powers expressly granted to it by law and subject to the rules and regulations of the state board of education is hereby granted the following powers:

(1) To select its own chairperson and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college.

(2) To sue and be sued.

(3) To determine the educational program of the college subject to prior approval thereof as provided in this act and to grant certificates of completion of courses or curriculum.

(4) To appoint and fix the compensation and term of office of a president or chief administrative officer of the college.

(5) To appoint upon nomination of the president or the chief administrative officer members of the administrative and teaching staffs, to fix and determine within state adopted standards their specifications, define their duties, and to fix their compensation and terms of employment. No community college teacher shall be required to meet certification requirements greater than those required in the state universities under the control and supervision of the state board of regents.

(6) Upon recommendation of the chief administrative officer, to appoint or employ such other officers of the college, agents and employees as may be required to carry out the provisions of law and to fix and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment.

(7) To enter into contracts.

(8) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property which the board may use for or in aid of any of its purposes.

(9) To acquire by gift, purchase, lease-purchase, condemnation or otherwise, and to own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for community college purposes. Any lease-purchase agreement entered into under authority of this subsection shall be subject to the conditions set forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease entered into under authority of this subsection may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the community college to payment of maintenance or other expenses. Any lease or lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease or lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease or lease-purchase agreement and assignment thereof are subject to change or termination by the legislature. To the extent that the provisions of the cash-basis and budget laws conflict with this subsection in such a manner as to prevent the intention of this subsection from being made effective, the provisions of this subsection shall control. This provision is subject to the provisions of subsection (d).

(10) To enter into lease agreements as lessor of any property, whether real, personal, or mixed, which is owned or controlled by the community college. Any such agreement may specify the purposes for which the property may be used, require that the property be maintained and operated by the lessee, and may contain such restrictions or limitations on the use of the property, be entered into for such period of time, and include such other terms and conditions as the board of trustees determines to be necessary and proper. Every such agreement shall be subject to change or termination at any time by the legislature. Any assignment of rights under any such agreement shall be subject to approval by the board of trustees and shall contain a citation of this section and a recitation that the lease agreement and assignment of rights thereunder are subject to change or termination by the legislature.

(11) To determine that any property owned by the college is no longer necessary for college purposes and to dispose of the same in such manner and upon such terms and conditions as provided by law.

(12) To exercise the right of eminent domain, pursuant to chapter 26 of Kansas Statutes Annotated.

(13) To make and promulgate such rules and regulations, not inconsistent with the provisions of law or with rules and regulations of the state board of education, that are necessary and proper for the administration and operation of the community college, and for the conduct of the business of the board of trustees.

(14) To exercise all other powers not inconsistent with the provisions of law or with the rules and regulations of the state board of education which may be reasonably necessary or incidental to the establishment, maintenance and operation of a community college.

(15) To appoint a member to fill any vacancy on the board of trustees for the balance of the unexpired term. When a vacancy occurs, the board shall publish a notice one time in a newspaper having general circulation in the community college district stating that the vacancy has occurred and that it shall be filled by appointment by the board not sooner than 15 days after such publication.

(16) To contract with one or more agencies, either public or private,

whether located within or outside the community college district or whether located within or outside the state of Kansas for the conduct by any such agencies of academic or vocational education for students of the community college, and to provide for the payment to any such agencies for their contracted educational services from any funds or moneys of the community college, including funds or moneys received from student tuition, out-district tuition, fees, funds received from the state of Kansas or the United States for academic or vocational education or taxes collected under K.S.A. 71-204 and 72-4424, and amendments thereto. Any contract made under this subsection with an institution of another state shall be subject to the provisions of K.S.A. 71-202, and amendments thereto.

(17) To authorize by resolution the establishment of a petty cash fund in an amount not to exceed \$1,000, and to designate in such resolution an employee to maintain such petty cash fund. The employee designated in any resolution provided for in this subsection receiving such funds shall keep a record of all receipts and expenditures from the fund, and shall from time to time, and at the end of the fiscal year, prepare a statement for the board showing all receipts, expenditures, and the balance in the petty cash fund. The board of trustees may authorize the employee designated to maintain any petty cash fund to make a claim for replenishment of the fund to its original amount in advance of approval by the board of trustees if, at any time during the period between regular monthly meetings of the board of trustees, the balance remaining in the fund is insufficient to make needed expenditures for any purpose for which the petty cash fund is maintained. No petty cash fund may be replenished more than one time during each period between regular monthly meetings of the board of trustees. If a petty cash fund is replenished prior to the end of the fiscal year in accordance with the foregoing authorization, the employee authorized to maintain the petty cash fund shall keep an accurate record of all expenditures made therefrom, and the purpose therefor, and shall submit the record to the board of trustees at the next regular monthly meeting thereof. The petty cash fund shall be replenished by payment from the appropriate funds of the community college to the petty cash fund upon proper claim. The fund shall be kept separate from all other funds and shall be used only for authorized expenditures and itemized receipts shall be taken for each expenditure. No part of such fund may be loaned or advanced against the salary of an employee. All employees entrusted with such funds under this subsection shall be bonded by the community college district.

(c) Subject to the provisions of subsection (d), the board of trustees may purchase or otherwise acquire land or land and improvements and may acquire, construct, reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the board of trustees is authorized to issue and sell general obligation bonds, the cumulative total not to exceed the following amounts: Where the community college district has a taxable tangible valuation of less than \$90,000,000 or is located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of the taxable tangible property of the community college district, and where the community college district has a taxable tangible valuation of more than \$90,000,000 not to exceed 3% except as provided above for any community college district located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable tangible property of the community college district. If any increase in the valuation of a community college district results in an outstanding bonded indebtedness in excess of that provided in this subsection, such increase shall not constitute a violation of this subsection. No such bonds shall be issued until the question of their

issuance shall have been submitted to a vote of the electors of the community college district at a regular election or at a special election called for that purpose and the majority of the electors voting on the proposition in each community college district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

(d) The board of trustees of a community college may not purchase or otherwise acquire land or land and improvements outside the community college district. Nothing in this subsection shall be construed or operate in any manner to require a board of trustees to sell, convey or otherwise dispose of land or land and improvements located outside the community college district and owned or being acquired by the community college on the effective date of this act, but no board of trustees may enter into a contract for the construction of improvements on any such land after the effective date of this act.

\*\*\*\*\* 71 02 002 K

**71-202. Contracts for education; intergovernmental and institutional; limitations.** Whenever a contract is made by a community college with one or more public or private institutions or agencies located without the state of Kansas for academic or vocational education, the provisions of this section shall apply thereto.

(a) Such contracts shall be made only with respect to places of instruction located in one or more states adjoining the state of Kansas.

(b) Whenever such a contract is made with a private agency or institution, the same shall be limited to courses or programs related to the healing arts or medical skills or techniques and medical science. Every such contract shall contain a provision that the same may be nullified by a written notice at any time prior to May 1 of any year, with the nullification taking effect on June 1 of such year.

(c) Such contracts shall be subject to limitation, change or termination by the legislature, and shall contain a provision to such effect.

(d) No such agreement shall take effect until approved by the state board of education.

Every board of trustees which makes a contract to which this section applies shall make periodic and special reports of statistical and financial information to the state board of education as it may request. The state board of education and its officers and agents may inspect and audit any of the financial records of any such board and may enter and inspect any physical facility related to any such contract whether in this state or in another state.

\*\*\*\*\* 71 02 011 K

**71-211. Standardized and uniform chart of accounts; use required.** (a) The director of accounts and reports, with the advice of the state board of education and the legislative educational planning committee, shall formulate, devise and prescribe a standardized and uniform chart of accounts for use by all community colleges. Such chart of accounts shall be compatible with the revenues and expenditures classification system developed by the national association of college and university business officers. The

chart of accounts shall be adaptable to manual or automated systems, and use of such chart of accounts is hereby required for all community colleges.

(b) The standardized and uniform chart of accounts required by this section for community colleges shall be prescribed not later than July 1, 1980.

\*\*\*\*\* 71 03 001 K

71-301. Student tuition; out-district tuition, determination of amounts; special county funds; tax levies; no-fund warrants; notification of boards of county commissioners, proceedings upon failure to pay. (a) The board of trustees shall charge to and collect from each student tuition at rates per credit hour enrolled which shall be established by the board of trustees.

(b) The board of trustees, in accordance with rules and regulations of the state board, shall determine an amount of out-district tuition to be charged for each out-district student attending the community college. The board of county commissioners of any county charged with payment of out-district tuition shall levy a tax on all of the taxable property of the county sufficient to pay all out-district tuition charges authorized by this act. The proceeds from the tax levied under authority of this section shall be deposited in a special fund for payment of out-district tuition. Upon receiving a statement of charges for out-district tuition, the board of county commissioners shall allow and pay the same from the special fund within 45 days from the receipt of such statement. If there is insufficient or no money in the special fund, out-district tuition shall be paid from the county general fund or from the proceeds of the sale of no-fund warrants issued for the purpose of the payment of out-district tuition. If the board of county commissioners fails to pay such amount at the time required under this subsection, the board of trustees shall notify the state board of such failure to pay and shall certify to the state board the amount to be paid. Upon receipt by the state board of such notification, the amount to be paid as certified to the state board shall become an amount due and owing to the state board. The state board shall notify the board of county commissioners that this amount is now due and owing to the state board. If the board of county commissioners fails to pay such amount to the state board within 14 days of the receipt of such notification, the state board shall initiate proceedings under K.S.A. 75-6201 et seq. for the collection of such money. Money paid to or collected by the state board under this subsection shall be deposited in the out-district tuition suspense account which is hereby created in the state treasury. The state board shall pay moneys from this account, in accordance with rules and regulations of the state board, to the community colleges entitled to receive such money.

(c) The total out-district tuition charged by a community college shall be an amount equal to the number of duly enrolled out-district students times \$24 for each credit hour of each such student.

(d) (1) Out-district tuition shall only be charged for credit hours of out-district students if such students, as determined by the state board, have not more than 64 credit hours from any institution of postsecondary education or the students have not more than 72 credit hours and are enrolled in terminal type nursing courses or freshman-sophomore level preengineering courses.

(2) The credit hour limitations prescribed by provision (1) of this subsection do not apply to credit hours of out-district students if such students, as determined by the state board, are enrolled in an approved vocational education program at a community college for the purpose of

receiving vocational or technical training or retraining in preparation for gainful employment.

(e) In May of each fiscal year, the board of trustees shall notify the board of county commissioners of the approximate amount of out-district tuition which will be charged to the county in the succeeding fiscal year.

(f) Expenditures for out-district tuition shall be exempt from the budget law of this state to the extent of such payments not anticipated in the budget of the county.

\*\*\*\*\* 71 03 006 K

71-306. Rules and regulations; substantially equivalent courses and programs. The state board of education shall adopt rules and regulations prescribing criteria or guidelines for the purpose of determining which courses of study and programs offered in the community colleges are substantially equivalent. A current, complete list of such courses of study and programs shall be maintained on file in the state department of education, and shall be open for public inspection at any reasonable time.

\*\*\*\*\* 71 04 003 K

71-403. Rules and regulations by state board of education; county liability for out-district tuition; conclusive determination of residence matters. The state board of education may adopt rules and regulations prescribing criteria or guidelines for determination of residence of students for the purpose of determining liability of counties for out-district tuition of students in community colleges and out-district state aid entitlements. The state board may make conclusive determination of any residence matter for the purpose of determination of out-district tuition and out-district state aid entitlement.

\*\*\*\*\* 71 04 006 K

71-406. State residence; determination for state aid purposes; rules and regulations. (a) Subject to the provisions of K.S.A. 1997 Supp. 71-407, and amendments thereto, persons enrolling in a community college who, if adults, have not been, or if minors, whose parents have not been residents of the state of Kansas for at least six months prior to enrollment for any term or session are nonresidents of the state for the purpose of determining state aid entitlements.

(b) For the purpose of determining the residence of persons enrolling as a student in a community college, residence of minors shall be determined as provided in K.S.A. 72-1046, and amendments thereto, and of adults as provided in subpart Twenty-third of K.S.A. 77-201, and amendments thereto. The state board of education may adopt rules and regulations governing the determination of residence of students.

\*\*\*\*\* 71 04 007 K

3-6

71-407. Same; certain persons considered state residents; definitions; eligibility criteria. (a) The following persons, or any class or classes thereof, and their spouses and dependents, may be considered residents of the state of Kansas by the state board for the purpose of determining state aid entitlements of community colleges in the 1997 fiscal year and in fiscal years thereafter: (1) Persons who are in active military service of the United States; (2) persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of K.S.A. 71-406, and amendments thereto; (3) persons who are employees of a community college; (4) persons having special domestic relations circumstances; (5) persons who have lost their resident status within six months of enrollment; (6) persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment at a community college, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 72-116, and amendments thereto; and (7) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely enough established to meet the residence duration requirement of K.S.A. 71-406, and amendments thereto.

(b) As used in this section:

(1) "Domiciliary resident" means a person who has present and fixed residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.

(2) "Full-time employment" means employment requiring at least 1,500 hours of work per year.

(c) The state board shall prescribe criteria and guidelines for determination of the eligibility of persons specified in subsection (a) to be considered residents of the state and shall specify the evidence necessary to be submitted by such persons as proof of eligibility. Evidence submitted by a person as proof of eligibility claimed under subsection (a)(7) must include, but not by way of limitation, certification of the claim by the employer of the person.

\*\*\*\*\* 71 06 001 K

71-601. Credit hour defined. "Credit hour" means one hour of instruction per week for 18 weeks or the equivalent thereof in a subject or course at a level not higher than those subjects or courses normally offered to freshmen and sophomores in four-year institutions of postsecondary education which subject or course is approved by the state board. Credit hour does not include within its meaning any hour of instruction in a subject or course taken by a student enrolled for audit or in any subject or course not approved by the state board. The state board, in consultation with the state board of regents, shall determine whether the subjects and courses offered in the community colleges are at the level of freshmen and sophomore subjects



and courses offered in the state institutions of postsecondary education and shall not approve any subject or course offered at a higher level.

\*\*\*\*\* 71 06 002 K

71-602. Credit hour state aid; basis for payments; determination of credit hours. (a) Each community college is entitled to receive credit hour state aid. The basis for payments of credit hour state aid for community colleges for each credit hour of each duly enrolled student shall be: (1) For each credit hour in any subject or course which is not part of a vocational education program approved by the state board under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated, an amount which shall be provided for by the legislature in acts making appropriations for the credit hour state aid entitlement of community colleges; and (2) for each credit hour in any subject or course which is part of a vocational education program approved by the state board under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated, an amount which shall be determined by the state board by multiplying by 1 1/2 the amount provided for by the legislature under (1), except that the amount provided for by the legislature under (1) for each credit hour of each student shall be multiplied by two if the credit hour is in any subject or course which is part of an approved vocational education program which is offered in a community college which is also officially designated as an area vocational school by the state board or if the credit hour is in any subject or course which is part of an approved vocational education program transferred to a community college in accordance with an agreement made and entered into under authority of K.S.A. 71-1507, d amendments thereto.

(b) Credit hour state aid payments shall be made only for credit hours of duly enrolled students if such students, as determined by the state board, are residents of the state of Kansas or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 1997 Supp. 71-407, and amendments thereto.

(c) The determination of credit hours of duly enrolled students shall be made at times prescribed by the state board of education.

\*\*\*\*\* 71 06 003 K

71-603. Certification to state board of credit hour enrollments and property valuations. (a) On or before November 1 and on or before March 1 of each year, the chief administrative officer of each community college shall certify under oath to the state board the total number of duly enrolled credit hours of students of the community college during the current session who meet the state residence requirement or who are considered residents of the state pursuant to the provisions of K.S.A. 1997 Supp. 71-407, and amendments thereto. Each November 1 and March 1, certification for payment shall set forth separately the credit hour enrollment for preceding sessions and for the current fall session. The state board may require the community college to furnish any additional information deemed necessary by it to carry out the provisions of this act, and shall prescribe such forms and policies may be necessary for making such reports.

(b) In November of each year, the county clerk of each county shall certify to the state board with respect to each community college district in the county, the current assessed valuation of taxable tangible property

within each such district. As used in this subsection, the term "taxable tangible property" means all real and tangible personal property which is subject to general ad valorem taxation.

\*\*\*\*\* 71 06 004 K

**71-604. State aid; determination of amounts; proration; audits; rules and regulations; overpayments; underpayments.** (a) From the reports and information submitted under K.S.A. 71-603, and amendments thereto, and from other information available to it, the state board shall determine the amount the community college is entitled to receive as provided in K.S.A. 71-602 and 71-607 and K.S.A. 71-619, and amendments to such sections.

(b) If the amount of any appropriation for credit hour state aid shall be insufficient to pay in full the amount each community college is entitled to receive for credit hour state aid, then the amount so appropriated shall be prorated among all community colleges in proportion to the amount each is entitled to receive. If the amount of any appropriation for out-district state aid shall be insufficient to pay in full the amount each community college is entitled to receive for out-district state aid, then the amount so appropriated shall be prorated among all community colleges in proportion to the amount each is entitled to receive.

(c) The state board may audit the records of any community college applying for a part of any money appropriated for state aid, to verify the accuracy of the reports submitted by the community college. The state board may adopt rules and regulations for the administration of this act and acts amendatory thereof.

(d) In the event any community college is paid more than it is entitled to receive under any distribution made under this act or acts amendatory thereof, the state board shall notify the community college of the amount of the overpayment and the community college shall remit the same to the state board and it shall deposit the same in the state treasury to the credit of the general fund, and if any such community college fails so to remit, the state board shall deduct the excess amount so paid from future payments becoming due to such community college.

(e) In the event any community college is paid less than the amount to which it is entitled under any distribution made under this act and acts amendatory thereof, the state board shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.

\*\*\*\*\* 71 06 005 K

**71-605. Same; distribution, when; credit to general fund.** (a) The distribution of the appropriation for credit hour state aid and out-district state aid shall be made three times each school year as follows: The first payment shall be made on October 1 and shall be in an amount equal to 50% of the preceding school year's credit hour state aid entitlement of the community college. Subject to the provisions of subsection (c), the second payment shall be made on December 1 and shall be in an amount which is equal to the balance of the summer and fall sessions' total credit hour state aid entitlement and the full amount of the summer and fall sessions' out-district state aid entitlement, with adjustment for any overpayment or underpayment resulting from computation of the first payment. The third payment shall be

made on April 1 and shall be the full amount of the spring session's credit hour state aid entitlement and the spring session's out-district state aid entitlement, with adjustment for any underpayments or overpayments heretofore occurring. The state board shall certify, on or before November 25 and March 25 of each year, to the director of accounts and reports the amount due to each community college from such appropriation on the first day of December, or for the December 1, 1987, payment on the date specified in subsection (c) or on the first day of April, as the case may be, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the community college for such amount. Upon receipt of the warrant, the treasurer of the community college shall credit the same to the general fund of the community college.

(b) The distribution of the appropriation for general state aid shall be made at a time to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due to each community college from such appropriation, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the community college for such amount. Upon receipt of the warrant, the treasurer of the community college shall credit the same to the general fund of the community college.

(c) The credit hour state aid and out-district state aid to be paid December 1, 1987, shall be deferred and shall be paid January 4, 1988.

\*\*\*\*\* 71 06 006 K

71-606. Curriculum limitation. The provisions of this act shall apply ly to community colleges accredited by the state board whose collegiate credit curriculums are limited to a program of not more than two (2) years.

\*\*\*\*\* 71 06 007 K

71-607. Out-district state aid; determination of entitlements. (a) Each community college is entitled to receive out-district state aid payments in amounts determined as provided in this section. From reports and information provided by each community college, and from such additional audits and investigations as are conducted by the state department of education, the state board shall determine the amount of out-district tuition each community college is entitled to bill to counties each year, and the entitlement to out-district state aid of each community college shall be an amount equal thereto plus (1) an amount equal to the amount of out-district tuition disallowed under the provisions of K.S.A. 71-304, and amendments thereto, and (2) an amount equal to the amount of out-district tuition disallowed under the provisions of subsection (c) of K.S.A. 71-609, and amendments thereto, and (3) an amount equal to the number of duly enrolled students considered residents of the state pursuant to the provisions of K.S.A. 1997 Supp. 71-407, and amendments thereto, times the amount specified in subsection (c) of K.S.A. 71-301, and amendments thereto, for each credit hour of each such duly enrolled student.

(b) (1) Out-district state aid payments shall be made only for credit hours of students specified in provision (3) of subsection (a) if such students, as determined by the state board, have not more than 64 credit hours from any institution of postsecondary education or the students have not more than 72 credit hours and are enrolled in terminal type nursing

courses or freshman-sophomore level preengineering courses.

(2) The credit hour limitations prescribed by provision (1) of this subsection do not apply to credit hours of students if such students, as determined by the state board, are enrolled in an approved vocational education program at a community college for the purpose of receiving vocational or technical training or retraining in preparation for gainful employment.

\*\*\*\*\* 71 06 009 K

71-609. Subjects and courses taught outside community college district; effect on state aid and out-district tuition; agreements with certain state educational institutions. (a) No out-district tuition charges, no out-district state aid entitlement, no credit-hour state aid entitlement, and no general state aid entitlement shall be based upon credit hours in any subject or course the principal part of which is taught at a location outside the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of education.

(b) (1) No out-district tuition charges and no out-district state aid entitlement shall be based upon credit hours in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection. No authorization required by this subsection shall be considered to be or construed in any manner as an agreement provided for by subsection (c).

(2) For the purposes of this subsection, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.

(3) The provisions of this subsection are subject to the provisions of subsection (c).

(c) (1) No out-district tuition charges shall be based upon credit hours in any subject or course all or the principal part of which is taught at Fort Hays state university or at Wichita state university under an agreement for the teaching of such subject or course entered into by a community college and either such university. An agreement entered into under the provisions of this subsection for the teaching of a subject or course by a community college at Fort Hays state university or at Wichita state university shall constitute the authorization required by subsection (b) for the teaching of such subject or course, and no separate authorization under subsection (b) shall be required.

(2) The provisions of this subsection shall expire on June 30, 1998, unless amended by act of the legislature prior to such date.

\*\*\*\*\* 71 06 015 K

71-615. Exceeding budget; penalty. In case a community college expends

3-11

in any fiscal year an amount for operating expenses which exceeds its legally adopted budget of operating expenses, the state board of education shall determine the excess and deduct the same from amounts payable to the community college during the next fiscal year.

\*\*\*\*\* 71 06 017 K

**71-617. Adult basic education; tax levy authorized, limitations, protest; fund, sources; expenses.** (a) The board of trustees of any community college may levy a tax in each year for a period of not to exceed five (5) years of not to exceed one-fourth (1/4) mill on all taxable tangible property within the district to maintain and operate an adult basic education program at a level approved by the state board. In no event shall the tax levy authorized hereunder be at a rate which will produce an amount in excess of fifty thousand dollars (\$50,000). Such tax levy shall be in addition to all other tax levies authorized or limited by law. Proceeds from such tax levy shall be deposited in the adult education fund of the community college which fund is hereby established. All moneys received by a community college for adult basic education shall be deposited in the adult education fund. The expenses of a community college attributable to adult basic education shall be paid from the adult education fund.

(b) No tax levy shall be made under authority of this section until a resolution authorizing such a levy is passed by the board of trustees and published once a week for three (3) consecutive weeks in a newspaper having general circulation in the community college district, and such resolution shall specify the millage rate of such tax levy and the period of time for which such tax levy shall be made under authority thereof. After the adoption of such resolution such levy may be made unless, within ninety (90) days following the last publication of the resolution, a petition in opposition to such levy, signed by not less than five percent (5%) of the qualified electors of such community college district, is filed with the county election officer of the county in which the main campus of the community college is located. In the event such a petition is filed, such levy shall not be made without the question of levying the same having been submitted to and been approved by a majority of the qualified electors of the district voting at an election which shall be called for that purpose or at the next general election.

\*\*\*\*\* 71 06 019 K

**71-619. General state aid; determination of entitlements; definitions.** (a) Each community college is entitled to receive general state aid payments in amounts determined by the state board as provided in this section.

(b) In each fiscal year, the state board shall:

(1) Determine full-time equivalent enrollment of each community college and total full-time equivalent enrollment of all community colleges.

(2) Determine the assessed valuation of each community college.

(3) Compute the assessed valuation per student of each community college by dividing its assessed valuation by its full-time equivalent enrollment. The quotient is the assessed valuation per student of the community college.

(4) Determine the median assessed valuation per student of all community colleges by ranking the community colleges from high to low on the basis of assessed valuation per student of each community college and identify the

community college which is located at the median. The median assessed valuation per student of all community colleges is the assessed valuation per student of the community college identified as being located at the median.

(5) Compute the wealth factor of each community college by dividing the median assessed valuation per student of all community colleges by the assessed valuation per student of the community college. The quotient is the wealth factor of the community college.

(6) Determine on the basis of total full-time equivalent enrollment of all community colleges a per student guarantee by computing the amount thereof which is required to distribute to the community colleges the total amount of the appropriation from the state general fund for general state aid for the fiscal year.

(7) Multiply the per student guarantee determined in provision (6) by the full-time equivalent enrollment of the community college.

(8) Multiply the product obtained in provision (7) by the wealth factor of the community college. The product is the amount of general state aid to which the community college is entitled.

(c) As used in this section:

(1) "Assessed valuation of a community college" means the assessed valuation of the taxable tangible property within the community college district.

(2) "Taxable tangible property" means all real and tangible personal property which is subject to general ad valorem taxation.

(3) "Full-time equivalent enrollment" means the quotient obtained by dividing by 15 the total credit hour enrollment of students of a community college who on September 15 are residents of the state of Kansas or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 1997 Supp. 71-407, and amendments thereto, plus the total credit hour enrollment of such students of the community college for courses taught in the summer term and for courses approved to be conducted as of September 15, the beginning dates of which courses are after September 15 but prior to December 1.

\*\*\*\*\* 71 07 001 K

71-701. Definitions. As used in this act, unless the context otherwise requires:

(a) The term "community college" means a public community college established under the provisions of this act. The official name of such community college shall be "the \_\_\_\_\_ community college" and the blank shall be filled with the name of the city or county.

(b) The term "state board" means the state board of education.

(c) The term "community college district" means the taxing district of a community college.

(d) The term "board of trustees" means the governing body of a community college.

(e) The term "state plan" means the plan adopted for community colleges as heretofore provided by law, and such plan as it is from time to time amended by the state board upon recommendation of the advisory council; such plan may include other matters listed in the "community college act" and acts amendatory thereof, or supplemental thereto.

(f) The term "campus" means the location of all or part of the buildings and facilities of a community college.

(g) The term "advisory council" means the advisory council provided for by K.S.A. 71-901.

(h) The term "state department of education" means the department of, and which is administered by and under the direction of, the state board.

(i) The term "director" means the person appointed by the state board to be responsible for staff duties of the supervision of community colleges.

(j) The term "student tuition" means the charge made to and paid by students for the privilege of attending a community college and participation in the institutional program.

(k) The term "chief school administrator" means the president or one so appointed by the board of trustees.

\*\*\*\*\* 71 08 001 K

71-801. Supervision by state board of education. Community colleges are under the supervision of the state board of education.

\*\*\*\*\* 71 08 002 K

71-802. Loss of approval of college; loss of state aid entitlement. At any time, if the state board of education finds that a community college previously approved or deemed approved has failed to comply with the provisions of this act or with any provision of a rule or regulation adopted pursuant to this act, or fails to meet the standards contained in this act, the state board of education shall so advise the board of trustees thereof. If after twelve (12) calendar months after any such notification such board of trustees has failed to correct the deficiency noted, the state board of education shall withdraw approval of the community college and it shall not be entitled to state aid during the continuance of any such period of withdrawal. Any action of the state board of education in granting, denying or withdrawing approval of a community college shall be subject to review by the legislature.

\*\*\*\*\* 71 09 001 K

71-901. Advisory council of community colleges; membership; vacancies; terms; compensation and allowances. There is hereby established the advisory council of community colleges which shall be composed of eleven (11) members who shall be appointed by the governor with qualifications and terms as follows:

(a) One member of the board of regents nominated by the board of regents for a term concurrent with his or her term as member of the board of regents;

(b) one member of the state board nominated by the state board for a term concurrent with his or her term as member of the state board;

(c) one chief administrator of a community college for a term concurrent with his or her term as such chief administrator but not exceeding four (4) years;

(d) one member of a board of trustees of a community college for a term concurrent with his or her term on such board of trustees not to exceed four (4) years;

(e) a representative of private colleges nominated by the Kansas association of private colleges for a term not to exceed four (4) years;

(f) a representative of the secondary schools for a term not to exceed

four (4) years;

(g) a president of one of the state universities for a term not to exceed four (4) years;

(h) four (4) persons selected by the governor who are representative of labor, business and industry, agriculture, and the professions for terms of four years.

As vacancies occur or terms expire for members of the advisory council, appointments of successors shall be made as for the appointments of their predecessors.

The state board and the director of vocational education shall be notified of all meetings of the advisory council and may attend the same but shall not be voting members thereof.

Members of the advisory council attending meetings of such council, or attending a subcommittee meeting thereof authorized by such council, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto.

\*\*\*\*\* 71 09 002 K

71-902. Same; meetings; officers. The advisory council shall hold two regular meetings each year. The council shall elect a chairman and vice-chairman. The director shall serve as secretary of the advisory council but he shall not be a voting member thereof. Meetings of the advisory council may be called by the state board of education or by the chairman and one member of the advisory council or by any four (4) members of the advisory council. All meetings of the advisory council shall be held in the city of Topeka or at such place as shall be determined by the advisory council.

\*\*\*\*\* 71 10 001 K

71-1001. State plan; amendment. The state board shall from time to time amend or revise the state plan in the manner provided in this act.

\*\*\*\*\* 71 11 001 K

71-1101. Application to organize; preparatory study. (a) Any one or more interested school districts may make a preparatory study of the need and feasibility of establishing a community college in its or their area. The state board may provide professional advice and technical assistance in the study. Such study shall include evidence and analysis of each of the following:

- (1) The present concentration of population and population trends and projections within the area;
- (2) total school enrollment in grades one (1) through twelve (12) and in grades nine (9) through twelve (12) in such area;
- (3) the number of high-school graduates during the preceding ten-year period in such area, and a classification of them by their post high-school educational experience;
- (4) types and capacities of educational facilities beyond the high-school level present in such area;
- (5) educational services needed within such area;



(6) ability of such area to contribute to the financial support of a community college;

(7) such other data as the state board may by rule and regulation or otherwise require.

(b) The preparatory study shall include recommendations concerning the establishment of the community college and programs of instruction which would be most appropriate for such area at the time of establishment of the college. The preparatory study shall include recommendations for method of election and voting plan.

(c) After due consideration of the preparatory study, the boards of education of any one or more school districts in such area may file a petition in writing with the state board that the establishment of a community college be approved. Such petition shall be accompanied by a certified copy of the resolution of the petitioning board or boards authorizing the request; a copy of the preparatory study; a statement in such form and detail as the state board may require setting forth a plan of financing and the student potential for the proposed community college; and any other information which may assist in explaining or supporting the request.

\*\*\*\*\* 71 11 002 K

71-1102. **Standards for approval.** Every community college shall meet the following standards: (a) At least all of the territory of the petitioning district or districts or all of one county shall be included in the proposed community college district.

(b) Any contiguous compact territory in the area in which the petitioning districts are located may be included in the proposed community college district.

(c) The proposed community college district shall have taxable property valuation in an amount not less than twenty million dollars (\$20,000,000). Any community college the campus of which is located in a county having a taxable property valuation of less than twenty million dollars (\$20,000,000) and if the same contains the territory of an existing college shall only be required to include all of such county.

(d) The community college shall have a potential student attendance volume within commuting distance in the area of at least nine hundred (900) students enrolled in grades nine (9) to twelve (12) inclusive, in the opinion of school officials of the petitioning district or districts and in the opinion of the state board. The advisory council shall state its opinion of the student potential in the proposed district in making its recommendation to the state board.

(e) The overall intention of the legislature shall be controlling in the interpretation of the requirements for approval of the community colleges.

\*\*\*\*\* 71 11 003 K

71-1103. **Establishment; approval by state board; approval at election.**

(a) Upon receiving any petition under K.S.A. 71-1101, the same shall be submitted to the advisory council for its advice and recommendations, which together with the petition shall be presented to the state board, which, after considering the same, may approve the establishment of the community college as proposed in the request, subject to the approval thereof by

electors of the proposed community college district. In no event shall the state board give approval unless it finds that the establishment and operation of the proposed community college is consistent with the state plan then in force, or unless the state board finds that special circumstances warrant an exception from the state plan and details reasons therefor. Such finding and the reasons of the state board in support thereof shall constitute an amendment of the state plan.

(b) Unless the writing by which the state board communicates approval specifically states otherwise, such approval of the request shall be in the terms contained in such request. The state board may condition approval upon the modification of the plan for the proposed community college, or upon modification of the plan of financing.

(c) No community college shall be established pursuant to this or any other act, nor shall any community college be entitled to or receive state aid unless its establishment has been approved as provided by law.

(d) Upon approval by the state board of any community college petition for establishment, the state board shall order an election for approval thereof to be held in the territory comprising the proposed community college district and shall specify the time of such election. The expenses of such election shall be paid by the county or counties in which territory of the proposed community college is located proportionately to the amount of territory in such counties. Election laws applying to elections for approval of a special question shall apply insofar as the same may be made applicable. The question submitted shall be: "Shall the proposed \_\_\_\_\_ community college be approved?," and the blank shall be filled with the name of such proposed community college as approved by the state board.

\*\*\*\*\* 71 11 004 K

71-1104. Same; election for approval; determination of result. Whenever an election for approval of the establishment of a community college is held as provided in subsection (d) of K.S.A. 71-1103, the results of such election shall be certified by the election officer of each county in which there is located any part of the territory of the proposed community college, to the state board of education who shall tabulate and canvass the vote if more than one county is involved, and examine the vote if only one county is involved. After such examination or canvass the state board of education shall announce the result of the election and if it finds that a majority of those voting at the election voted in favor of the proposition to establish the community college, it shall so announce and issue an order establishing the same.

\*\*\*\*\* 71 11 005 K

71-1105. Order establishing new college; contents. The order of the state board of education establishing any community college shall specify the following:

- (1) Describe the territory of the community college district.
- (2) State the legal name of the community college.
- (3) Fix the effective date of the establishment of the community college for the purpose of taxation.
- (4) Fix the date that courses may first be offered by the community college.
- (5) Fix the date of the first election of members of the board of

trustees, and a date two weeks prior thereto upon which the primary election, if needed, shall be held.

(6) Name the voting plan and method of election which shall initially apply in such community college district, and the voting plan and method of election shall be selected from those specified in chapter 71 of Kansas Statutes Annotated. If a member district method is selected the boundary of each member district shall be set forth.

(7) Specify the election officer or officers who shall be locally responsible for conduct of the first election of trustees, and if more than one election officer is involved, the order shall also provide for certification of the results in each county to the state board of education for canvass of the vote and announcement and certification of the final result thereof, both in the primary and general elections.

(8) Fix the date and place of the first meeting of the board of trustees.

\*\*\*\*\* 71 11 006 K

71-1106. Same; certification of order establishing. The order establishing any new community college shall be certified to the election officer or officers of the county or counties in which any part of the territory of the community college is located, and to the board of education of any sponsoring school district, and a copy of such order shall be filed in the records of the state board of education.

\*\*\*\*\* 71 12 001 K

71-1201. Territory attachment; elections, when; limitations and approvals. Territory may be added to any community college district which has been established under this act either by deemed approval or by election approval by one of the following methods:

(a) The board of education of any unified district a part of which is in the community college district or which touches and adjoins a community college district may petition the state board of education for attachment of the territory of such unified district to the community college district for community college purposes. Upon receiving any petition under this subsection, the same shall be submitted to the advisory council for its advice and recommendations which, together with the petition, shall be presented to the state board of education. After considering the petition the state board of education may approve such attachment, if the advisory council has so recommended. If the advisory council has not so recommended the state board of education shall so inform the board of trustees of the community college involved and may request its recommendation as to such attachment. If such request is made and if such board of trustees recommends such attachment the same may be approved by the state board of education. Upon granting any approval for attachment of territory the state board of education shall so inform the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval for such attachment in the area petitioned for attachment. Such election shall be conducted in accordance with the procedure for approval for establishment of a community college as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the \_\_\_\_\_ community college district be approved?", and the

blank shall be filled by the name of the community college. The expenses of the election shall be paid by the community college. In the event that such attachment is so approved by such election the state board of education shall issue an order attaching the same to the community college district. The provision of subsection (b) of K.S.A. 71-1102 shall also apply to this subsection.

(b) Any board of trustees may petition the state board of education for the attachment of any adjoining territory to the community college district. Such petition shall be processed as in subsection (a) of this section, except that in the event of disapproval by the advisory council the state board of education shall so inform the board of trustees and in such case such attachment shall not be made. If the advisory council approves such petition, the state board of education shall direct the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval of such attachment in the area petitioned for attachment. No attachment of territory shall be made under this subsection (b) unless such attachment has been approved by a majority of those voting in the territory to be attached. Such election shall be conducted in accordance with the procedure for approval of the establishment of community colleges as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the community college district be approved?", and the blank shall be filled with the name of the community college. In the event that such attachment is so approved by such election the state board of education shall issue an order attaching the same to the community college district. The expenses of the election shall be paid by the community college.

(c) No territory shall be attached to any community college district within one hundred and twenty (120) days prior to the general election of members of the board of trustees.

(d) In the event that the community college attaching territory under subsection (a) or (b) of this section has member district method of election, no approval thereof shall be given by the state board of education and no proposition for approval thereof shall be submitted to any election until new proposed member districts for the community college territory as the same will exist after the addition of territory have been established by the state board of education.

\*\*\*\*\* 71 13 003 K

71-1303. Same; state board approval of agreements. Agreements to consolidate under authority of article 13 of chapter 71 of Kansas Statutes Annotated shall provide that such agreement shall be of no force or effect unless first approved by the state board and is thereafter approved at a special election called for the purpose in the territory which will comprise the consolidated community college district.

\*\*\*\*\* 71 13 005 K

71-1305. Same; certification of election results; state board's order of establishment. Before any consolidated community college district is finally approved under article 13 of chapter 71 of Kansas Statutes Annotated the results of the election shall be certified by the responsible county election officer in accordance with the determination of the county board of

canvassers of such county to the state board, and if such election was favorable to consolidation of the school districts, it shall issue an order establishing the new community college district. Such order shall describe the boundaries thereof.

\*\*\*\*\* 71 13 008 K

**71-1308. Transfer of property and funds upon consolidation.** The assets of the community college districts being consolidated shall be transferred to the consolidated community college district on a day agreed upon in the consolidation agreement but not sooner than the first day of the first month after the election approving such consolidation. The property, records and all funds on hand and to be collected of each of the community college districts being consolidated shall be turned over and paid to the consolidated community college district and shall become the property thereof, and the consolidated community college district shall thereupon be entitled to possession thereof. The consolidated community college district shall thereupon become liable for and pay all lawful debts of the community college districts which were consolidated except as may be otherwise provided by the consolidation agreement for bonded indebtedness. It shall be the duty of all county officers and officers of the community college districts being consolidated to transfer the funds (including state financial aid funds and funds collected from federal aid, taxes, interests and penalties subsequent to such consolidation), records and property of the community college districts being consolidated in accordance with the provisions of this section and the consolidation agreement. Any county treasurer or community college district officer or former officer having in his possession any property, records or funds of any of the community college districts being consolidated who shall fail or refuse to turn over such property, records or funds to the consolidated community college district shall be ordered to do so by the state board. Upon the request of the state board the attorney general is authorized to file a mandamus, quo warranto or other appropriate action to accomplish the proper transfer of such property, records and funds.

\*\*\*\*\* 71 13 009 K

**71-1309. Definitions.** Unless the context otherwise requires, as used in article 13 of chapter 71 of Kansas Statutes Annotated: (a) "State board" means the constitutional state board of education.

(b) "County election officer" means the election commissioner in counties having an election commissioner, and the county clerk in counties which do not have an election commissioner.

\*\*\*\*\* 71 14 006 K

**71-1406. Change of method of election, how determined.** (a) Determination of any community college to change from one method of election to another method of election shall be either one of the following:

(1) The board, by a majority vote of the members-elect thereof, may adopt a resolution to change the method of election. Such resolution shall specify the existing method of election, and the proposed method of election,

together with a statement that the change will be made only after the proposed change and plan for change are first approved by the state board of education.

(2) The board, by a majority vote of the members-elect thereof, may adopt a resolution to change the method of election. Such resolution shall specify the existing method of election and the proposed method of election, together with a statement that the change will not be made unless approved by a majority of the electors of the community college district voting at an election at which the question is submitted. Such resolution shall state that the plan of change is filed in the office of the clerk of the board.

(b) Every plan of change shall also state the existing and proposed voting plan of the community college district, and such voting plan shall be one of the three (3) voting plans specified in K.S.A. 71-1420.

\*\*\*\*\* 71 14 010 K

71-1410. Petition for change of method of election; plan of change; approval by state board; number of required signatures. (a) Ten or more electors of any community college district may prepare a plan of change and submit the same to the state board. If any such plan of change is so filed, the state board may consider the same, and if it finds such plan of change is complete, lawful and timely, it may promptly so certify to the county election officer of the college district.

(b) Upon receipt of a plan of change with the certified approval of the state board, the county election officer shall notify the first person listed as having submitted such plan of change of such approval. Upon receiving such notice, the person so notified may cause petitions to be prepared which set out in full the plan of change approved, and if such petitions are then approved as to form by the county election officer, such petitions may be distributed among interested electors of the community college district in as many copies as seem suitable to the person preparing the same as provided in this section. Any elector residing in the community college district may sign any such petition, and one elector signing each petition shall subscribe a certificate thereto that such elector personally observed each signer place such signer's signature thereon, and that such petition is valid as such subscribing elector verily believes. Only electors who are duly registered to vote may sign such a petition.

(c) If such petitions are filed with the county election officer and the county election officer determines that such petitions are validly signed by the number of electors provided in subsection (d) of this section, the county election officer shall upon making such determination call an election for approval of the plan of change in the manner provided in K.S.A. 71-1411, and amendments thereto.

(d) The number of valid signatures on petitions filed as provided in subsection (c) of this section shall be determined as follows:

(1) In any college district which had the election-at-large method in effect at the last preceding general election of members, a number equal to 10% of the total number of ballots cast and counted at such preceding election shall be the number of signatures required for a valid petition.

(2) In any college district which had a member district method in effect at the last preceding general election of members, the number of signatures required for a valid petition shall be computed as provided in subpart (1) of this subsection if one or more members were elected in each of the member districts of the college district or if voting plan-A or voting plan-B was in effect. In any college district which had a member district method in effect

at the last preceding general election of members, if members were not elected in all the member districts of the college district and if voting plan-C was in effect at such preceding general election, the number of valid signatures required shall be computed as follows: Divide the total number of ballots cast and counted in the general election by the number of member districts in which members were elected and multiply the result by the number of member districts in the college district; then, multiply the amount so determined by .10.

(e) Within 10 days after the filing of petitions as provided in this section, the county election officer shall determine the validity thereof.

\*\*\*\*\* 71 14 011 K

71-1411. Same; notice of election; ballots; canvas and report of election. In the event that an election is to be called as determined in K.S.A. 71-1410, in not less than forty-five (45) days and not more than sixty (60) days the county election officer shall make one publication notice calling such election, and stating the ballot title and proposition to be voted upon. Each ballot used in such election shall contain a ballot title giving a brief and clear description of the proposed change, specifying the existing and proposed method of election and voting plan. The ballot title shall be followed by the proposition which shall be stated as follows: "Shall a change in the method of election, as described in the ballot title above, be approved?" When the results of any such election are determined by the county board of canvassers as provided by law, the county election officer shall promptly notify the state board thereof.

\*\*\*\*\* 71 14 013 K

71-1413. Community college elections; duties of county election officer; dates of primary and general elections specified. Elections of trustees of community colleges shall be conducted by the county election officer of the county in which the main campus of the college is located. In any college district having territory in more than one county, the county election officers of all such counties shall cooperate with the county election officer of the county in which the main campus is located, and upon establishing any new community college or adding territory to any of the community college districts, the state board, in accordance with this section, shall specify the county in which the main campus shall be located for the purpose of this section. General community college elections shall be held on the first Tuesday in April of each odd-numbered year. Any primary community college election shall be held on the Tuesday preceding by five weeks the first Tuesday in April of odd-numbered years.

\*\*\*\*\* 71 15 007 K

71-1507. Vocational education programs; agreements for transfers authorized, conditions. (a) The board of trustees of any community college and the board of any area vocational school or area vocational-technical school may make and enter into agreements providing for the transfer from the area vocational school or area vocational-technical school to the community

3-22

college of any approved vocational education program being offered and taught at the postsecondary level in the area vocational school or area vocational-technical school.

(b) In the event the board of trustees of a community college and the board of an area vocational school or area vocational-technical school enter into an agreement authorized under subsection (a), the following conditions shall apply:

(1) The state board of education shall be notified of the agreement at the time the agreement is executed.

(2) The agreement shall be effective only after approval by the state board of education.

(3) Any vocational education program transferred in accordance with the agreement shall be offered and taught in the community college only after approval of the program by the state board of education.

(4) The agreement shall be subject to change or termination by the legislature.

(5) (A) The duration of the agreement shall be perpetual unless terminated in accordance with provision (B).

(B) Termination of the agreement may be accomplished only upon approval by the state board of education of a joint petition to it for termination by the contracting boards after adoption of a resolution to that effect by each such board. The state board of education shall consider the petition and approve or disapprove termination of the agreement. Upon termination of the agreement, any program transferred thereunder shall be discontinued.

\*\*\*\*\* 71 17 001 K

71-1701. Authorization to consolidate; approval by state board of regents required, when; operation, management and control of community college not affected; applicability of statutes. (a) Any area vocational school or area vocational-technical school may consolidate with and be made a part of any community college under the provisions of this act. No merger involving an area vocational school or area vocational-technical school located in any county in which there is also located the campus of a state educational institution shall occur unless the merger is specifically approved by the state board of regents.

(b) Except as otherwise specifically provided in this act, nothing in this act shall be applied or construed in any manner so as to change or affect the operation, management and control of any community college or to change or affect any existing power, duty or function of a board of trustees with respect to such operation, management and control. The provisions of all statutes of general application to community colleges shall apply to every community college affected by this act to the extent that such statutory provisions are not in conflict with the provisions of this act.

\*\*\*\*\* 71 17 002 K

71-1702. Same; contents of consolidation agreements; notification of state board of education; review and approval of agreement; designation of community college as area vocational school; resolution of conflicts. (a) The governing body of an area vocational school or area vocational-technical school which is consolidated with and made a part of a community college in accordance with the provisions of this act shall enter into a consolidation



agreement with the board of trustees of the community college with which such area vocational school or area vocational-technical school is consolidated.

(b) Every consolidation agreement entered into under this section shall provide for:

(1) The disposition of all real property of the affected area vocational school or area vocational-technical school, which disposition shall not be in contravention of the provisions of subsection (d) of K.S.A. 71-201, and amendments thereto;

(2) the disposition of all personal property, records and moneys, including state and federal financial aid, of the affected area vocational school or area vocational-technical school;

(3) the payment of all lawful debts of the affected area vocational school or area vocational-technical school, including any outstanding bonded indebtedness attributable to the operation thereof;

(4) the payment of all accrued compensation or salaries of all personnel of the affected area vocational school or area vocational-technical school;

(5) the transfer of personnel, if such personnel are deemed necessary, in the employment of the affected area vocational school or area vocational-technical school to the employment of the community college; and

(6) such other matters as may need to be addressed as the result of such consolidation by the affected area vocational school or area vocational-technical school and the community college.

(c) Immediately upon execution of each consolidation agreement entered into under this section, the state board of education shall be notified thereof by the board of trustees of the affected community college. The state board shall review and approve such consolidation agreement and upon approval of such agreement, the state board, for purpose of determining credit hour state aid under K.S.A. 71-602, and amendments thereto, shall issue an order officially designating the community college as an area vocational school.

(d) When any conflict arises as to the proper disposition of property, records or funds or as to the assumption and payment of any debts as a result of any consolidation effected under this act, such conflict shall be determined and resolved by the state board of education and such determination and resolution shall be final.

\*\*\*\*\* 71 17 003 K

**71-1703. Advisory boards, establishment upon consolidation, duties, meetings; program area advisory councils, appointment, qualifications, terms.** Upon execution of each consolidation agreement entered into under this act:

(a) The governing body of the affected area vocational school or area vocational-technical school shall become and hereby is established as an advisory board to the board of trustees of the community college with which such area vocational school or area vocational-technical school is consolidated. Each such advisory board shall be responsible for making recommendations to the board of trustees to which it is advisory on all matters relating to vocational education including, but not by way of limitation, matters relating to personnel, programs, budget and budget allocations. Each advisory board shall meet at least monthly at a time and place determined by it.

(b) Every community college consolidated with an area vocational school or area vocational-technical school under the provisions of this act may have program area advisory councils comprised primarily of persons in industry appointed by the board of trustees of the community college and having the qualifications and terms approved by the state board.

3-24

History: L. 1967, ch. 389, § 3; L. 1969, ch. 331, § 5; L. 1975, ch. 374, § 15; L. 1988, ch. 297, § 11; July 1.

**72-7404.** Powers of state board of regents. The state board of regents shall have the power to sue and be sued, adopt necessary rules and regulations and establish and maintain such records as are required by good accounting practices, but said board of regents shall not in any manner, directly or indirectly, pledge the credit of the state of Kansas.

History: L. 1967, ch. 389, § 4; L. 1975, ch. 374, § 16; July 1.

**72-7405.** Employees. The state board of regents may appoint such employees as it deems necessary to properly administer the provisions of this act who shall be within the classified service under the Kansas civil service act.

History: L. 1967, ch. 389, § 5; L. 1972, ch. 262, § 2; L. 1975, ch. 374, § 17; July 1.

**72-7406.** Written obligations for repayment of loans binding upon minors. Any contract, promissory note, or other written obligation made by any minor to repay or secure payment of a loan in accordance with the provisions of this act and payment whereof is guaranteed by the state board of regents, or its contracting agent, or which forms a part of the same transaction as the making of such loan shall, notwithstanding any provision of law to the contrary, be as valid and binding as if said person were at the time of making and executing the same of the age of eighteen (18) years, and they may be enforced in any action or proceeding by or against such person in his or her own name, and shall be valid without the consent thereto of the parent or guardian of such person, and such person shall not disaffirm such instrument because of his or her age, nor shall any person hereafter interpose the defense that he or she is, or was, at the time of making and executing the same, a minor in any action or proceeding arising out of any such loan.

History: L. 1967, ch. 389, § 6; L. 1972, ch. 161, § 18; L. 1975, ch. 374, § 18; July 1.

#### PROGRAMS ADMINISTERED BY PRIVATE NONPROFIT CORPORATIONS

**72-7407.** Higher education loan program for students and parents of students; administration by nonprofit corporation; revenue bonds and interest exempt from taxation.

(a) All revenue bonds, and all interest paid to holders thereof, issued by a qualified nonprofit corporation for the purpose of providing a higher education loan program in Kansas shall be exempt from taxation of every kind by the state of Kansas and by any taxing subdivision thereof.

(b) As used in this act:

(1) "Higher education loan program" means a program which is provided for the purpose of making loans available to students and to parents of students and which is operated under applicable federal loan programs established pursuant to the provisions of the Higher Education Act of 1965, as amended; and

(2) "qualified nonprofit corporation" means a nonprofit corporation organized under the laws of the state of Kansas which is approved as the single nonprofit corporation providing a statewide higher education loan program and which is authorized to issue obligations which are exempt from federal income taxation.

History: L. 1977, ch. 322, § 1; L. 1982, ch. 300, § 1; April 8.

## Article 75.—STATE BOARD OF EDUCATION

### GENERAL PROVISIONS

**72-7501.** State board of education act; citation. This act shall be known and may be cited as the "state board of education act."

History: L. 1968, ch. 269, § 1; April 30.

#### Research and Practice Aids:

Schools — 47.

C.J.S. Schools and School Districts §§ 86 to 91.

**72-7502.** Definitions. Unless the context otherwise requires, as used in this act:

(a) "State board" means the state board of education created by sections 2 and 3 of article 6 of the constitution and provided for by K.S.A. 72-7503.

(b) "Board member" and "member" mean a member of the state board of education.

(c) "Board member position" means one of the numbered positions used to identify the ten (10) members of the state board of education.

(d) "Commissioner" means the commissioner of education created by section 4 of article 6 of the constitution and provided for by K.S.A. 72-7601.

(e) "State department" means the state department of education established by K.S.A. 72-7701

Select Committee on Higher Education  
January 22, 1998  
Attachment 4

(f) "Board member district" or "member district" means one of ten (10) districts from which a board member is elected, as is prescribed in article 6, section 3 (a) of the constitution of Kansas.

History: L. 1968, ch. 269, § 2; April 30.

**Cross References to Related Sections:**

Board member districts and election of state board members, see 25-1901 et seq.

**72-7503. Composition of state board; position numbers; residence qualification; filling vacancies; powers generally.** (a) In compliance with sections 2 and 3 of article 6 of the constitution of this state, provisions are hereby made for the state board of education. The board shall be comprised of ten (10) members. The board shall have ten (10) board member positions, which are numbered one (1) to ten (10). The state is divided into ten (10) board member districts, which are numbered one (1) to ten (10). Each board member position shall correspond to the respectively numbered board member district. Each board member position shall be occupied by a resident of the board member district having the same number.

(b) Members of the state board of education shall be elected as provided by law, except that vacancies occurring on the board shall be filled by appointment under the conditions herein specified.

(c) The state board of education shall have the powers that it is specified to have in the constitution as such powers are more specifically described and defined by law.

History: L. 1968, ch. 269, § 3; April 30.

**Attorney General's Opinions:**

State board of education; vacancy; effect of redistricting. 91-84.

**CASE ANNOTATIONS**

1. Cited; state board of education possesses general supervisory powers over district boards. State, ex rel., v. Board of Education, 212 K. 482, 488, 489, 511 P.2d 705.

**72-7504. Vacancies on state board; how filled; when vacancy occurs.** (a) Whenever a vacancy shall occur in any board member position, such vacancy shall be filled in the manner provided for in K.S.A. 25-3902a.

(b) A vacancy shall occur in a board member position under any of the following circumstances:

(1) Death of a board member on the date of death.

(2) Removal of a board member, on the date the removal order is final, or if appealed

to the court on the date the court action becomes final.

(3) By written resignation of a member filed with the state board, on the date specified in the resignation, which shall be not later than sixty (60) days after such resignation is so filed.

(c) In the event that any board member changes his or her residence outside of the district from which he or she was elected, such member shall promptly resign from the state board, and if such a member fails to resign he or she shall be subject to removal from office as provided by law. Any redistricting of board member districts which results in a board member residing outside of his or her board member district shall not be grounds for removal and shall not disqualify such member from service on the state board for the remainder of the term for which he or she was elected or appointed.

History: L. 1968, ch. 269, § 4; L. 1970, ch. 138, § 1; L. 1972, ch. 131, § 9; L. 1975, ch. 217, § 1; May 6.

**Cross References to Related Sections:**

Term of office when vacancy filled, see 25-1906.

Filling vacancies in offices and candidacies, see 25-3903 and 25-3902a.

**Attorney General's Opinions:**

State board of education; vacancy; effect of redistricting. 91-84.

**72-7505. Abolition of office of state superintendent of public instruction; continuation of contracts.** The office of state superintendent of public instruction is hereby abolished at 10:00 o'clock a.m. on January 14, 1969. Any contract, agreement or assurance entered into after the effective date of this act by the state superintendent of public instruction shall be subject to amendment, termination or revocation by the state board established under this act at any time after January 13, 1969, and unless so changed shall remain in full force and effect without necessity of ratification or any other action by the state board of education.

History: L. 1968, ch. 269, § 8; April 30.

**72-7506. Meetings of state board; commencement of powers and duties.** (a) The initial meeting of the state board shall be on the second Tuesday in January of 1969 in the office of the secretary of state in the state capitol building, and such meeting shall commence at 10:00 o'clock a.m. The initial meeting of the state board may be recessed and moved to another meeting place by common consent of the members.

(b) Meetings of the state board subsequent to its initial meeting shall be held and conducted as provided in this act.

(c) Commencing at the time of the initial meeting of the state board, the powers, authorities, duties and responsibilities conferred and imposed upon the state board by this act shall be operative and effective.

History: L. 1968, ch. 269, § 9; April 30.

**72-7507. State board of education; meetings, regular, special, adjourned; official actions at official meetings only.** (a) The state board shall meet at least once each month. At some time during the month of January of each year the board shall adopt a resolution specifying a regular meeting time of the board and such resolution shall specify the regular hour of commencement of the meeting, as well as the day of the week and the week of the month. Such resolution shall also provide that if the regular meeting date occurs on a Sunday or on a legal holiday or on a holiday specified by the board, such regular meeting shall be held on the following day commencing at the same hour. The state board may provide by resolution for (1) additional regular meetings, (2) special meetings, or (3) recessed or adjourned meetings.

(b) All official actions of the state board shall be taken at official meetings open to the public.

History: L. 1968, ch. 269, § 10; L. 1975, ch. 380, § 1; July 1.

**72-7508. Annual election of officers; appointment of secretary; board minutes.** At its initial meeting and at its first meeting after the second Monday in January of each odd-numbered year, the state board shall organize by election of a chairman, vice-chairman and such other officers as it may deem appropriate. The state board shall appoint a secretary not a member of the board. The secretary shall provide for a means of recording the actions of the state board and shall officially certify the minutes of each meeting of the state board.

History: L. 1968, ch. 269, § 11; April 30.

**72-7509. Quorum; number of votes for official action; record vote.** A quorum of the state board shall be six (6) members and no meeting shall commence until a quorum is present, but any number of members less than a quorum may recess a meeting to a later time. Official actions of the state board shall be adopted by a favorable vote of six (6) or more

members. A record vote shall be taken and made a part of their public record.

History: L. 1968, ch. 269, § 12; April 30.

**72-7510. Official certifications.** The state board shall provide a seal which shall be used in making official certifications by the commissioner or secretary.

Any certification which may be made by the commissioner or secretary may be made with the same force and verity by any assistant commissioner designated by the commissioner for such purpose.

History: L. 1968, ch. 269, § 13; April 30.

**72-7511.**

History: L. 1968, ch. 269, § 14; Repealed, L. 1972, ch. 275, § 2; July 1.

**72-7511a. State board of education; meetings; compensation and expenses.** The state board of education may authorize members thereof to attend in-state meetings for participation in matters of educational interest to the state of Kansas, and when attending a meeting so authorized, members shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212 for members of the legislature. Whenever under any provision of law, a member of the state board of education is authorized to attend an out-of-state meeting, or whenever the state board of education authorizes one of its members to attend an out-of-state meeting for participation in matters of educational interest to the state of Kansas such members, when attending a meeting so authorized, shall receive compensation and travel expenses and subsistence expenses as provided in K.S.A. 75-3212 for members of the legislature.

History: L. 1972, ch. 275, § 1; L. 1974, ch. 348, § 41; L. 1975, ch. 380, § 2; L. 1976, ch. 319, § 1; L. 1981, ch. 289, § 1; July 1.

**72-7512. Same; attorney; appointment and duties.** The state board may sue in its own name, may be sued and may defend any action brought against it or against any of its members who are sued in situations relating to and arising out of the performance of their official duties. The state board shall appoint an attorney to represent it or any of its members in all litigations. The attorney for the state board shall attend all meetings of the state board and render such legal services as are directed by the state board or the commissioner.

**History:** L. 1968, ch. 269, § 20; L. 1975, ch. 381, § 1; April 29.

**Cross References to Related Sections:**

Attorney general's responsibilities, see 75-703 to 75-705a.

**72-7513. General powers of state board.** In general, but not by way of limitation, consonant with other applicable statutory provisions, the state board of education shall:

(a) Adopt and maintain standards, criteria, guidelines or rules and regulations for the following:

(1) School libraries and other educational materials with the exception of textbooks;

(2) Courses of study and curriculum;

(3) Accredit schools including elementary, secondary and junior colleges, public and nonpublic;

(4) Certification of administrators, teachers, counselors, school nurses and supervisors of school districts and of the state department of education and of teachers and administrators of nonpublic schools.

(b) Administer the laws of this state concerning the matters named in this section and all other matters relating to the general supervision of the public schools and institutions under supervision of the state board of education.

**History:** L. 1968, ch. 327, § 1; L. 1974, ch. 315, § 1; L. 1975, ch. 380, § 3; July 1.

**Cross References to Related Sections:**

30 units of instruction in grades 9 to 12, see 72-8212.

**Law Review and Bar Journal References:**

Collective Negotiations Act, 18 W.L.J. 11, 13 (1978).

**Attorney General's Opinions:**

Reapportionment of senatorial and representative districts; members of state board of education. 89-11.

**CASE ANNOTATIONS**

1. Cited; state board of education possesses general supervisory powers over district boards. State, ex rel., v. Board of Education, 212 K. 482, 489, 490, 494, 511 P.2d 705.

2. Cited; function of secretary of human resources in professional negotiations does not violate Kansas constitution. NEA-Fort Scott v. U.S.D. No. 234, 225 K. 607, 611, 592 P.2d 463.

3. Mentioned in case construing 72-8213 to allow an election to be called to reduce grade usage at an attendance facility. Hobart v. U.S.D. No. 309, 230 K. 375, 382, 634 P.2d 1088 (1981).

**72-7514. Rules and regulations; authorization to adopt.** The state board is hereby authorized to adopt rules and regulations not in conflict with law on any and all matters within its jurisdiction, except as is otherwise specifically provided by law.

**History:** L. 1968, ch. 269, § 28; April 30.

**CASE ANNOTATIONS**

1. Cited; state board of education possesses general supervisory powers over district boards. State, ex rel., v. Board of Education, 212 K. 482, 489, 511 P.2d 705.

2. Mentioned in holding 72-7108 not unconstitutional delegation of legislative power. State, ex rel., v. State Board of Education, 215 K. 551, 558, 527 P.2d 952.

3. Failure to adopt regulations hereunder and to make record of proceedings noted in considering constitutionality of 72-7108 (dissenting opinion). State, ex rel., v. State Board of Education, 215 K. 551, 563, 527 P.2d 952.

4. Mentioned in case construing 72-8213 to allow an election to be called to reduce grade usage at an attendance facility. Hobart v. U.S.D. No. 309, 230 K. 375, 382, 634 P.2d 1088 (1981).

**72-7514a. Same; perpetuation of rules and regulations of certain state agencies.** The rules and regulations of the state superintendent of public instruction, the state board of education, the state board for vocational education and the school budget review board which were in effect on January 13, 1969, shall be and remain the rules and regulations of the state board of education provided for in K.S.A. 72-7503, until such rules are amended, revoked or repealed in the manner provided by law. It is the intention of this act that the rules and regulations specified above are and shall be in continuous effect without interruption from January 13, 1969, until amended, revoked or repealed by the state board of education or by appropriate action of the legislature.

**History:** L. 1969, ch. 350, § 1; Feb. 21.

**72-7514b. Rules and regulations adopted under constitutional authority; procedure; definition.** (a) Every rule and regulation which is adopted by the state board of education pursuant to authority granted to the board under section 2 of article 6 of the constitution of the state of Kansas and which is not adopted pursuant to statutory authority of the board shall be adopted by the state board of education and filed as a rule and regulation as provided in this section.

(b) Prior to the adoption of such rule and regulation, the state board of education shall give at least 30 days' notice of its intended action in the Kansas register and hold a public hearing thereon. The notice shall be published in the Kansas register and shall contain a summary of the substance of the proposed rule and regulation along with the full text of any such rule and regulation to be considered at the hearing. Such notice shall state the time and place of the public hearing to be held thereon and the manner in which interested parties

may present their views thereon. Publication of such notice in the Kansas register shall constitute notice to all parties affected by the rule and regulation. On the date of the hearing, all interested parties shall be given reasonable opportunity to present their views or arguments on adoption of the rule and regulation, either orally or in writing.

(c) The rule and regulation shall be adopted at a meeting which is open to the public and shall not be adopted unless it receives approval by roll call vote of a majority of the total membership of the state board of education.

(d) Each rule and regulation adopted by the state board of education shall be filed in triplicate with the secretary of state and shall indicate that such rule and regulation was adopted pursuant to authority granted to the state board of education under section 2 of article 6 of the constitution of the state of Kansas. The state board of education shall number each section with a distinguishing number. Upon filing, the secretary of state shall assign a distinguishing number to each section for purposes of publication in the annual supplement to the Kansas administrative regulations.

(e) All rules and regulations adopted and filed with the secretary of state in accordance with the provisions of this section on or before December 31 in any year shall be published in the annual supplement to the Kansas administrative regulations which is published during the next succeeding year after the year in which such rules and regulations were filed unless otherwise directed by the state rules and regulations board.

(f) As used in this section, "rule and regulation" means a standard, statement of policy, procedure or practice or general order, including amendments or revocations thereof, of general application which is adopted by the state board of education pursuant to authority granted to the board under section 2 of article 6 of the constitution of the state of Kansas and which is not adopted pursuant to statutory authority of the board.

History: L. 1982, ch. 307, § 1; L. 1988, ch. 366, § 20; June 1.

**72-7515.** Availability of local school records to state board. All books, records and papers of the board of education or other governing body of each school district, community junior college, area vocational-technical school, or technical institute shall, at all reasonable times, be opened for and available to the state

board and its designated officers, employees and agents.

History: L. 1957, ch. 405, § 1; L. 1968, ch. 82, § 1; July 1.

**72-7516.** Same; "state board" defined. "State board" means the constitutional state board of education.

History: L. 1968, ch. 82, § 2; July 1.

**72-7517.**

History: L. 1968, ch. 269, § 30; Repealed, L. 1969, ch. 310, § 66; July 1.

**72-7518.** Gifts and bequests; expenditure and supervision. The state board of education may receive and expend, or supervise the expenditure of, any donation, gift, grant or bequest made to the state board of education for furthering any phase of education.

History: L. 1969, ch. 349, § 1; April 28.

**72-7518a.** Gifts and bequests to state board or institutions thereunder; supervision; expenditure; school districts and community-junior colleges excepted. (a) The state board of education, or any institution under the jurisdiction of such board, with the approval of the state board of education may apply for, accept and receive any private donation, gift, grant or bequest made for any purpose related to the operation or function of such board or institution. Such board or institution may hold, administer and expend any such gift, grant or bequest in accordance with any terms or conditions imposed by the donor.

(b) The provisions of subsection (a) of this section shall not apply to any school district or any community junior college.

History: L. 1974, ch. 323, § 1; July 1.

**72-7518b.** State school for the blind; special bequest fund. Whenever there is provision in any statute, contract or other document for moneys to be deposited in, credited to or accepted for the benefit of the scholarship fund for the blind, or words of like effect, such moneys shall be paid to the state treasurer and deposited in the state treasury and credited to the special bequest fund of the state school for the blind.

History: L. 1977, ch. 311, § 1; L. 1992, ch. 139, § 10; July 1.

**72-7519.** Hearing officers for state board; appointment; purpose; limitations. (a) For the purpose of hearing any appeal, case or other matter of any kind whatsoever required by law to be determined or heard and

determined by the state board of education, the state board of education may appoint one or more hearing officers. Any such hearing officer shall be an officer or employee of the state department of education. Any such appointment shall apply to a particular hearing or to a set or class of hearings as specified by the state board of education in making such appointment.

(b) To the extent that the provisions of this section conflict with the provisions of any other law, the provisions of such other law shall control.

(c) The provisions of this section shall not operate or be construed in any manner so as to authorize the substitution of hearing by a hearing officer in lieu of hearing by the professional practices commission provided for by K.S.A. 72-8506, and amendments thereto.

History: L. 1971, ch. 231, § 1; L. 1987, ch. 276, § 2; July 1.

**72-7520.** Same; initial order; review by state board. Whenever a hearing officer appointed under authority of K.S.A. 72-7519, and amendments thereto, hears any appeal, case or other matter, the hearing officer, after hearing the same, shall render an initial order which shall be subject to review by the state board of education. Any matter determined by the state board of education in accordance with this section shall be valid to the same extent as if the matter were fully heard by the state board of education without a hearing officer.

History: L. 1971, ch. 231, § 2; L. 1987, ch. 276, § 3; L. 1988, ch. 356, § 282; L. 1989, ch. 283, § 16; July 1.

**72-7521.**

History: L. 1971, ch. 231, § 3; Repealed, L. 1987, ch. 276, § 4; July 1.

**72-7522.**

Revisor's Note:

Section transferred to 71-211.

**72-7523.** Conveyance of certain real estate situated in Ottawa county to U. S. department of health, education and welfare authorized. The state board of education is hereby authorized to release, remit and remise by quit claim deed to the department of health, education and welfare of the United States of America, real estate situated in the county of Ottawa, state of Kansas, described as follows:

Tract No. S-1-100:

The West 800 feet of the East 1,707 feet of the South 1000 feet of the North 1940 feet of the Northeast quarter

of section 16, township 11, South, range 2, west of the sixth principal meridian, Ottawa county, Kansas, containing 18.37 acres, more or less.

Tract No. S-1-100E:

Permanent access road easement. The West 100 feet of the East 1,526 feet of the North 940 feet of the Northeast quarter of section 16, township 11, South, range 2, west of the sixth principal meridian, Ottawa county, Kansas, containing 2.16 acres, more or less; together with the improvements thereon.

All of the above real estate and property approximating 20.53 acres of land is identified as Atlas "F" missile site No. 1 located near Bennington, Kansas.

History: L. 1974, ch. 288, § 1; July 1.

**72-7524.** Same; conditions; reasons. The instrument of conveyance quit claiming, releasing and remising the real estate described in K.S.A. 72-7523 shall be executed in the name of the state board of education by its chairman. Said state board shall execute the quit claim deed for the reason that such real estate is no longer needed or used for educational purposes which existed on the 25th day of March, 1969, on which date the United States of America, grantor, conveyed such real estate and appurtenances to the state board of education of the state of Kansas.

History: L. 1974, ch. 288, § 2; July 1.

**72-7525.** Conveyance of certain real estate situated in Saline county to U.S. department of health, education and welfare authorized. The state board of education is hereby authorized to release, remit and remise by quit claim deed to the department of health, education and welfare of the United States of America, real estate situated in the county of Saline, state of Kansas, described as follows:

A tract of land identified as part 5B of block 5 lying in the NE/4 of S3, T15S, R3W of the 6th principal meridian in the Schilling subdivision of Saline county, Kansas; more particularly described as follows:

Commencing at the northwest corner of the NE/4 of S3, T15S, R3W; thence S 89° 53' 24" E a distance of 1349.16 feet; thence S 00° 06' 24" E a distance of 55.38 feet; thence S 89° 53' 36" W a distance of 40.00 feet to the true point of beginning, said point of beginning being the northeast corner of block 5B; thence S 00° 06' 24" E a distance of 647.00 feet to the southeast corner of block 5B; thence S 89° 53' 36" W a distance of 650.00 feet to the southwest corner of block 5B; thence N 00° 06' 24" W a distance of 647.00 feet to the northwest corner of block 5B; thence N 89° 53' 36" E a distance of 650.00 feet to the true point of beginning.

A tract of land, identified as block 11, lying in SE/4 of S34, T14S, R3W of the 6th principal meridian in the Schilling subdivision of Saline county, Kansas; more particularly described as follows:

Commencing at the northwest corner of the SE/4 of S34, T14S, R3W; thence S 89° 50' 10" E a distance of 1338.65 feet; thence S 00° 06' 24" E a distance of 426.08 feet; thence S 89° 53' 36" W a distance of 40.00 feet to the true point of beginning, said point of beginning being the northeast corner of block 11; thence S 00° 06' 24" E a distance of 681.00 feet to the southeast corner of block 11; thence S 89° 53' 36" W a distance of 1040.00 feet to the southwest corner of block 11; thence N 00° 06' 24" W a distance of 278.00 feet; thence N 89° 53' 36" E a distance of 460.00 feet; thence N 00° 06' 24" W a distance of 403.00 feet; thence N 89° 53' 36" E a distance of 580.00 feet to the true point of beginning.

A tract of land identified as block 12 lying in the SE/4 of S34, T14S, R3W of the 6th principal meridian in the Schilling subdivision of Saline county, Kansas; more particularly described as follows:

Commencing at the northwest corner of the SE/4 of S 34, T14S, R3W; thence S 89° 50' 10" E a distance of 1338.65 feet; thence S 00° 06' 24" E a distance of 426.08 feet; thence N 89° 53' 36" E a distance of 40.00 feet to the true point of beginning, said point of beginning being the northwest corner of block 12; thence N 89° 53' 36" E a distance of 751.00 feet to the northeast corner of block 12; thence S 00° 06' 24" E a distance of 681.00 feet to the southeast corner of block 12; thence S 89° 53' 36" W a distance of 751.00 feet to the southwest corner of block 12; thence N 00° 06' 24" W a distance of 681.00 feet to the true point of beginning.

Together with improvements on all of the above described real estate.

History: L. 1974, ch. 297, § 1; July 1.

Source or prior law:

L. 1974, ch. 296, § 1.

**72-7526.** Same; conditions; reasons. The instruments of conveyance quit claiming, releasing and remising the real estate described in K.S.A. 72-7525 shall be executed in the name of the state board of education by its chairman. Said state board shall execute the quit claim deed for the reason that such real estate is no longer needed or used for educational purposes which existed on November 15, 1966, on which date the United States of America, grantor, conveyed such real estate and appurtenances to the state educational authority of the state of Kansas, grantee, for the exclusive use of Schilling institute (now Kansas technical institute).

History: L. 1974, ch. 297, § 2; July 1.

Source or prior law:

L. 1974, ch. 296, § 2.

**COMPUTERIZED INFORMATION SEARCH SERVICES**

**72-7527.** Computerized information search services; certain contracts authorized;

fee schedule. The state board of education may provide by contracts with any state agency or institution, any board of trustees of a community junior college, any board of education of a school district and the governing authority of any nonpublic school for computerized information search services. Such services shall include, but not be limited to, computer generated bibliographies and manual searches of educational indices, microfiche reproduction and hard copy of documents from the educational resources information center collection. The state board of education shall establish an appropriate fee schedule for providing such services.

History: L. 1974, ch. 285, § 1; July 1.

**72-7528.** Same; establishment of fee fund; sources expenditures. The state board of education shall remit all moneys received by or for it under any contract entered into under the provisions of this act or from any grants from the federal government or any unit or agency thereof to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the computerized information search services fee fund, which fund is hereby established. All expenditures from the computerized information search services fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board of education or by a person or persons designated by it.

History: L. 1974, ch. 285, § 2; July 1.

**EMERGENCY SITUATIONS**

**72-7529, 72-7530.**

History: L. 1974, ch. 279, §§ 1, 2; Repealed, L. 1977, ch. 254, § 1; July 1.

**Article 76.—COMMISSIONER OF EDUCATION**

Cross References to Related Sections:

Imprest funds, see 75-3057 et seq.

**72-7601.** Commissioner of education, acting commissioner; appointment and duties. (a) The state board shall appoint a commissioner of education as is provided by section 4 of article 6 of the constitution. The commissioner shall serve at the pleasure of the state board and perform such duties as are prescribed by law or by the state board.

4-7



(b) The state board may appoint a person to be the acting commissioner of education in any interim in which the office of commissioner of education is vacant, and such appointment may be made conditional upon any future vacancy occurring. Any appointment made under this subsection (b) shall be subject to review and change by the state board at its first meeting after any such vacancy occurs.

**History:** L. 1968, ch. 269, § 15; L. 1975, ch. 381, § 2; L. 1977, ch. 255, § 1; July 1.

**Cross References to Related Sections:**

Member of the Kansas library network board, see 75-2578.

**Research and Practice Aids:**

Schools ⇐ 47.

C.J.S. Schools and School Districts §§ 86 to 91.

**72-7602. Commissioner and assistant commissioners in unclassified service; salary and other compensation.** The commissioner of education and the assistant commissioners of education shall be in the unclassified service and shall receive such salary and other compensation as is provided by the state board within appropriations therefor authorized by the legislature.

**History:** L. 1968, ch. 269, § 16; L. 1975, ch. 381, § 3; L. 1977, ch. 255, § 2; July 1.

**72-7603. Assistant commissioners; appointment and duties.** Assistant commissioners of education shall be appointed by the state board and shall perform such functions and duties as are prescribed by the state board or by the commissioner. Any of said assistant commissioners of education may be designated from time to time to act for and exercise the powers, duties and functions of the commissioner of education, in the absence or inability of the commissioner to act, to the extent authority to do so is delegated by the state board or by the commissioner.

**History:** L. 1968, ch. 269, § 17; L. 1975, ch. 381, § 4; L. 1977, ch. 255, § 3; July 1.

**Article 77.—STATE DEPARTMENT OF EDUCATION**

**72-7701. Organizational status of state department of education; application of K-GOAL.** (a) There is hereby established the state department of education with appropriate divisions which shall be under the administrative supervision of the commissioner as directed by law and by the state board.

(b) The provisions of the Kansas governmental operations accountability law apply to

the state department of education, and the department is subject to audit, review and evaluation under such law.

**History:** L. 1968, ch. 269, § 18; L. 1992, ch. 116, § 31; July 1.

**Research and Practice Aids:**

Schools ⇐ 47.

C.J.S. Schools and School Districts §§ 86 to 91.

**Law Review and Bar Journal References:**

"One State's Struggle with Wisconsin v. Yoder: the Kansas Compulsory School Attendance Statute and the Free Exercise of Religion," Wayne Dowling Morris, 17 W.L.J. 574, 590 (1978).

**72-7702. Retention of civil service status of employees; transfer of employees.** (a) Employees of the state department of public instruction provided for by K.S.A. 72-107, which department is hereby abolished, shall retain rights and status to the extent provided in subsection (c) of this section. This provision shall apply to all persons appointed under K.S.A. 72-114.

(b) Employees of the state board of education established by K.S.A. 72-124 and the state board for vocational education established by K.S.A. 72-4302 shall retain rights and status to the extent provided in subsection (c) of this section. This provision shall apply to all such persons appointed by either such board or by the director of vocational education.

(c) The employees specified in subsections (a) and (b) of this section except employees in the division of vocational rehabilitation who are in the classified service under the Kansas civil service act on the effective date of this act shall be employed in the same or comparable positions in the state department of education established by this act, and shall retain rights and status acquired under said civil service act, subject, however, to the appointment by the state board of assistant commissioners as provided in K.S.A. 72-7603 and other special officers appointed under K.S.A. 72-7512 or under other provisions of law.

(d) The employees specified in subsection (b) of this section who are in the division of vocational rehabilitation shall be transferred to the state department of social welfare as provided by law.

**History:** L. 1968, ch. 269, § 19; April 30.

**72-7703. Retention of retirement status of employees.** Nothing contained in this act shall be construed to alter or change the retirement plan or retirement status of the employees who under the provisions of this act

Article 32.—STATE BOARD OF  
REGENTS

**74-3201.** State board of regents; membership; appointment; qualifications; terms; chairperson. There is hereby created a state board to be known as the board of regents. The board shall be composed of nine members who shall be residents of the state and who shall be appointed by the governor subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 1997 Supp. 46-2601, no person appointed to the board shall exercise any power, duty or function as a member of the board until confirmed by the senate. Each member shall hold office for a term of four years, and until a successor is appointed and confirmed. Terms of members shall expire on January 15. All members of the board of regents shall be selected from among the members of the two political parties casting the highest and second highest number of votes respectively for secretary of state at the last preceding general election at which a secretary of state was elected. At no time shall more than five members of the board of regents be members of the same political party. The members of the board of regents shall meet and organize annually by electing one member as chairperson.

**History:** L. 1925, ch. 259, § 1; L. 1939, ch. 289, § 1; L. 1982, ch. 347, § 39; L. 1995, ch. 241, § 12; July 1.

**Research and Practice Aids:**

Colleges and Universities ← 7.

C.J.S. Colleges and Universities § 16 et seq.

**CASE ANNOTATIONS**

1. Senate failed to confirm appointment before adjournment; vacancy occurred; recess appointment valid. *Driscoll v. Hershberger*, 172 K. 145, 146, 148, 149, 155, 238 P.2d 493.

2. Referred to in upholding constitutionality of 22-3707; Senate rejection of appointment upheld. *Leek v. Theis*, 217 K. 784, 791, 539 P.2d 304.

3. Board of regents is an employer under public employer-employee relations act. *Kansas Bd. of Regents v. Pittsburg State Univ. Chap. of K-NEA*, 233 K. 801, 811, 667 P.2d 306 (1983).

**Attorney General's Opinions:**

Public officers; altering or shortening terms of incumbents. 95-114.

**74-3202.** Compensation and expenses. Members of the state board of regents attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223.

**History:** L. 1925, ch. 259, § 3; L. 1939, ch. 289, § 2; L. 1974, ch. 348, § 63; July 1.

**74-3203.** Executive officer; salary; duties. The board of regents is hereby authorized and empowered to appoint and fix the salary of an executive officer who shall act as executive officer for said board; and it shall be the duty of said executive officer to attend all meetings of the board of regents, keep a full and

correct record of its proceedings, which when approved, shall be signed by the chairman of the board, and perform such other duties as the board may require.

**History:** L. 1925, ch. 259, § 4; L. 1939, ch. 289, § 3; L. 1943, ch. 276, § 1; L. 1945, ch. 323, § 2; L. 1947, ch. 416, § 5; L. 1949, ch. 413, § 1; L. 1951, ch. 438, § 1; L. 1953, ch. 363, § 4; L. 1955, ch. 352, § 1; L. 1959, ch. 337, § 16; L. 1961, ch. 409, § 4; L. 1965, ch. 441, § 1; June 30.

**74-3204.** Meetings; quorum. The board of regents created by this act shall meet quarterly in each year on dates fixed by the board in Topeka. Special meetings may be held upon the call of the chairman or upon the petition to the secretary of five (5) members of the board, the date and place of all special meetings to be designated in the call. Five (5) members of said board of regents shall constitute a quorum for the transaction of business but a less number may adjourn any regular or special called meeting to a definite time and place.

**History:** L. 1925, ch. 259, § 5; L. 1939, ch. 289, § 4; L. 1957, ch. 442, § 7; March 30.

**74-3205.** Treasurer. The treasurer of the state of Kansas shall be the treasurer of said board of regents created by this act.

**History:** L. 1925, ch. 259, § 8; L. 1939, ch. 289, § 5; March 29.

**Cross References to Related Sections:**

State treasurer, see ch. 75, art. 6.

**74-3229.** Students' advisory committee; establishment; composition; terms; powers and duties; expenses. (a) There is hereby established the students' advisory committee to the state board of regents. Prior to July 1, 1996, the students' advisory committee shall be composed of seven members who shall be the highest student executive officer elected by the entire student body at the university of Kansas, Kansas state university of agriculture and applied science, Emporia state university, Pittsburg state university, Fort Hays state university, Wichita state university, and Kansas state university Salina, college of technology. On and after July 1, 1996, the students' advisory committee shall be composed of six members who shall be the highest student executive officer elected by the entire student body at the university of Kansas, Kansas state university of agriculture and applied science, Emporia state university, Pittsburg state university, Fort Hays state university, and Wichita state university.

The chief executive officers of the state educational institutions under the control and supervision of the state board of regents shall annually certify to the state board the names of the student executive officers elected to membership on the students' advisory committee and, upon such certification, the student officers shall qualify for membership on the committee. The members of the advisory committee shall serve for terms expiring concurrently with their terms as elective student

officers and upon qualification of their successors.

(b) The students' advisory committee shall be notified of all meetings of the state board of regents and shall have the following functions, powers and duties:

(1) Attend all meetings of the state board of regents except closed or executive meetings held pursuant to the provisions of K.S.A. 75-4319, and amendments thereto;

(2) make recommendations to the board of regents concerning course and curriculum planning and faculty evaluation;

(3) advise and consult with the board of regents in the formulation of policy decisions on student affairs;

(4) identify student concerns;

(5) consider any problems presented to it by the board of regents and give advice thereon; and

(6) disseminate information to their peers concerning the philosophies and standards of education developed by the board of regents and stimulate awareness of student rights and responsibilities.

(c) Members of the students' advisory committee attending meetings of the state board of regents shall receive no compensation for serving on such advisory committee, but shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto from moneys appropriated therefor to the state board of regents.

History: L. 1975, ch. 465, § 1; L. 1977, ch. 237, § 11; L. 1988, ch. 297, § 14; L. 1991, ch. 272, § 13; May 2.

**74-3249.** Private and foreign institutions of postsecondary education; definitions. As used in this act:

(a) "Institution of postsecondary education" means any college, university, community college, junior college, technical institute, or the equivalent thereof, that awards an academic or honorary degree or that offers any course or program leading to the award of an academic degree.

(b) "Foreign institution of postsecondary education" means any institution of postsecondary education chartered, incorporated or otherwise organized under the laws of any jurisdiction other than this state.

(c) "Academic degree" means any associate, bachelor's, first professional, master's, intermediate (specialist), or doctor's degree.

History: L. 1978, ch. 87, § 1; L. 1988, ch. 298, § 1; July 1.

**74-3250.** Same; conferral of degrees prohibited unless institution approved; standards; conditions; applicability. (a) No foreign institution of postsecondary education and no private institution of postsecondary education chartered, incorporated or otherwise organized under the laws of this state shall confer or award any degree, whether academic or honorary, unless and until such an institution has been approved for such purpose by the state board of regents. Approval shall be granted if the institution meets standards established by the state board of regents. Accreditation by national or regional accrediting agencies recognized by the state board of regents may be accepted as evidence of compliance with the standards for approval.

(b) The provisions of this section do not apply to any institution of postsecondary education which was granted approval to confer academic or honorary degrees by the state board of education under the provisions of former K.S.A. 17-6105 or to the Kansas City college and bible school, inc.

History: L. 1978, ch. 87, § 2; L. 1982, ch. 313, § 1; L. 1988, ch. 298, § 2; July 1.

**Research and Practice Aids:**

Colleges and Universities — 1.

C.J.S. Colleges and Universities §§ 1, 2.

**Law Review and Bar Journal References:**

"Survey of Kansas Law: Business Associations," William E. Treadway, 27 K.L.R. 171, 172 (1979).

**74-3251.** Same; registration of courses and programs required; registration procedures; advertisement restrictions. No foreign institution of postsecondary education shall offer or conduct in this state any course or program leading to the award or conferral of an academic degree unless such institution has first registered such course or program with the state board of regents in accordance with the provisions of this act. Each such foreign institution of postsecondary education shall follow the procedures established by the state board of regents for registration of each such course or program offered or conducted in this state. If such institution includes the fact that its course or program offerings are registered with the state board of regents in any advertisement or offering of courses or programs, such advertisement or offering of courses or programs shall state in clearly legible lettering the following: Registration with the state board of regents does not constitute approval of course or program offerings.

History: L. 1978, ch. 87, § 3; L. 1988, ch. 298, § 3; July 1.

**74-3252.** Same; rules and regulations; standards for approval; registration procedures; information from state agencies. (a) The state board of regents shall adopt rules and regulations for the administration of this act and shall establish: (1) Standards for determining those private institutions of postsecondary education and those foreign institutions of postsecondary education which qualify for approval to confer or award degrees. Such standards shall be consistent with standards applicable to state educational institutions under the control and supervision of the state board of regents; and (2) procedures necessary for the registration of courses or programs by foreign institutions of postsecondary education.

(b) Any state agency having information which will enable the state board of regents to exercise its powers and perform its duties in administering the provisions of this act shall from time to time as requested furnish such information to the state board of regents.

History: L. 1978, ch. 87, § 4; L. 1988, ch. 298, § 4; July 1.

**74-3253.** Same; violations of act; remedies. If it shall appear to the board of regents on the basis of its own inquiries or investigations or as a result of a complaint that any of the provisions of this act have been or are about to be violated, the board of regents may request the attorney general to institute an action enjoining such violation or for an order directing compliance with the provisions of this act.

History: L. 1978, ch. 87, § 5; July 1.

**76-6b11. Accounting procedures, moneys credited to Kansas educational building fund, state institutions building fund and correctional institutions building fund.** (a) On July 1 of each year, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas educational building fund, the state institutions building fund and the correctional institutions building fund and shall record a corresponding credit to each such fund in an amount equal to 95% of the amount credited respectively to each such fund during the immediately preceding fiscal year, except that such amount shall be proportionally adjusted with respect to any such fund in any fiscal year for any change in the tax levy rate for any such fund.

(b) All taxes received by the state treasurer under K.S.A. 76-6b01, 76-6b04 and 76-6b09 and amendments thereto during the current fiscal year shall be deposited in the state treasury to the credit of the Kansas educational building fund, the state institutions building fund and the correctional institutions building fund, respectively, and shall reduce the amount debited and credited to such funds under subsection (a).

(c) On June 30 of each year, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas educational building fund, the state institutions building fund and the correctional institutions building fund pursuant to this section, to reflect the taxes actually received by the state treasurer and deposited during the fiscal year in the state treasury to the credit of each such fund.

(d) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas educational building fund, the state institutions building fund and the correctional institutions building fund pursuant to this section and all reductions and adjustments thereto made pursuant to this section. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for such funds by the state treasurer in accordance with the notice thereof.

**History:** L. 1987, ch. 358, § 1; July 1.

**76-6b12. Transfer of moneys appropriated from Kansas educational building fund for certain capital improvement projects.** On the first day of fiscal year 1998 and on the first

day of each fiscal year thereafter through fiscal year 2012, moneys in the Kansas educational building fund which are appropriated for such fiscal year for debt service for capital improvement projects pursuant to subsection (d) of section 13 of chapter 259 of the 1996 Session Laws of Kansas or pursuant to future appropriation acts shall be transferred by the director of accounts and reports to the comprehensive rehabilitation and repair fund of the state board of regents established pursuant to subsection (c) of section 13 of chapter 259 of the 1996 Session Laws of Kansas.

**History:** L. 1996, ch. 259, § 14; May 30.

## Article 7.—STATE EDUCATIONAL INSTITUTIONS; MANAGEMENT AND OPERATION

### Cross References to Related Sections:

State board of regents, see Kans. Const. Art. 6, §§ 2, 3; ch. 74, art. 32.

Imprest funds, see 75-3072 et seq.

Permanent tax levy, see 76-6b01, 76-6b02, Kans. Const. Art. 6, § 6.

### 76-701 to 76-703.

**History:** L. 1911, ch. 30, §§ 1 to 3; R.S. 1923, 76-701 to 76-703; Repealed, L. 1951, ch. 466, § 1; June 30.

### CASE ANNOTATIONS

1. Statute held valid; regents of university to establish school. *Young v. Regents of State University*, 87 K. 239, 240, 124 P. 150.

### 76-704.

**History:** R.S. 1923, 76-704; Repealed, L. 1951, ch. 466, § 1; June 30.

### Source or prior law:

L. 1911, ch. 30, § 4; Revised, 1923.

### 76-705, 76-706.

**History:** L. 1911, ch. 30, §§ 5, 6; R.S. 1923, 76-705, 76-706; Repealed, L. 1951, ch. 466, § 1; June 30.

### 76-707.

**History:** R.S. 1923, 76-707; Repealed, L. 1951, ch. 466, § 1; June 30.

### Source or prior law:

L. 1911, ch. 30, § 7; Revised, 1923.

### 76-708 to 76-710. Reserved.

**76-711. Definitions.** As used in this act, unless the context otherwise requires:

(a) "State educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state uni-

versity, Emporia state university, and Fort

(b) "Board of regents provided for by this act" means the state and described in Kansas Statutes and amendments thereto.

**History:** L. 1996, ch. 415, § 2; L. 1977, ch. 19; L. 1991, ch. 19.

**Research and Practice:** Colleges and Universities; C.J.S. Colleges and Universities.

**Attorney General's Opinions:** Determination of emergency powers, 83-110.

Person covered by act, 89-81.

University research fund, tort claims act, 95-115.

### CASE

1. Physical education; State University; governmental; liability for professional negligence, 217 K. 279. Mandated as to government, 1015.

2. Board of regents; employer-employee relationship; burg State Univ. Chap. 306 (1983).

3. Cited; state university; burg State University, 8.

**76-712. Operation and control and state regents; closure, subject to legislative action otherwise provided by educational institutions and state institutions by and operated under provision of the board of operation, management of regents may make policies or rules and form such other acts are appropriate for state educational institutions shall be closed, closed other state educational or management specifically authorized act of the legislature**

versity, Emporia state university, Pittsburg state university, and Fort Hays state university.

(b) "Board of regents" means the state board of regents provided for in the constitution of this state and described in article 32 of chapter 74 of Kansas Statutes Annotated and amendments thereto.

**History:** L. 1970, ch. 371, § 1; L. 1974, ch. 415, § 2; L. 1977, ch. 237, § 24; L. 1988, ch. 297, § 19; L. 1991, ch. 272, § 18; May 2.

**Research and Practice Aids:**

Colleges and Universities — 5, 7.

C.J.S. Colleges and Universities §§ 6, 15, 16 et seq.

**Attorney General's Opinions:**

Determination of entitlement; credit hour determination. 83-110.

Person covered by act; faculty of Kansas College of Technology. 89-81.

University research foundation is governmental entity under tort claims act. 95-115.

**CASE ANNOTATIONS**

1. Physical education corporation held agent of Wichita State University; governmental immunity statute unconstitutional; liability for proprietary acts. *Brown v. Wichita State University*, 217 K. 279, 283, 540 P.2d 66. Reversed and remanded as to governmental immunity, 219 K. 2, 4, 5, 547 P.2d 1015.

2. Board of regents is an employer under public employer-employee relations act. *Kansas Bd. of Regents v. Pittsburg State Univ. Chap. of K-NEA*, 233 K. 801, 811, 667 P.2d 306 (1983).

3. Cited; state university is agency of state. *Hurd v. Pittsburg State University*, 821 F.Supp. 1410, 1411 (1993).

**76-712. Operation and management under control and supervision of state board of regents; closure, combination or merger subject to legislative authorization.** Except as otherwise provided by act of the legislature, the state educational institutions are separate state agencies and state institutions and shall be controlled by and operated and managed under the supervision of the board of regents. For such control, operation, management or supervision, the board of regents may make contracts and adopt orders, policies or rules and regulations and do or perform such other acts as are authorized by law or are appropriate for such purposes, except that no state educational institution, or campus thereof, shall be closed, combined or merged with any other state educational institution, for administrative or management or other purposes, except as specifically authorized by appropriations or other act of the legislature.

**History:** L. 1970, ch. 371, § 2; L. 1977, ch. 237, § 25; L. 1985, ch. 302, § 1; L. 1991, ch. 272, § 22; May 2.

**Cross References to Related Sections:**

Kansas Constitution, Art. 6, §§ 2, 3.

**Law Review and Bar Journal References:**

Constitutionality of the NCAA's limits on financial assistance and the limitation on a student-athlete's receipt of a full Basic Educational Opportunity Grant (BEOG) considered, 25 K.L.R. 400, 410 (1977).

**Attorney General's Opinions:**

Management, operations, fixing of tuition, fees and charges by state educational institutions. 81-115.

Person covered by act; faculty of Kansas College of Technology. 89-81.

Examinations for teachers' certifications; passing score determined by state board. 90-132.

State educational institutions; management and operation; appointment of employees; teaching personnel; concurrent service in the legislature. 92-31.

Medical student loan act; preference for rural applicants; constitutionality. 93-111.

**CASE ANNOTATIONS**

1. Physical education corporation held agent of Wichita State University; governmental immunity statute unconstitutional; liability for proprietary acts. *Brown v. Wichita State University*, 217 K. 279, 283, 540 P.2d 66. Reversed and remanded as to governmental immunity, 219 K. 2, 4, 5, 547 P.2d 1015.

**76-713. Lawsuits by or against board of regents, state educational institutions; representation by attorney general; exception.** The board of regents may sue in its own name or in the name of any state educational institution, or may authorize suit to be brought by the chief executive officer of any state educational institution in the name of such state educational institution. The board of regents may be sued and may defend any action brought against the board of regents or any state educational institution. Any state educational institution may be sued and may defend any action brought against it. The attorney general, or an attorney designated by the attorney general, shall represent the board of regents and any state educational institution in all litigation, except that litigation arising pursuant to contracts for collection services entered into under K.S.A. 76-745 and amendments thereto shall not be subject to this requirement and the board of regents and any state educational institution shall be represented in any such litigation in accordance with such contracts entered into under K.S.A. 76-745 and amendments thereto.

**History:** L. 1970, ch. 371, § 3; L. 1977, ch. 237, § 26; L. 1990, ch. 338, § 1; July 1.

**Law Review and Bar Journal References:**

"Immunity From Suit on Implied Contract: Isn't It Time Kansas Entered the 20th Century?" Mark A. Shaiken, 20 W.L.J. 557, 561 (1981).

**CASE ANNOTATIONS**

1. Statute cannot be construed as consent by state to suit in federal court. *Brennan v. University of Kansas*, 451 F.2d 1287, 1289.

2. State university is a direct arm or alter ego of the state and federal court has no jurisdiction of suit against it without state consent. *Brennan v. University of Kansas*, 451 F.2d 1287, 1291.

3. Suit brought on behalf of board of regents properly brought in name of State ex rel. Attorney General. State ex rel. *Schneider v. City of Kansas City*, 228 K. 25, 26, 27, 28, 612 P.2d 578.

4. Board of regents is an employer under public employer-employee relations act. *Kansas Bd. of Regents v. Pittsburg State Univ. Chap. of K-NEA*, 233 K. 801, 811, 667 P.2d 306 (1983).

**76-714. Chief executive officers; titles; appointment; compensation.** The chief executive officer of the university of Kansas shall have the title of chancellor. The chief executive officers of other state educational institutions shall have the title of president. The chief executive officers of the state educational institutions shall be appointed by the board of regents. Such chief executive officers shall serve at the pleasure of the board of regents and shall receive such compensation as the board of regents prescribes.

**History:** L. 1970, ch. 371, § 4; L. 1977, ch. 237, § 27; April 21.

**Law Review and Bar Journal References:**

Constitutionality of the NCAA's limits on financial assistance and the limitation on a student-athlete's receipt of a full Basic Educational Opportunity Grant (BEOG) considered, 25 K.L.R. 400, 411 (1977).

**Attorney General's Opinions:**

State educational institutions; management and operation; appointment of employees; teaching personnel; concurrent service in the legislature. 92-31.

**76-715. Appointment of employees; compensation.** The chief executive officer of each state educational institution shall appoint such employees as are authorized by the board of regents. Employees in the unclassified service shall serve at the pleasure of the chief executive officer of the state educational institution, subject to policies approved by the board of regents. Unclassified employees shall receive such compensation as is prescribed by the chief executive officer of the state educational institution within authorizations by the board of regents. Employees of the state educational institutions, who are not

in the unclassified service, shall be in the classified service of the Kansas civil service act.

**History:** L. 1970, ch. 371, § 5; L. 1977, ch. 237, § 28; April 21.

**Cross References to Related Sections:**

Status of nursing positions at university of Kansas medical center under Kansas civil service act, see 75-2935, 76-396.

**Law Review and Bar Journal References:**

Constitutionality of the NCAA's limits on financial assistance and the limitation on a student-athlete's receipt of a full Basic Educational Opportunity Grant (BEOG) considered, 25 K.L.R. 400, 411 (1977).

**Attorney General's Opinions:**

Kansas state school for the deaf and Kansas state school for the visually handicapped; employees. 85-12.

State educational institutions; management and operation; appointment of employees; teaching personnel; concurrent service in the legislature. 92-31.

**CASE ANNOTATIONS**

1. Board of regents is an employer under public employer-employee relations act. *Kansas Bd. of Regents v. Pittsburg State Univ. Chap. of K-NEA*, 233 K. 801, 811, 827, 667 P.2d 306 (1983).

**76-716. Determination of programs offered and degrees to be granted.** The state board of regents shall determine the programs which shall be offered and the degrees which may be granted by each state educational institution. In the case of honorary degrees the board of regents shall approve each individual award.

**History:** L. 1970, ch. 371, § 6; L. 1977, ch. 237, § 29; April 21.

**Attorney General's Opinions:**

Examinations for teachers' certifications; passing score determined by state board. 90-132.

**76-717. Admission of students.** (a) The board of regents may adopt rules and regulations for the admission of students at the state educational institutions. Effective for the 2001-02 academic year and thereafter, the rules and regulations shall include the following:

(1) Each Kansas resident who has graduated from an accredited Kansas high school and who is seeking admission to a state educational institution shall be admitted if the applicant for admission has achieved at least one of the following:

(A) The applicant has completed the precollege curriculum prescribed by the board of regents with a minimum grade point average of 2.0 on a 4.0 scale or has been recognized by the board of regents as having attained a functionally equivalent level of education; or

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(B) the applicant has a composite American college testing program (ACT) score of not less than 21 points; or

(C) the applicant ranks in the top 1/3 of the applicant's high school class upon completion of seven or eight semesters.

(2) Admission to all state educational institutions shall be granted to each Kansas resident under 21 years of age who has earned the general educational development (GED) certificate with an overall score of not less than 50 points.

(3) Admission to all state educational institutions shall remain open for each Kansas resident who is 21 years of age or older and who has:

(A) Graduated from an accredited Kansas high school; or

(B) earned the general educational development (GED) certificate with an overall score of not less than 50 points.

(4) Each state educational institution shall establish and maintain a policy permitting the admission of not more than 10% of the total number of freshman class admissions to the state educational institution as exceptions to the minimum admissions standards prescribed by this section. These exceptions shall only be applied to students who are bona fide residents of Kansas in accordance with rules and regulations of the board of regents and which rules and regulations are substantially similar to law, rule or regulation relative to the determination of resident status for tuition purposes. The board of regents shall adopt rules and regulations prescribing criteria and guidelines to be applied on a system-wide basis to policies established by the state educational institutions for the purpose of permitting freshman class admissions to the institutions as exceptions to the minimum admissions standards prescribed by this section and shall submit an annual report to the legislature containing the number and percentage of freshman class admissions permitted as exceptions to such standards. The information contained in the annual report shall be disaggregated by institution.

(5) Each Kansas resident who has earned at least 24 credit hours of transferable course work with a cumulative grade point average of not less than 2.0 on a 4.0 scale at an accredited community college, university or other college shall be admitted as a transfer student to the state educational institutions.

(6) Each person who is not a resident of Kansas and who has graduated from an accredited

high school may be admitted as a freshman to any of the state educational institutions if the person has achieved at least one of the following:

(A) The person has completed the precollege curriculum prescribed by the board of regents with a minimum grade point average of 2.50 on a 4.0 scale or has been recognized by the board of regents as having attained a functionally equivalent level of education; or

(B) the person has a composite American college testing program (ACT) score of not less than 21 points; or

(C) the person ranks in the top 1/3 of the person's high school class upon completion of seven or eight semesters.

(7) Each person who is not a resident of Kansas and who has earned at least 24 credit hours of transferable course work with a cumulative grade point average of not less than 2.0 on a 4.0 scale at an accredited community college, university or other college may be admitted as a transfer student to any of the state educational institutions.

(b) The board of regents may prescribe a precollege curriculum which includes, but need not be limited to, four units of English, three units of mathematics, three units of social studies, three units of natural science, and one unit in the field of computer technology which is designed for the development of computer literacy including a basic understanding of computer operations, applications and programming.

(c) When a Kansas high school is organized in a manner that provides for documentation of a student's performance in terms other than units of credit or grade point averages, or both, the board of regents shall determine for the students of such school a level of education that is functionally equivalent to the completion of the precollege curriculum with a grade point average of 2.0 on a 4.0 scale. The determination of a functionally equivalent level of education required under this subsection shall be made by the board of regents after consultation with the state board of education and the board of education or other governing authority having jurisdiction over the students of the affected school.

(d) The board of regents shall determine a level of education that is functionally equivalent to the completion of the precollege curriculum with a grade point average of 2.50 on a 4.0 scale for persons who are not residents of Kansas.

(e) The board of regents may authorize the chief executive officer of each state educational



institution to adopt additional rules and policies relating to admissions of students so long as such rules and policies are not in conflict with the provisions of this section.

**History:** L. 1970, ch. 371, § 7; L. 1977, ch. 237, § 30; L. 1996, ch. 110, § 2; July 1.

**Attorney General's Opinions:**

Examinations for teachers' certifications; passing score determined by state board. 90-132.

**76-718. Dedication of certain moneys.** All moneys received from the rent or sale of property, interest on endowment funds, moneys from the federal government, or from any other source by state educational institutions or their employees under the law or the order of the board of regents or by the state for such state educational institutions are hereby dedicated to the use of the state educational institution collecting or for which the same are collected.

**History:** L. 1970, ch. 371, § 8; L. 1977, ch. 237, § 31; April 21.

**76-718a. Investment of moneys in certain funds by investing agents for certain state educational institutions.** The Kansas endowment association is hereby authorized to act as the investing agent for the permanent university fund referred to in K.S.A. 76-308, and the amendments thereto. The Kansas state university foundation is hereby authorized to act as the investing agent for the state agricultural university fund referred to in K.S.A. 76-410a, and amendments thereto. The Emporia state university foundation, inc., is hereby authorized to act as the investing agent for the state normal school fund referred to in K.S.A. 76-604, and amendments thereto.

Such investing agents shall invest and reinvest moneys in such funds in:

(a) Time deposit, open accounts for periods of not less than 30 days, or certificates of deposit for periods of not less than 90 days, in commercial banks located in Kansas;

(b) United States treasury bills or notes with maturities as the investing agent shall determine; or

(c) insured savings and loan associations to the extent of the insurance provided by the F.S.L.I.C.

**History:** L. 1974, ch. 294, § 11; L. 1977, ch. 237, § 32; L. 1980, ch. 295, § 2; L. 1989, ch. 48, § 99; L. 1992, ch. 16, § 2; July 1.

**Attorney General's Opinions:**

KOMA; application to Kansas university endowment association. 80-239.

**76-719. Fixing tuition, fees and charges; student-activity fees, required use.** Subject to K.S.A. 76-742, the board of regents shall fix tuition, fees and charges to be collected by each state educational institution. If a state educational institution collects a student-activity fee, the funds so collected shall be set apart and used for the purpose of supporting appropriate student activities.

**History:** L. 1970, ch. 371, § 9; L. 1977, ch. 237, § 33; L. 1982, ch. 379, § 2; July 1.

**Cross References to Related Sections:**

Free tuition and fees to POW and MIA dependents, see 73-1217.

**Law Review and Bar Journal References:**

"Student Fees in Public Schools: New Statutory Authority," Joe Allen Lang, 16 W.L.J. 439, 442 (1977).

**Attorney General's Opinions:**

Management, operations, fixing of tuition, fees and charges by state educational institutions. 81-115.

Constitutionality of using student activity mandatory fees to fund political organizations. 93-144.

**76-719a. Fellowships and scholarships for graduate students; legislative declaration.** The legislature hereby declares that the provision of post graduate education for persons who desire such an education and are properly qualified therefor is important to the welfare of this state and nation; qualified college or university graduates are frequently deterred by financial considerations from entering into and completing post graduate education, with a resulting severe loss of talents vital to the welfare of the state and nation; and the awarding of fellowships and scholarships for highly qualified graduates of colleges or universities has served in the past, and will serve in the future to alleviate the foregoing problem.

**History:** L. 1974, ch. 406, § 1; March 20.

**76-719b. Same; definitions.** Words and terms defined in K.S.A. 76-711 shall have the same meaning when used in this act as is ascribed thereto in said 76-711. As used in this act, scholarships and fellowships are awards for which no service is to be performed and for which moneys are paid.

**History:** L. 1974, ch. 406, § 2; March 20.

**76-719c. Same; authority to grant fellowships or scholarships to institution; standards by board of regents.** Within the limita-

tions of appropriation regents may authorize to award grant form of fellowships approval of the board of institution shall imp standards, conditions designed to foster th ability of the state ed quality of its postgra and pursuits.

**History:** L. 197 237, § 34; April 21.

**76-720. Local exemption from di annual report of Athletic funds, stud student publications lished prior to July local banks and be c with K.S.A. 75-372 amendments theret other receipts cred penditures therefro by the chief executi cal institution to reports.**

**History:** L. 197 237, § 35; April 21.

**CASE**

1. Athletic funds not spent in compliance with letic Council of KSU, 22.

**76-721. Auth with controlled cc provisions; contra 75-3711d.** The boe ucational instituti board of regents, n any party or parties United States or ar any state or with ar poration if the purp to the operation or stitution. If such c whose operations a the board or any stat contract shall provi of such corporatio shall require an certified public acc board of regents a

tions of appropriations therefor, the state board of regents may authorize any state educational institution to award grants to graduate students in the form of fellowships or scholarships. With the approval of the board of regents, a state educational institution shall impose upon such awards such standards, conditions and requirements as shall be designed to foster the growth, distinction and stability of the state educational institution and the quality of its postgraduate and doctoral programs and pursuits.

**History:** L. 1974, ch. 406, § 3; L. 1977, ch. 237, § 34; April 21.

**76-720. Local deposit of certain funds; exemption from disbursement requirements; annual report of receipts and expenditures.** Athletic funds, student union funds and funds of student publications which were regularly published prior to July 1, 1955, may be deposited in local banks and be disbursed without compliance with K.S.A. 75-3727 to 75-3744, inclusive, and amendments thereto. The amounts of fees and other receipts credited to such funds, and expenditures therefrom, shall be reported annually by the chief executive officer of each state educational institution to the director of accounts and reports.

**History:** L. 1970, ch. 371, § 10; L. 1977, ch. 237, § 35; April 21.

#### CASE ANNOTATIONS

1. Athletic funds not part of state treasury, need not be spent in compliance with 75-3727 to 75-3744. *Shriver v. Athletic Council of KSU*, 222 K. 216, 221, 564 P.2d 451.

**76-721. Authority to contract; contracts with controlled corporations to have certain provisions; contracts subject to 75-3711b and 75-3711d.** The board of regents, or any state educational institution with the approval of the board of regents, may enter into contracts with any party or parties including any agency of the United States or any state or any subdivision of any state or with any person, partnership or corporation if the purpose of such contract is related to the operation or function of such board or institution. If such contract is with a corporation whose operations are substantially controlled by the board or any state educational institution, such contract shall provide that the books and records of such corporation shall be public records and shall require an annual audit by an independent certified public accountant to be furnished to the board of regents and filed with the state agency

in charge of post auditing state expenditures. All contracts of state educational institutions shall be subject to the provisions of K.S.A. 75-3711b and 75-3711d.

**History:** L. 1970, ch. 371, § 11; L. 1977, ch. 237, § 36; L. 1979, ch. 289, § 4; July 1.

#### Cross References to Related Sections:

Legislative division of post audit, see ch. 46, art. 11.  
Contracts for certain research projects, reimbursements, see 76-739 and 76-740.

Contracts over \$250,000 with state agencies require state finance council approval, see 75-3711d.

#### Attorney General's Opinions:

Public access to books and records of Kansas university athletic corporation. 80-118.

KOMA; application to Kansas university endowment association. 80-239.

Application of public records law to books and records of Wichita state university endowment association. 82-172.

#### CASE ANNOTATIONS

1. University could not delegate responsibilities to a corporate entity, control its agents and then disclaim liability; statute directive. *Brown v. Wichita State University*, 217 K. 279, 280, 285, 286, 289, 290, 302, 540 P.2d 66; 217 K. 661, 663, 666, 538 P.2d 713. Affirmed: 219 K. 2, 4, 547 P.2d 1015.

**76-721a. Contracts for guaranteed admission and continued enrollment of students in programs not offered by Kansas institutions under state board of regents; conditions of agreements.** The state board of regents is hereby authorized to enter into agreements with the appropriate officials of any one or more institutions, public or private, outside of the state of Kansas to provide for guaranteed admission and continued enrollment of Kansas students in programs offered by such institutions within the limitations provided for in this act. Agreements for guaranteed admission and continued enrollment under this act shall be limited to collegiate programs that are not offered by any institution under the state board of regents and shall be within amounts and subject to the conditions of appropriation acts of the legislature therefor. Any such agreement may provide for annual consideration to be paid by this state to the contracting institution upon guarantee by the institution that it will admit the number of Kansas students specified in the agreement. Such students shall be designated by the state board of regents, subject to the approval of the admitting institution. With regard to optometry education programs, such students shall be designated in accordance with K.S.A. 74-3270. All such agreements shall provide guarantee of continued enrollment of such stu-

dents, during satisfactory progress and good behavior, until the completion of the program commenced.

**History:** L. 1974, ch. 324, § 1; L. 1985, ch. 303, § 5; July 1.

**Cross References to Related Sections:**

Admission and continued enrollment of Kansas students in colleges of osteopathic medicine, see 74-3246.

**76-722. Holding property and executing trusts.** The board of regents may hold property and receive and execute trusts for any or all state educational institutions and authorize expenditures for the interest of any or all state educational institutions as may in its judgment be necessary. Any state educational institution may hold property and may, with the approval of the board of regents, receive and execute trusts.

**History:** L. 1970, ch. 371, § 12; L. 1977, ch. 237, § 37; April 21.

**76-723. Federal funds; application for, receipt, deposit and expenditure.** The board of regents, or any state educational institution with the approval of the board of regents, may make and file applications for federal funds appropriated and made available by federal law for purposes related to the operation or function of such board or institution. The board of regents, or any state educational institution with the approval of the board of regents, may receive from the federal government, or any of its agencies, any funds made available under existing law, rules or regulations, or that may hereafter be made available. The board of regents, or any state educational institution with the approval of the board of regents, may expend the same in accordance with the law, and the rules, regulations and requirements under which such funds are made available. Such moneys shall be expended only in accordance with and for the purposes specified in federal law. Federal funds shall be deposited in the state treasury.

**History:** L. 1970, ch. 371, § 13; L. 1977, ch. 237, § 38; April 21.

**Attorney General's Opinions:**

NDSL fund; interest credited to special fund. 83-34.

**76-724. Private grants and bequests.** The board of regents, or any state educational institution with the approval of the board of regents, may apply for, accept and receive any private donation, gift, grant or bequest made for any purpose related to the operation or function of such

board or institution. Such board or state educational institution may hold, administer and expend any such gift, grant or bequest in accordance with any terms or conditions imposed by the donor.

**History:** L. 1970, ch. 371, § 14; L. 1977, ch. 237, § 39; April 21.

**76-725. Administration of state educational institutions; delegation of authority.** Subject to laws of this state and the policies, rules and regulations of the board of regents, the chief executive officer of each state educational institution shall administer the affairs of such institution and may delegate to any officer, employee, student, faculty committee, student-faculty committee, or student committee any part of such authority or any of such duties. Any such person or committee may be selected or elected in any manner approved by the board of regents.

**History:** L. 1970, ch. 371, § 15; L. 1977, ch. 237, § 40; April 21.

**Attorney General's Opinions:**

Examinations for teachers' certifications; passing score determined by state board. 90-132.

**CASE ANNOTATIONS**

1. University cannot delegate responsibilities to corporate entity, control its agent and then disclaim liability. *Brown v. Wichita State University*, 217 K. 279, 285, 289, 290, 540 P.2d 66. Affirmed: 219 K. 2, 4, 547 P.2d 1015.

**76-726. University police officers; powers and authority; jurisdiction; badge required, exception; rights, protections, immunities.** (a) The chief executive officer of any state educational institution may employ university police officers to aid and supplement state and local law enforcement agencies. Such university police officers shall have the power and authority of law enforcement officers on: (1) Property owned or operated by the state educational institution, by a board of trustees of the state educational institution, an endowment association, an athletic association, a fraternity, sorority or other student group associated with the state educational institution; and (2) on the streets, property and highways immediately adjacent to the campus of the state educational institution. When there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in provisions (1) or (2), such officers, with appropriate notification of, and coordination with, local law enforcement agencies, may investigate and arrest persons for such a violation anywhere within the city where such

property, streets and university police officers; medical center shall report persons in custody wherever it may be; agency transportation; transplant organs.

(b) In addition to county resolutions and police officers shall be of the board of regents; the state educational institution; violation thereof; Every university police officer shall wear and publicly display that no such badge shall be worn by any plainclothes officer; administrator, but an administrator shall have proper credentials required in the performance of a function authorized by the university police officer; rights, protections; other law enforcement agencies.

**History:** L. 1970, ch. 237, § 41; L. 1977, ch. 237, § 1; July 1.

**Source or prior law:** 74-3218.

**Attorney General's Opinions:** University police officers to take mentally ill persons pursuant to ch. 59, art. 29. § 5. Jurisdiction of Capitol University police officers. 91-96, 91-102.

**CASE**

1. University of Kansas to provide for method of Kansas Adult Authority, 2. Cited; fair labor standards; university policemen dismissed; university, 832 F.Supp. 318.

**76-727. Recruitment of certain executive officers of state educational institution, when approved by the board of regents, may extend to meet with representatives of the state educational institution for preliminary to such a member of the university educational institution.**

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property, streets and highways are located. University police officers at the university of Kansas medical center shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located, and to make emergency transportation of medical supplies and transplant organs.

(b) In addition to enforcement of state law, county resolutions and city ordinances, university police officers shall enforce rules and regulations of the board of regents and rules and policies of the state educational institution, whether or not violation thereof constitutes a criminal offense. Every university police officer shall, while on duty, wear and publicly display a badge of office, except that no such badge shall be required to be worn by any plainclothes investigator or departmental administrator, but any such person shall present proper credentials and identification when required in the performance of such officer's duties. In performance of any of the powers, duties and functions authorized by this act or any other law, university police officers shall have the same rights, protections and immunities afforded to other law enforcement officers.

**History:** L. 1970, ch. 371, § 16; L. 1977, ch. 237, § 41; L. 1977, ch. 316, § 1; L. 1982, ch. 380, § 1; July 1.

**Source or prior law:**  
74-3218.

**Attorney General's Opinions:**

University police officers have no law enforcement powers to take mentally ill persons into custody without warrant pursuant to ch. 59, art. 29. 87-105.

Jurisdiction of Capitol Area Security Patrol. 90-24.

University police officers; powers and authority; jurisdiction. 91-96, 91-102.

**CASE ANNOTATIONS**

1. University of Kansas medical center not liable for failure to provide for method of providing police protection. Beck v. Kansas Adult Authority, 241 K. 13, 19, 23, 735 P.2d 222 (1987).

2. Cited; fair labor standards act overtime provisions for university policemen discussed. Adams v. Pittsburg State University, 832 F.Supp. 318, 321 (1993).

**76-727. Recruitment of personnel; payment of certain expenses authorized.** (a) The chief executive officer of any state educational institution, when approved by the state board of regents, may extend an invitation to any person to meet with representatives of such state educational institution for the purpose of consultation preliminary to such person's possible selection as a member of the unclassified staff at such state educational institution, and in such case, such

state educational institution may pay the actual and necessary travel and subsistence expenses of such invitee in meeting with such representatives. The state board of regents may extend an invitation to any person to meet with the state board of regents or with representatives of such board for the purpose of consultation preliminary to such person's possible selection as chief executive officer of a state educational institution under the control and supervision of the state board of regents or as executive officer of the state board of regents, and in such case, the state board of regents may pay the actual and necessary travel and subsistence expenses of such invitee and such invitee's spouse in meeting with the board or with such representatives. The travel and subsistence expenses shall be paid from funds available or appropriated for travel and subsistence.

(b) (1) Subject to the limitations of rules and regulations adopted by the secretary of administration, the state board of regents may agree to reimburse an applicant for the position of chief executive officer of a state educational institution or an applicant for any position in the office of the state board of regents for all or part of the applicant's moving expenses from the applicant's usual place of residence to the applicant's new place of residence as an inducement to the applicant to accept such position of employment.

(2) The amount to be paid for moving expenses shall not exceed the amount of the actual moving expenses verified by receipts or the amount of moving expenses for moving 12,000 pounds of household goods, whichever is the lesser amount. The applicant shall be required to sign an agreement that if the applicant leaves the position of employment within one year from the beginning date of employment, the applicant will reimburse the state board of regents the full amount so paid for moving expenses, and the obligation to repay shall constitute a lien and setoff by the state against the applicant employee's unpaid wages or salary. The moving expenses shall be paid from funds available or appropriated for moving expenses.

(c) The provisions of K.S.A. 75-3218, and amendments thereto, and subsection (a) of K.S.A. 75-3225, shall not apply to state educational institutions.

(d) The chief executive officer of any state educational institution, or any person or persons designated by such officer for the purpose, with the approval of the state board of regents, may travel



school prior to graduation therefrom, were dependents of a person in military service within the state; if the person, whose dependent is eligible for authorization to pay an amount equal to resident fees under this provision, does not establish domiciliary residence in the state upon retirement from military service, eligibility of the dependent for authorization to pay an amount equal to resident fees shall lapse.

(c) As used in this section:

(1) "Parents" means and includes natural parents, adoptive parents, stepparents, guardians and custodians.

(2) "Guardian" has the meaning ascribed thereto by K.S.A. 59-3002, and amendments thereto.

(3) "Custodian" means a person, agency or association granted legal custody of a minor under the Kansas code for care of children.

(4) "Domiciliary resident" means a person who has present and fixed residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.

(5) "Full-time employment" means employment requiring at least 1,500 hours of work per year.

**History:** L. 1971, ch. 290, § 1; L. 1975, ch. 469, § 1; L. 1977, ch. 237, § 44; L. 1987, ch. 264, § 1; L. 1988, ch. 363, § 2; L. 1991, ch. 214, § 2; L. 1996, ch. 165, § 2; July 1.

**Source or prior law:**  
76-2701.

**Attorney General's Opinions:**

Residence requirements; rules and regulations. 84-73.

**CASE ANNOTATIONS**

1. Administrative tribunal not arbitrary, capricious or unreasonable where applicant failed residency requirements. In re Residency Application of Bybee, 236 K. 443, 445, 691 P.2d 37 (1984).

2. Review of decision of university residence committee on student's application for resident status examined. Peck v. University Residence Committee of Kansas State Univ., 248 K. 450, 457, 807 P.2d 652 (1991).

**76-730. Same; rules and regulations for criteria and guidelines; student residence committees.** (a) The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for determination of residence of persons enrolling at the state educational institutions, so long as such criteria or guidelines are not in conflict with the provisions of this act.

(b) If the state board of regents authorizes persons specified in subsection (b) of K.S.A. 76-729 and amendments thereto to pay an amount equal to resident fees when enrolling at the state educational institutions, the state board shall adopt rules and regulations prescribing criteria or guidelines for determination of eligibility of such persons therefor, and shall determine the evidence deemed necessary to be submitted as proof of eligibility. Evidence submitted by a person as proof of eligibility claimed under subsection (b)(7) of K.S.A. 76-729 and amendments thereto must include, but not by way of limitation, certification of the claim by the employer of the person.

(c) The state board of regents shall adopt rules and regulations prescribing guidelines for the membership composition and procedure of a residence committee for each state educational institution under its control and supervision.

**History:** L. 1971, ch. 290, § 2; L. 1977, ch. 237, § 45; L. 1987, ch. 264, § 2; L. 1988, ch. 363, § 3; July 1.

**Source or prior law:**  
76-2701.

**Attorney General's Opinions:**

Residence requirements; rules and regulations. 84-73.

**CASE ANNOTATIONS**

1. Administrative tribunal not arbitrary, capricious or unreasonable where applicant failed residency requirements. In re Residency Application of Bybee, 236 K. 443, 445, 691 P.2d 37 (1984).

2. Review of decision of university residence committee on student's application for resident status examined. Peck v. University Residence Committee of Kansas State Univ., 248 K. 450, 457, 807 P.2d 652 (1991).

**76-731. Certain American Indians deemed residents of state for purpose of tuition and fees.** Any person who is attending or who has attended Haskell Indian Junior College and who is enrolled as an American Indian on a tribal membership roll maintained by the bureau of Indian affairs of the United States department of the interior shall be deemed to be a resident of this state for the purpose of tuition and fees for attendance at any state educational institution under the state board of regents.

**History:** L. 1974, ch. 408, § 1; L. 1977, ch. 237, § 46; April 21.

**76-732. Organizational safekeeping accounts at institutions under board of regents authorized; use; designation of person in charge and bank; subsidiary accounts; expenditures subject to post audit.** Words and

terms defined in K.S.A. 76-711, and amendments thereto, shall have the same meaning when used in this act as is ascribed thereto in said 76-711. With the approval of the board of regents, the chief executive officer of any state educational institution may establish an "organizational safekeeping account." Such account shall have credited thereto the nonpublic moneys of any organization related to such state educational institution which requests in writing the safekeeping of its funds by such state educational institution. Whenever an organizational safekeeping account is authorized, the chief executive officer shall designate one or more persons to be in charge thereof. Such person in charge shall maintain a subsidiary account for each organization having funds in the organizational safekeeping account. The board defined in K.S.A. 75-4201 shall designate a bank in which shall be deposited all moneys of the organizational safekeeping account of each state educational institution having such an account. The chief executive officer of the state educational institution shall designate two persons to sign each check on such bank account, at least one of whom shall be a person in charge of the organizational safekeeping account. Any organization having money in safekeeping of a state educational institution may have checks written by the person in charge to the limit of the subsidiary account of the organization. Moneys of any organizational safekeeping account shall not be in or a part of the state treasury but shall be subject to post audit under article 11 of chapter 46 of Kansas Statutes Annotated.

**History:** L. 1974, ch. 410, § 1; L. 1977, ch. 237, § 47; April 21.

#### CASE ANNOTATIONS

1. Athletic funds not part of the state treasury. *Shriver v. Athletic Council of KSU*, 222 K. 216, 221, 564 P.2d 451.

**76-733. Same; investment of funds; administrative expenses; credits to subsidiary accounts.** The person or persons in charge of any organizational safekeeping account may invest the funds thereof which are not immediately needed in United States government bonds, bills or notes, or in certificates of deposit issued by a Kansas bank or trust company. Necessary expenses of administration of an organizational safekeeping account may be paid from interest earnings thereof, and the remainder of such interest shall be credited to the subsidiary accounts at least annually in

proportion to the average balances thereof as determined by such persons in charge.

**History:** L. 1974, ch. 410, § 2; July 1.

**76-734. Same; nonliability of state or agencies thereof.** The state of Kansas and its agencies, institutions, officers and employees shall not be liable for the debts, obligations or liabilities of any organization for which a function under this act is performed.

**History:** L. 1974, ch. 410, § 3; July 1.

#### CASE ANNOTATIONS

1. State not liable for obligations of KSU Athletic Council. *Shriver v. Athletic Council of KSU*, 222 K. 216, 221, 564 P.2d 451.

**76-735. Emporia state university; name changed from Emporia Kansas state college; vesting of property and rights.** The name of the Emporia Kansas state college is hereby changed to Emporia state university. All properties, moneys, appropriations, rights, and authorities now vested in the Emporia Kansas state college shall be vested in Emporia state university. Whenever the title Emporia Kansas state college, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to Emporia state university.

**History:** L. 1974, ch. 415, § 1; L. 1977, ch. 237, § 3; April 21.

**76-736. Pittsburg state university; name changed from Kansas state college of Pittsburg; vesting of property and rights.** The name of the Kansas state college of Pittsburg is hereby changed to Pittsburg state university. All properties, moneys, appropriations, rights, and authorities now vested in the Kansas state college of Pittsburg shall be vested in Pittsburg state university. Whenever the title Kansas state college of Pittsburg or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to Pittsburg state university.

**History:** L. 1977, ch 237, § 1; April 21.

**76-737. Fort Hays state university; name changed from Fort Hays Kansas state college; vesting of property and rights.** The name of the Fort Hays Kansas state college is hereby changed to Fort Hays state university. All properties, moneys, appropriations, rights, and authorities now vested in the Fort Hays Kansas state college shall be vested in Fort Hays state

university. Whenever state college or word or designated by any document, such reference shall be deemed to apply to

**History:** L. 1977

**76-738. Refunds by institutions of higher learning.** The state policies governing the collection of fees or charges collected by institutions of higher learning and may authorize the institutions to make direct refunds from the appropriate funds. The institutions shall adopt procedures for the collection of fees or charges from the appropriate funds from fee agencies. The institutions shall also adopt procedures for the direct refund of such fees or charges.

**History:** L. 1977

**76-739. Research by institutions of higher learning for state agencies.** (a) As used in this act, the phrases defined in this section shall have the meanings respectively: (b) "Institution" means the control and supervision of the regents.

(c) "State agency" means any agency defined in K.S.A. 76-701.

(d) "Research project or activity" means any project or activity conducted by a state agency with the state agency is financed by federal funds.

(e) "Federal funds" means any funds received by a state agency from any agency or organization which may be expended for such project.

(f) "Direct costs" means any costs associated with the project for a research project specifically allocated to the project with accuracy to the project.

(g) "Indirect costs" means any costs associated with and

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**History:** L. 1977, ch 237, § 2; April 21.

**76-738. Refunds of tuition, fees or charges by institutions under state board of regents.** The state board of regents may adopt policies governing the refund of any tuition, fees or charges collected by institutions under the supervision and control of the state board of regents and may authorize the collecting institutions to make direct refunds of tuition, fees or charges from the appropriate fee agency accounts and to adopt procedures for such refunds. Any collecting institution authorized by the state board of regents under this section may make such direct refunds from fee agency accounts only after the director of accounts and reports has approved the procedures adopted by such collecting institution for such direct refunds.

**History:** L. 1977, ch 300, § 1; July 1.

**76-739. Research projects performed by institutions under state board of regents for state agencies; federal funding; definitions.** (a) As used in this act, the words and phrases defined in this section shall have the meanings respectively ascribed to them.

(b) "Institution" means any institution under the control and supervision of the state board of regents.

(c) "State agency" means any state agency, as defined in K.S.A. 75-3701, including any institution.

(d) "Research project" means any sponsored project or activity which is conducted by an institution for a state agency pursuant to a contract with the state agency and which project or activity is financed by federal funds.

(e) "Federal funds" means funds which are received by a state agency directly or indirectly from any agency of the federal government and which may be expended to finance a research project.

(f) "Direct cost" means a cost which is associated with the performance of a specific contract for a research project by an institution which can be specifically attributed with a high degree of accuracy to the performance of such contract.

(g) "Indirect cost" means a cost which is associated with and incurred in whole or in part for

the performance of one or more research projects by an institution and which is of such a nature that it cannot be attributed to a specific research project.

**History:** L. 1979, ch. 301, § 1; July 1.

**76-740. Same; reimbursement for certain costs; federal guidelines.** Whenever an institution performs a research project pursuant to a contract between the institution and a state agency, such contract shall require reimbursement to the institution for direct costs and indirect costs for the research project as prescribed by the contract, subject to the federal guidelines for that research project.

**History:** L. 1979, ch. 301, § 2; July 1.

#### Cross References to Related Sections:

Authority to contract, see 75-3711d and 76-721.

Sponsored research projects, reimbursement of overhead costs, see 76-753.

**76-741. Withholding or setoff of payroll and other amounts payable to officers or employees of institutions for fines, fees or penalties owed; authorization by state board of regents; policies and procedures.** (a) Upon specific authorization of the state board of regents and in accordance with policies adopted pursuant to this section, a state educational institution under the control and supervision of the state board of regents may withhold payroll warrants or other warrants of the state issued to any officer or employee of that institution until the payment to the institution of all fines, fees and penalties owed by such officer or employee to the institution.

(b) Upon specific authorization of the state board of regents and in accordance with policies adopted pursuant to this section, each state educational institution under the control and supervision of the state board of regents may setoff for any fines, fees or penalties owed to the institution by any officer or employee of that institution against any salary, other compensation or other amounts payable to such officer or employee.

(c) The state board of regents shall adopt policies governing the procedures and conditions under which state educational institutions may withhold state warrants under subsection (a) or the exercise of the right of setoff under subsection (b) prior to granting any such authority under this section. The state board of regents shall notify the director of accounts and reports of all policies adopted and authorizations granted under this section.

5-15



(d) The director of accounts and reports shall prescribe procedures under the central accounting system for state agencies, including the system of centralized accounting for receivables, to provide for necessary reporting, procedures and transactions to effectuate the withholding of warrants and the setoff of amounts owed under this section.

**History:** L. 1980, ch. 260, § 2; July 1.

**Cross References to Related Sections:**

Setoff against debtors of the state, see article 62 of chapter 75.

**76-742. Student fees for debt service on academic or health facilities, prior referendum required.** (a) No student fees shall be charged or collected on or after July 1, 1982, by any state educational institution under the control and supervision of the state board of regents for debt service on bonded indebtedness for any building or facility of such state educational institution which is constructed in whole or in part pursuant to any contract entered into after June 30, 1982, and which is used primarily for academic purposes or for providing health care services as determined by the state board of regents, unless a student referendum is conducted on the use of such fees for such debt service and the results of such referendum have been made public and presented to the state board of regents prior to entering into any contract for construction of all or part of such building or facility.

(b) As used in this section, "student fees" includes student activity fees, special fees and other fees which are charged to students for the purpose of providing revenue for payment of debt service on bonded indebtedness for one or more buildings or facilities, but shall not include any user fee, rent or similar charge which arises from the operation of a building or facility and which is imposed in connection with or for the use of all or part of a building or facility.

**History:** L. 1982, ch. 379, § 1; July 1.

**Cross References to Related Sections:**

Authority for certain student fees, see 76-719 and 76-817.

**76-743. National direct student loan funds of institutions; transfers from state general fund, amounts, time.** On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to each national direct student loan fund of state educational institutions under the control and su-

pervision of the state board of regents interest earnings based on:

(a) The average daily balance of moneys in each national direct student loan fund of state educational institutions under the control and supervision of the state board of regents for the preceding month; and

(b) the net earnings rate for the pooled money investment portfolio for the preceding month.

**History:** L. 1983, ch. 249, § 1; L. 1996, ch. 253, § 33; May 23.

**76-744. National direct student loan audit dispute fund; creation; transfers from state general fund; expenditures.** There is hereby created in the state treasury the national direct student loan audit dispute fund. On July 1, 1983, the director of accounts and reports shall transfer \$93,472 from the state general fund to the national direct student loan audit dispute fund. On July 1, 1984, the director of accounts and reports shall transfer \$96,276 from the state general fund to the national direct student loan audit dispute fund. On July 1, 1985, the director of accounts and reports shall transfer \$99,164 from the state general fund to the national direct student loan audit dispute fund. On July 1, 1986, the director of accounts and reports shall transfer \$102,139 from the state general fund to the national direct student loan audit dispute fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the state board of regents or a person designated by the chairperson.

**History:** L. 1983, ch. 249, § 2; July 1.

**76-745. Collection services; contracts negotiated; composition of negotiating committee; advertising for proposals.** (a) As used in this section "negotiating committee" means a committee to negotiate as provided in this act, and consisting of the executive officer of the state board of regents or a person designated by the executive officer, two representatives of the state educational institutions as designated by the state board of regents and the director of purchases or a person designated by the director of purchases, except that for collection services for hospital revenue collection for the university of Kansas medical center, the negotiating committee shall consist of the chairperson of the state board of regents

or a person designated by the attorney general or a person designated by the attorney general and secretary of Kansas or the chancellor.

(b) The state board of regents shall employ a negotiating committee to negotiate contracts with other parties to provide collection services for educational institutions. The committee shall be entered on a multi-year contract for collection services for the university of Kansas. Each contract for collection services shall be negotiated on the terms of the university of Kansas. The contract shall be entered into by the university of Kansas legal center and one other person.

(c) Prior to negotiating a contract, the committee shall negotiate with firms and individuals among those submitted to the committee or parties to contracts for collection services.

(d) Contracts entered into under this section shall not be subject to K.S.A. 75-3738 and amendments thereunder.

**History:** L. 1983, ch. 249, § 2; July 1.

**76-746. Phased-retirement program for unclassified employees of state educational institutions; agreement with unclassified employees; supervision of the program.** (a) The state board of regents shall develop and implement a phased-retirement program for unclassified employees of state educational institutions under the supervision of the state board of regents. The provisions of this act shall apply to the provisions of this act. (b) The state board of regents shall negotiate with unclassified employees of state educational institutions for the phased-retirement program. Such agreements shall be entered into with unclassified employees of state educational institutions in a position which is held by appointment but which is not a state educational institution position. (c) The employee (1) shall be employed by the state of Kansas under K.S.A. 75-6

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or a person designated by the chairperson, the attorney general or a person designated by the attorney general, and the chancellor of the university of Kansas or a person designated by the chancellor.

(b) The state board of regents shall convene a negotiating committee to obtain collection services. The negotiating committee is authorized to negotiate contracts with one or more qualified parties to provide collection services for the state educational institutions and such contracts may be entered on a multi-year basis, except in the case of collection services for hospital revenue collection for the university of Kansas medical center, each contract for such collection services shall be negotiated on the basis of criteria prescribed by the university of Kansas medical center and shall be entered into by the university of Kansas medical center and one or more qualified parties.

(c) Prior to negotiating for collection services, the committee shall advertise for proposals, negotiate with firms submitting proposals and select among those submitting such proposals the party or parties to contract with for the purposes of collection services.

(d) Contracts entered into pursuant to this section shall not be subject to the provisions of K.S.A. 75-3738 to 75-3740a, inclusive, and amendments thereto.

**History:** L. 1984, ch. 340, § 1; L. 1990, ch. 338, § 2; July 1.

**76-746. Phased-retirement program for unclassified employees of state educational institutions; agreements, provisions.** (a) The state board of regents is hereby authorized to develop and implement a phased-retirement program for unclassified employees of state educational institutions under the control and supervision of the board in accordance with the provisions of this act. Subject to rules and regulations adopted by the state board of regents, each state educational institution may enter into phased-retirement agreements under this section with unclassified employees of the institution. Such agreements shall provide that the unclassified employee shall accept an appointment in a position which is less than the employee's current appointment but which is at least ¼ time, and the state educational institution shall pay on behalf of the employee (1) the amount specified by the Kansas state employees health care commission under K.S.A. 75-6508, and amendments thereto,

as if the employee is serving under a full-time appointment as an employee of the state educational institution and participating in the state health care benefits program to provide for such participation of the employee, (2) the amount required to assist in the purchase of retirement annuities under K.S.A. 74-4925, and amendments thereto, as if the employee is serving under a full-time appointment as an employee of the state educational institution, and (3) the amount required as contributions under subsection (2) of K.S.A. 74-4927a, and amendments thereto, as if the employee is serving under a full-time appointment as an employee of the state educational institution at the full-time equivalent salary. For each unclassified employee who has entered into a phased-retirement agreement with a state educational institution under this section, the full-time equivalent salary, calculated as if the employee is serving under a full-time appointment as an employee of the state educational institution, shall be utilized for the purposes of calculating all employer provided benefits, including but not limited to, compensation for accumulated sick leave, the insured death benefit and the insured disability benefit under K.S.A. 74-4927, and amendments thereto, and calculating final average salary as defined in subsection (17) of K.S.A. 74-4902, and amendments thereto.

(b) For the purposes of this section, the term "unclassified employee" means an employee of a state educational institution, except health care employees, who is within the unclassified service under the Kansas civil service act and who meets minimum age and service requirements as determined and prescribed by the board of regents.

**History:** L. 1984, ch. 290, § 1; L. 1985, ch. 302, § 2; L. 1994, ch. 293, § 30; July 1.

**Attorney General's Opinions:**  
State board of education member election; disqualification; state employees. 89-65.

Reduced service program for faculty members of state educational institutions; effect of older workers benefit protection act. 91-115.

**76-747. Property and casualty insurance; purchase by state educational institution on certain buildings, equipment and facilities; "state educational institution" defined.** Within the limits of appropriations therefor, a state educational institution may purchase property and casualty insurance on buildings and equipment of housing facilities, student unions and student health facilities operated by

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the state educational institution. As used in this section, "state educational institution" has the meaning ascribed to that term by K.S.A. 76-711 and amendments thereto.

**History:** L. 1985, ch. 253, § 2; July 1.

**Cross References to Related Sections:**

University of Kansas, see also 76-391 and 76-394.

Insurance by public agencies, generally, see 74-4701 et seq.

**76-748.**

**Revisor's Note:**

Section transferred to 76-394.

**76-749. Insurance for study abroad programs, contracts.** (a) Within the limits of appropriations therefor, a state educational institution may purchase insurance as required under agreements with institutions of higher education located in other countries in order to permit students and faculty to participate in the study abroad program of the state educational institution. A state educational institution may purchase insurance for purposes of medical evacuation and repatriation of remains of students, faculty and staff participating in the study abroad program of the state educational institution. Contracts entered into for such insurance shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto and shall not be subject to the provisions of K.S.A. 74-4702, 75-4101, 75-6111 or 75-6501 to 75-6513, inclusive, and amendments thereto.

(b) As used in this section, "state educational institution" has the meaning ascribed thereto by K.S.A. 76-711 and amendments thereto.

**History:** L. 1986, ch. 330, § 1; L. 1996, ch. 76, § 1; July 1.

**76-750. Accident and health insurance, women's intercollegiate athletics.** Within the limitations of appropriations available therefor, state educational institutions may purchase accident and health insurance for students participating in women's intercollegiate athletics. As used in this section, "state educational institution" has the meaning ascribed thereto by K.S.A. 76-711 and amendments thereto.

**History:** L. 1986, ch. 352, § 1; July 1.

**76-751. Sponsored research at state educational institutions; definition.** As used in this act, "state educational institution" means Fort Hays state university, Kansas state university of agriculture and applied science, Kansas state university veterinary medical center, Emporia state

university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, and Kansas state university—Salina, college of technology.

**History:** L. 1986, ch. 348, § 1; L. 1988, ch. 297, § 20; L. 1991, ch. 272, § 19; May 2.

**76-752. Same; project contracts; authorized expenditures, when; bidding and other exemptions.** (a) When a sponsored research project involves the state educational institution and one or more other entities, the state educational institution is authorized to enter into contracts with such entities and such contracts shall not be subject to K.S.A. 75-3738 to 75-3740a, inclusive, and amendments thereto.

(b) In accordance with the provisions of appropriations acts, expenditures for a sponsored research project from a project account in the restricted fees fund, or another special revenue fund of the state educational institution, may be made at any time during the term of the grant or contract for the project regardless of the state fiscal year in which the expenditures are made. Expenditures from such a sponsored research project account which are required to be made in one or more foreign nations for the sponsored research project shall not be subject to K.S.A. 75-3738 to 75-3740a, inclusive, and amendments thereto.

**History:** L. 1986, ch. 348, § 2; July 1.

**76-753. Same; sponsored research overhead fund; disposition and expenditure of moneys received as overhead costs.** (a) There is hereby established in the state treasury a sponsored research overhead fund for each state educational institution.

(b) All moneys received by a state educational institution as overhead costs on sponsored research projects shall be deposited to the credit of the sponsored research overhead fund.

(c) In accordance with the provisions of appropriations acts, expenditures may be made from the sponsored research overhead fund of a state educational institution for administration, operation and development of research and for matching federal funds available for capital improvements and equipment that qualify for research purposes.

**History:** L. 1986, ch. 348, § 3; July 1.

**Cross References to Related Sections:**

Overhead costs under contracts with state agencies, see 76-740.

**76-754. Serv**  
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**76-754. Service clearing funds; definition.** As used in this act, "state educational institution" means Fort Hays state university, Kansas state university of agriculture and applied science, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, and Kansas state university—Salina, college of technology.

**History:** L. 1986, ch. 345, § 1; L. 1988, ch. 297, § 21; L. 1991, ch. 272, § 20; May 2.

**76-755. Same; authorized uses; approval of additional activities; accounting procedures.** (a) There is hereby established in the state treasury a service clearing fund for each state educational institution.

(b) The service clearing fund at a state educational institution shall be used only as a working capital fund to finance the internal service activities rendered to the state educational institution's own departments, other institutional related organizations and specific organizations and classes of individuals approved by the state board of regents, which activities are specified in appropriations acts for the service clearing fund or which are authorized for the service clearing fund by the state board of regents with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

(c) The director of accounts and reports shall approve the accounting procedures to be used for service clearing funds to insure a self-supporting operation of each service clearing fund.

**History:** L. 1986, ch. 345, § 2; July 1.

**76-756. Capital improvements for state educational institutions by endowment associations; definitions.** As used in this act:

(a) "State educational institution" means Fort Hays state university, Kansas state university of agriculture and applied science, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university and Kansas state university, college of technology at Salina.

(b) "Endowment association" means:

(1) For the Fort Hays state university, the Fort Hays state university endowment association;

(2) for the Kansas state university of agriculture and applied science, the Kansas state university veterinary medical center, and the Kansas state university—Salina, college of technology, the Kansas state university foundation;

(3) for the Emporia state university, the Emporia state university foundation;

(4) for the Pittsburg state university, the Pittsburg state university foundation;

(5) for the university of Kansas and the university of Kansas medical center, the Kansas university endowment association; and

(6) for the Wichita state university, the Wichita state university board of trustees and the Wichita state university endowment association.

**History:** L. 1986, ch. 349, § 1; L. 1988, ch. 297, § 22; L. 1989, ch. 281, § 2; L. 1991, ch. 272, § 21; L. 1992, ch. 16, § 3; July 1.

**76-757. Same; prior approval of projects; plans and specifications; consultation with joint committee on state building construction.** (a) The endowment association for a state educational institution is authorized to construct buildings and facilities on state-owned property of the state educational institution from any private moneys granted or given to the endowment association if the capital improvement projects for such buildings and facilities have received prior approval by the state board of regents and the plans and specifications for such projects have received prior approval by the secretary of administration. Such capital improvement projects shall be totally financed from private moneys and the buildings and facilities constructed shall become the property of Kansas upon completion and acceptance by the secretary of administration. No such capital improvement project for a building or facility shall be approved by the state board of regents without having first advised and consulted with the joint committee on state building construction.

(b) The endowment association for a state educational institution is authorized to repair, remodel or renovate state buildings and facilities of the state educational institution from any private moneys granted or given to the endowment association if the capital improvement projects for such repairs, remodeling or renovations have received prior approval by the state board of regents and the plans and specifications for such projects have received prior approval by the secretary of administration. Such capital improvement pro-

jects shall be totally financed from private moneys and the repairs, remodeling or renovations shall become the property of Kansas upon completion and acceptance by the secretary of administration. No such capital improvement project to repair, remodel or renovate any state building or facility shall be approved by the state board of regents without having first advised and consulted with the joint committee on state building construction.

**History:** L. 1986, ch. 349, § 2; July 1.

**Cross References to Related Sections:**

Joint committee on state building construction, see 46-1701.

**76-758. Transfers between capital improvement projects financed from Kansas educational building fund; guidelines; consultation with joint committee on state building construction; approval by state finance council.** The state board of regents may transfer amounts from one item of appropriation from the Kansas educational building fund for a project of an educational institution under the control and supervision of the state board of regents to another item of appropriation for a project at the same institution or for a project at any other educational institution under the control and supervision of the state board of regents upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of that subsection (c), and in addition upon a finding by the state finance council that the transfer requested will permit the completion of the project from which amounts are transferred without substantially changing the scope of that project and will permit or aid in the completion of the project to which the transfer is made without substantially changing the scope of that project. The state board of regents shall not transfer any amount under this section from any item of appropriation from the Kansas educational building fund for a project of an educational institution to another item of appropriation for a project at the same or any other educational institution without having first advised and consulted with the joint committee on state building construction.

**History:** L. 1986, ch. 346, § 1; July 1.

**76-759, 76-760. Reserved.**

**76-761. Housing system; creation and operation; rents and fees.** There is hereby created under the chief executive officer of each state educational institution a housing system which shall be operated as an auxiliary enterprise of such state educational institution. The housing system shall be responsible for the maintenance, operation and rental of housing facilities operated at such state educational institution. The state board of regents is authorized to set policies for the operation of the housing system and to establish and fix a schedule of, and charge and collect, rents, boarding fees and other charges for each student who rooms or boards in such dormitories or housing facilities.

**History:** L. 1985, ch. 296, § 1; L. 1995, ch. 66, § 2; July 1.

**76-762. Same; operating funds created; deposit of moneys; interest on moneys deposited in housing system suspense fund; use of moneys in funds.** (a) There is hereby created in the custody of the state treasurer the following funds at each state educational institution from which the housing system shall be operated:

- (1) A housing system suspense fund;
- (2) a housing system operations fund; and
- (3) a housing system repairs, equipment and improvement fund.

(b) Payments received for rents and boarding fees and other charges in connection with the operation of the housing system shall be deposited to the housing system suspense fund in the custody of the state treasurer.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the housing system suspense fund interest earnings based on:

- (1) The average daily balance of moneys in each housing system suspense fund of state educational institutions for the preceding month; and
- (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) The housing system operations fund shall be used to pay the expenses of operation of the housing systems and for the operation and maintenance of the system. The state educational institution shall transfer from the housing system suspense fund to the operations fund amounts needed for the operation and maintenance of the system. Each state educational institution shall establish such accounts within the housing system operations fund as are required for the efficient

management of the system operations. If use may be invested through the board in accordance with 75-4254 and amendments.

(e) The housing system repairs, equipment, and other expenses may be made to this suspense fund or to the fund as determined by the board of regents. All or a portion may be invested by the board through the operations fund in accordance with 75-4254 and amendments. From this fund may be approved by the board.

**History:** L. 1985, ch. 253, § 34; May 23.

**76-763. Same; acquisition of sites for educational institutions; operating system property; state educational institution.** With the approval of the state board of regents, the state educational institution shall acquire land sites and encourage the enrollment of students enrolled at the institution.

**History:** L. 1985, ch. 253, § 34; May 23.

**76-764. Same; acquisition of sites for educational institutions; operating system property; state educational institution.** The state educational institution shall acquire land sites and encourage the enrollment of students enrolled at the institution.

**History:** L. 1985, ch. 253, § 34; May 23.

**76-765. Same; project; effect.** If the project, the provisions of such bond issues and agreements shall be liquidated after

5-20

management of the system. Funds in the housing system operations fund not needed for immediate use may be invested by the state educational institution through the pooled money investment board in accordance with the provisions of K.S.A. 75-4254 and amendments thereto.

(e) The housing system repairs, improvements and equipment fund shall be used for repairs, equipment, improvements and expansion of the housing system that cannot be financed from the housing system operations fund. Transfers may be made to this fund from the housing system suspense fund or the housing system operations fund as determined by the state educational institution. All or a portion of the moneys in such fund may be invested by the state educational institution through the pooled money investment board in accordance with the provisions of K.S.A. 75-4254 and amendments thereto. Expenditures from this fund may be made for projects that have been approved by the state board of regents.

**History:** L. 1985, ch. 296, § 2; L. 1996, ch. 253, § 34; May 23.

**76-763. Same; housing properties; acquisition of sites and buildings.** State educational institutions may operate as part of the housing system properties rented or leased by such state educational institution for housing purposes. With the approval of the state board of regents, the state educational institution may purchase or acquire land sites or existing buildings to protect and encourage the orderly growth for housing students enrolled at such state educational institution.

**History:** L. 1985, ch. 296, § 3; April 25.

**76-764. Same; insurance.** The state educational institution is authorized to carry insurance on the buildings and equipment and other property that is a part of such system and such other insurance as it determines to be in the best interest of such system. The insurance shall be acquired through the committee on surety bonds and insurance as provided by law.

**History:** L. 1985, ch. 296, § 4; April 25.

**76-765. Same; bonds outstanding on project; effect.** If bonds are outstanding on any project, the provisions of state law authorizing such bond issues and the provisions of the bond agreements shall remain in force until such bonds are liquidated after which such project shall be-

come a part of the housing system created by this act.

**History:** L. 1985, ch. 296, § 5; April 25.

**76-766. Same; "state education institution" defined.** As used in this act, "state education institution" shall have the meaning ascribed to that term by K.S.A. 76-711 and amendments thereto.

**History:** L. 1985, ch. 296, § 6; April 25.

**76-767 to 76-769. Reserved.**

**76-770. Research and development activities, procurements and travel allowances; procedures, guidelines and exemptions; definitions.** (a) Each contract entered into by a state educational institution for the acquisition of goods or services for a research and development activity shall be exempt from the provisions of K.S.A. 75-3739 through 75-3744 and amendments thereto if the contract is financed 50% or more by moneys received from the Kansas technology enterprise corporation, federal agencies or other external sources.

(b) Nothing contained in article 32 of chapter 75 of the Kansas Statutes Annotated shall be construed to limit or prescribe the conduct of any in-state or out-of-state travel or to limit expense allowances for such travel which is undertaken for and funded as a part of any research and development activity of a state educational institution if such expense is funded 50% or more by moneys received from the Kansas technology enterprise corporation, federal agencies or other external sources. The provisions of K.S.A. 75-3208 and amendments thereto shall not apply to any such travel.

(c) As used in this section:

(1) "Research and development activity" means any center of excellence at a state educational institution, any research or development project or activity at the state educational institution funded under a research matching grant program of the Kansas technology enterprise corporation, or any other sponsored research project at a state educational institution; and

(2) "state educational institution" means a state educational institution as defined by K.S.A. 76-711 and amendments thereto.

**History:** L. 1987, ch. 338, § 1; May 7.

5-21

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NATIONAL CENTER FOR EDUCATION STATISTICS

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State  
Indicators  
in  
Education  
1997

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U.S. Department of Education  
Office of Educational Research and Improvement

NCES-97-376

Select Committee on Higher Education  
January 22, 1998  
Attachment 6

# TABLE OF CONTENTS

Page

<b>Acknowledgments</b> .....	iii
<b>List of Tables</b> .....	vii
<b>List of Figures</b> .....	xii
<b>Introduction and Overview</b> .....	1
<b>Background Indicators</b>	
Indicator 1: Population and area .....	22
Indicator 2: Wealth and income .....	28
Indicator 3: Minority population as a percentage of the total population .....	32
<b>Access, Participation, and Progress Indicators</b>	
Indicator 4: School choice .....	38
Indicator 5: Entry ratio to higher education .....	42
Indicator 6: Migration of new high school graduates entering higher education .....	46
Indicator 7: Average tuition at higher education institutions .....	50
<b>Achievement, Attainment, and Curriculum Indicators</b>	
Indicator 8: Reading achievement in fourth grade .....	56
Indicator 9: Mathematics achievement in eighth grade .....	64
Indicator 10: Mathematics achievement in fourth grade and difference between the fourth and eighth grades .....	70
Indicator 11: Advanced Placement programs and examinations .....	76
Indicator 12: Educational attainment of the population .....	80
<b>Economic and Other Outcomes Indicators</b>	
Indicator 13: Higher education completion .....	88
Indicator 14: Labor force participation .....	94
Indicator 15: Employment and education .....	98
Indicator 16: Education and earnings .....	102
<b>Size, Growth, and Participation in Education Institutions Indicators</b>	
Indicator 17: Elementary and secondary school size .....	108
Indicator 18: Number and average size of higher education institutions .....	112
Indicator 19: Enrollment in 2-year higher education institutions .....	116
Indicator 20: Enrollment in 4-year higher education institutions .....	124



## Contents

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### **Climate, Classrooms, and Diversity in Educational Institutions**

Indicator 21:	Ethnic composition of the student population in public elementary and secondary schools .....	134
Indicator 22:	Federal programs for aid to the disadvantaged in public and private elementary and secondary schools .....	138
Indicator 23:	Special education programs .....	142
Indicator 24:	Student use of technology .....	148
Indicator 25:	Instructional strategies in mathematics courses .....	152
Indicator 26:	Availability and use of public library resources .....	158

### **Human and Financial Resources of Education Institutions**

Indicator 27:	Staffing patterns in public elementary and secondary schools .....	164
Indicator 28:	Faculty and staff employed at 2-year higher education institutions .....	170
Indicator 29:	Faculty and staff employed at 4-year higher education institutions .....	174
Indicator 30:	Higher education faculty salaries .....	178
Indicator 31:	Current expenditure in public elementary and secondary schools .....	182
Indicator 32:	Higher education expenditures .....	186
Indicator 33:	Components of higher education expenditures .....	192
Indicator 34:	Sources of funds for public elementary and secondary education .....	196

<b>Supplemental Notes</b> .....	201
---------------------------------	-----

<b>Statistical Appendix</b> .....	213
Note on standard errors .....	214
Note on standard errors of estimates from the National Assessment of Educational Progress .....	218
Note on standard errors for Current Population Survey estimates .....	228

<b>Glossary</b> .....	237
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<b>Sources of Data</b> .....	245
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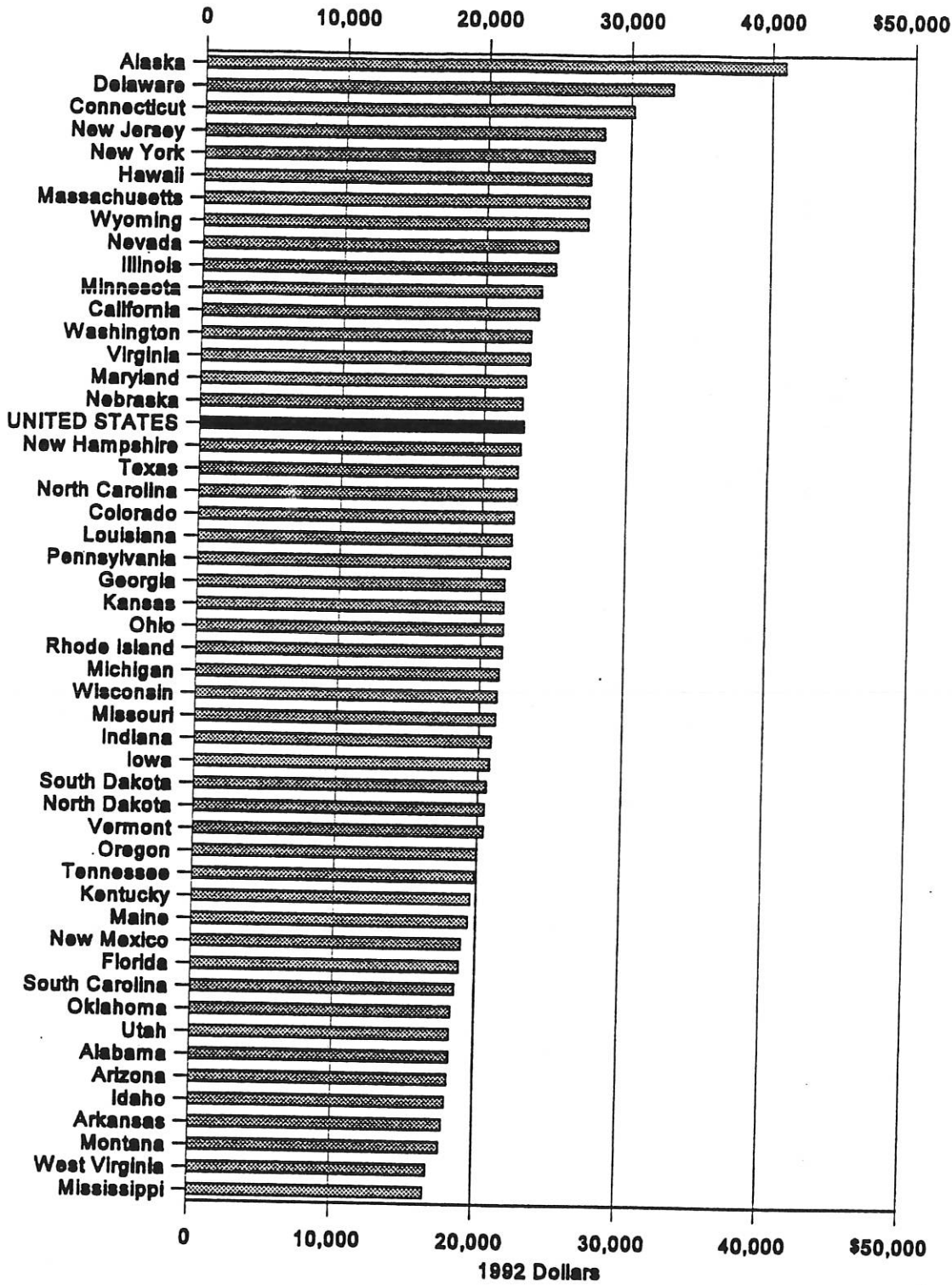
<b>Index</b> .....	255
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## Indicator 2: Wealth and income

Gross state product (GSP) represents the level of production or wealth of a state, as measured by the aggregate value of goods and services produced within its borders within a given period of time. States with equal GSPs can have very different numbers of inhabitants, however. *GSP per capita* provides a measure of the resources available to a state relative to the size of its population. States with a large GSP per capita generally are better able to provide educational services to their residents. State median household income is the income earned by the household in a given state whose income is halfway between that of the poorest and the richest households in the state, as ranked by annual income. The two measures of GSP per capita and median household income largely parallel each other across the states, with modest variations.

- ▶ Among the states, Alaska had the highest GSP per capita in 1992—\$40,942—almost \$8,000, or 20 percent, more than the state (Delaware) with the next highest GSP, over \$13,000 more than New York, and over \$17,000 more than California.
- ▶ The majority of states had GSPs per capita of more than \$20,000. Only sixteen states reported GSPs per capita below \$20,000. Two states—Mississippi and West Virginia—had per capita GSPs below \$17,000, about half the level of Delaware's GSP per capita, and far less than half of Alaska's.
- ▶ The majority of states had a median household income of greater than \$30,000 in 1993. No state had a median household income of less than \$20,000.
- ▶ There was considerable variation in median household income from state to state. At the high end, three states had median household incomes of over \$40,000 (Alaska, Hawaii, and New Jersey). At the low end, Arkansas, West Virginia, and Mississippi all had median household incomes of less than \$24,000.
- ▶ Four states—Mississippi, West Virginia, Arkansas, and Alabama—ranked low on both measures, adversely affecting their ability to finance educational improvements.

**Figure 2a: Gross state product (GSP) per capita, by state: 1992**



SOURCE: U.S. Department of Commerce, Bureau of Economic Analysis, *Survey of Current Business*, December 1993; Bureau of the Census, *Statistical Abstract of the United States*, 1992, Table 25.

65

## Indicator 5: Entry ratio to higher education

This indicator measures the number of new high school graduates entering institutions of higher education per 100 persons 18 years old in a state. "New" high school graduates are those having graduated within the previous 12 months. Age 18 is the typical age for high school graduates who go straight to college without an interruption in their schooling. Included in this indicator are entry ratios measured either in the state of the higher education institution or in the state of student's original residence. State entry ratios can differ on the two measures due to the migration of some students to colleges in states other than their original state of residence. An entry ratio counted in the state of the higher education institution represents a state's ability to attract new students to its public and private colleges and its availability of resources to educate the students it attracts (i.e., the college must have a place available, a dormitory room, etc.). An entry ratio counted in the state of a student's original residence represents a state's ability to "produce" high school graduates capable of and interested in college work.

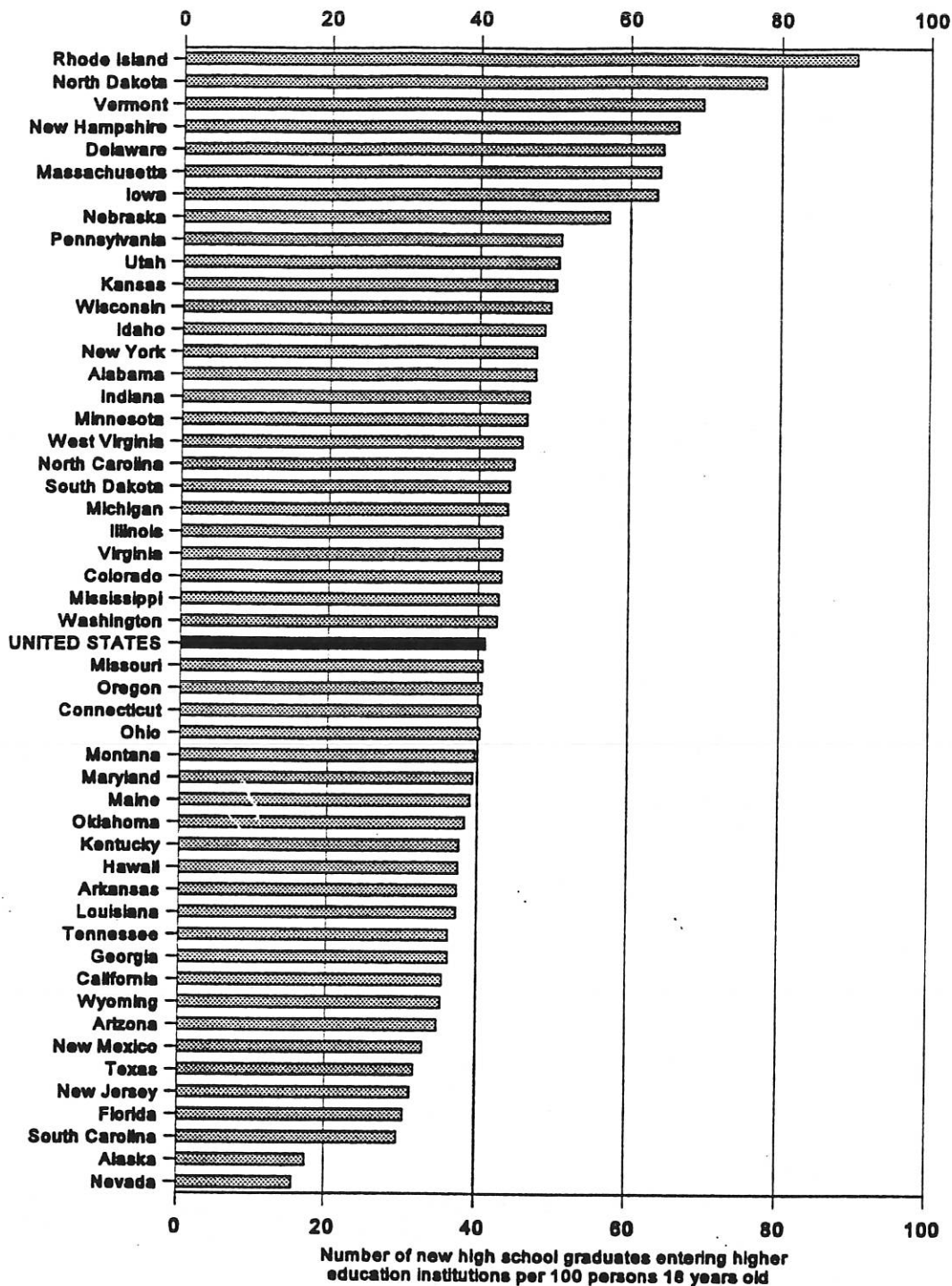
- ▶ In 1992, the number of new high school graduates entering public and private higher education institutions per 100 persons 18 years old showed considerable variation across states. When counted in the state of the institution, Rhode Island had the highest ratio (90.0), and Nevada the lowest (15.6). The range between the highest and lowest entry ratios was narrower when counted in the state of a student's original residence. Nevada still had the lowest (19.8), and North Dakota the highest (60.8).
- ▶ The four states with the lowest new high school graduate entry ratios, counted in the state of the institution, were the same four when counted in the state of a student's original residence. Similarly, most states with relatively high entry ratios when counted in the state of the institution also had relatively high entry ratios when counted in the state of a student's original residence. A notable exception was New Jersey, with an entry ratio of 31 percent when counted at the location of the institution, but a ratio of 51 percent when counted at the student's original state of residence. This reflected a large "production" of high school graduates capable of and interested in college work, a relative paucity of places for them to attend college in New Jersey, and a resulting outward migration of new high school graduates to colleges in other states.

### Notes on interpretation:

Entry ratios should *not* be interpreted as entry rates. Entry ratios allow comparisons across states by standardizing entry at a particular education level to the size of the population in an age group typical for entry at that level. It is not, however, an estimate of the percentage of that age group who enter education at that level. In the case of this indicator, because some new high school graduates entering higher education institutions are not 18 years old, they are not represented in the denominator of the ratio.

In the United States, it is common for students to choose to enroll in an institution located in a state other than the one in which they originally resided. Evaluating two sets of figures based on location of institution or location of students' original state of residence illustrates patterns of student migration across states. If a large number of students migrate into a state for schooling and fewer migrate out of it, that state's entry ratio will be higher when counted at the location of the institution than at students' original states of residence. This is because the denominator for both ratios (reference-age population of the state) stays the same, but the numerator increases when the net migration of students to the state is positive.

**Figure 5a: Number of new high school graduates\* entering public and private higher education institutions per 100 persons 18 years old, counted in state of institution, by state: 1992**

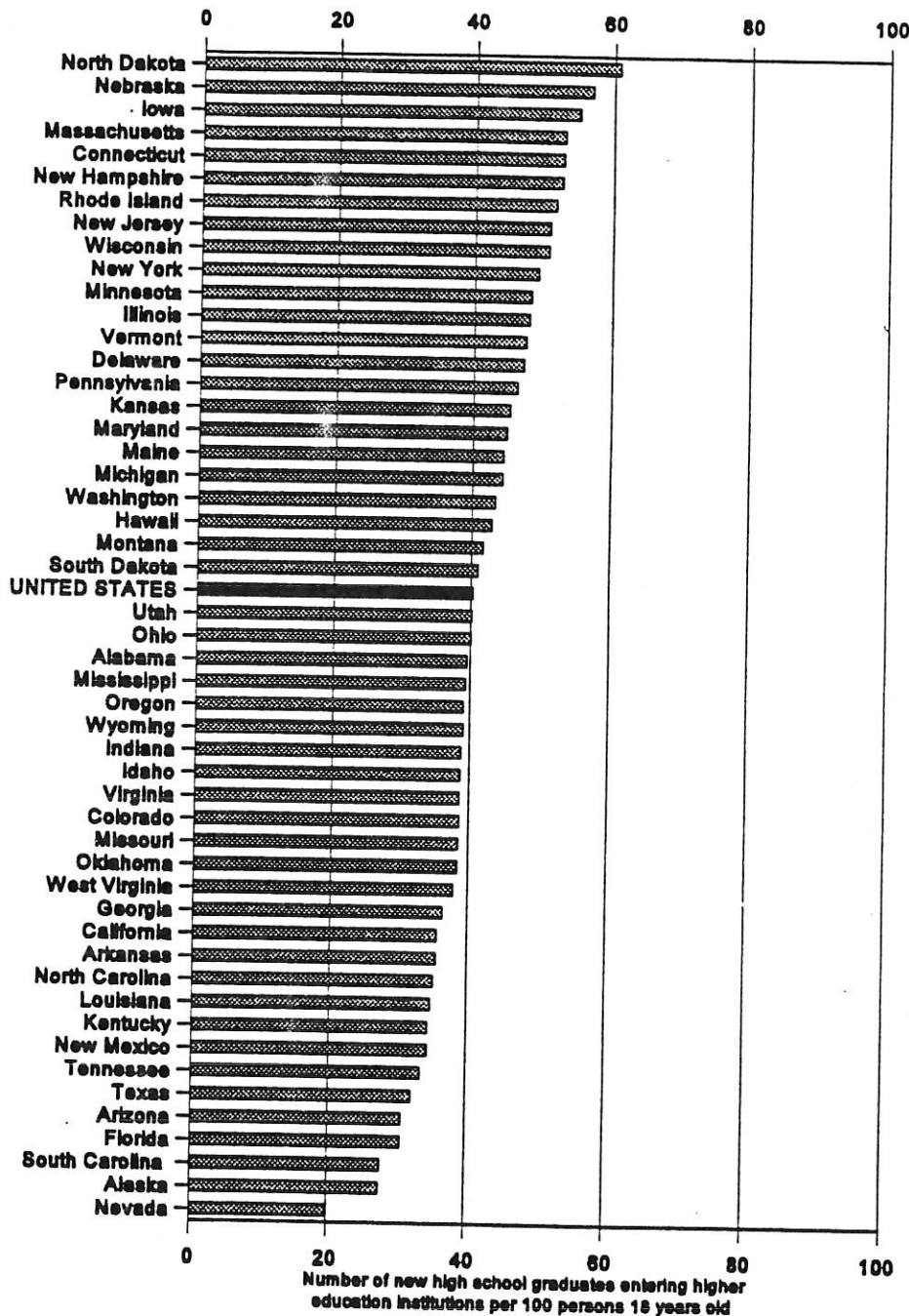


\* Includes only students enrolled at the reporting higher education institution for the first time who graduated from high school within the previous 12 months.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Residence of First-time Students Survey (based on: State Comparisons of Education Statistics: 1969-70 to 1993-94, Table 46). U.S. Department of Commerce, Bureau of the Census, Population Division, unpublished tables consistent with Press Release CB95-39, issued March 1, 1995.

6-7

**Figure 5b: Number of new high school graduates\* entering public and private higher education institutions per 100 persons 18 years old, counted in state of student's original residence, by state: 1992**



\* Includes only students enrolled at the reporting higher education institution for the first time who graduated from high school within the previous 12 months.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Residence of First-time Students Survey (based on: State Comparisons of Education Statistics: 1989-90 to 1993-94, Table 48). U.S. Department of Commerce, Bureau of the Census, Population Division, unpublished tables consistent with Press Release CB95-39, issued March 1, 1995.

6-8

**Table 5: Number of new high school graduates\* entering public and private higher education institutions per 100 persons 18 years old, by location and state: 1992**

State	Counted in state of institution	Counted in state of student's original residence	
		Attending college in any state	Attending college in home state
<b>UNITED STATES</b>	<b>40.9</b>	<b>40.3</b>	<b>32.6</b>
Alabama	47.5	39.5	36.0
Alaska	17.4	27.5	14.2
Arizona	34.9	30.6	26.9
Arkansas	37.4	35.5	30.2
California	35.5	35.6	32.3
Colorado	43.1	38.6	29.1
Connecticut	40.4	52.8	25.5
Delaware	64.3	47.3	31.3
District of Columbia	101.3	26.3	6.9
Florida	30.5	30.6	24.8
Georgia	36.3	36.4	29.2
Hawaii	37.5	42.8	32.5
Idaho	48.6	38.7	29.9
Illinois	43.2	48.0	38.5
Indiana	46.6	38.8	34.2
Iowa	63.5	55.1	46.4
Kansas	50.1	45.3	39.3
Kentucky	37.6	34.4	30.2
Louisiana	37.3	34.7	30.4
Maine	39.1	44.4	26.3
Maryland	39.4	44.8	29.2
Massachusetts	64.0	53.0	35.7
Michigan	43.8	44.3	40.0
Minnesota	46.3	48.3	35.8
Mississippi	42.8	39.3	35.3
Missouri	40.7	38.5	31.7
Montana	39.6	41.7	28.8
Nebraska	57.1	56.9	47.0
Nevada	15.6	19.8	11.7
New Hampshire	66.3	52.6	29.6
New Jersey	31.4	50.9	28.3
New Mexico	33.0	34.4	27.3
New York	47.6	49.3	39.5
North Carolina	44.7	35.2	32.5
North Dakota	77.9	60.8	48.8
Ohio	40.3	40.1	34.2
Oklahoma	38.4	38.4	33.5
Oregon	40.6	39.1	31.6
Pennsylvania	50.8	46.3	38.0
Rhode Island	90.0	51.8	34.4
South Carolina	29.7	27.8	22.8
South Dakota	44.1	41.0	28.6
Tennessee	38.3	33.3	28.0
Texas	31.9	32.1	29.1
Utah	50.4	40.2	37.0
Vermont	69.7	47.6	25.2
Virginia	43.2	38.6	30.1
Washington	42.5	43.3	37.2
West Virginia	45.7	37.8	32.2
Wisconsin	49.4	50.8	42.8
Wyoming	35.4	39.1	26.4

\* Includes only students enrolled at the reporting higher education institution for the first time who graduated from high school within the previous 12 months.  
 SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), *Residence of First-time Students Survey* (based on: *State Comparisons of Education Statistics: 1969-70 to 1993-94*, Table 46). U.S. Department of Commerce, Bureau of the Census, Population Division, unpublished tables consistent with Press Release CB95-39, issued March 1, 1995.

## Indicator 6: Migration of new high school graduates entering higher education

High school graduates are free to move to another state to attend college, and many do, despite the inconvenience and expense of living away from home and, in most cases probably, the higher tuition for out-of-state students. Students are more likely to cross state lines if: their home state does not provide the particular higher education opportunities they seek while other states do, and those opportunities in other states are relatively close and affordable. One may expect to find larger proportions of migrant students in geographically small states, because educational opportunities in neighboring states will be conveniently close. One may also expect to find larger proportions of in-migrant students in states with a large number of private institutions, which normally charge the same tuition to out-of-state and in-state students alike. This indicator counts the number of students who migrated into and out of each state per 100 new high school graduates enrolled in higher education institutions in that state. This indicator differs from the previous one in several ways, including the base populations used—new high school graduates enrolled in college in this indicator and all 18-year-olds in the previous one.

- ▶ **In 1992, three states—Rhode Island, Vermont, and Delaware—had net in-migration ratios of over 25 migrants per 100 new high school graduates enrolled, the highest among the states. Alaska and New Jersey had the highest out-migration ratios, with the equivalent of over 50 migrants per 100 new high school graduates enrolled pursuing higher education in other states.**
- ▶ **Total migratory activity (the sum of students leaving and students entering a state to pursue higher education) exceeded 75 migrants per 100 new high school graduates enrolled in higher education institutions in 9 states: Connecticut, Vermont, Alaska, New Hampshire, New Jersey, Rhode Island, Maine, Nevada, and Delaware. Eight states experienced a net migration of less than (+/-) one per 100: Mississippi, Ohio, Nebraska, Oklahoma, Florida, Georgia, California, and Texas.**

### Notes on interpretation:

Both net and gross out-migration ratios are presented as percentages of a state's total enrollment of new high school graduates. Students who leave their home state are considered "out-migrants" for that state. Students who come from another state are considered "in-migrants" for the state where they enroll in a higher education program. Thus, each migrating student is actually counted twice, as an out-migrant from his or her home state (and a subtraction in the numerator of the net migration measure), and as an in-migrant in the state of his or her higher education institution (and an addition in the numerator of the net migration measure). The denominator is always the same—the number of new high school graduates enrolled in higher education institutions in that state.

Older, eastern states tend to have relatively more private institutions than younger, western states, thus increasing their potential in-migration rates.

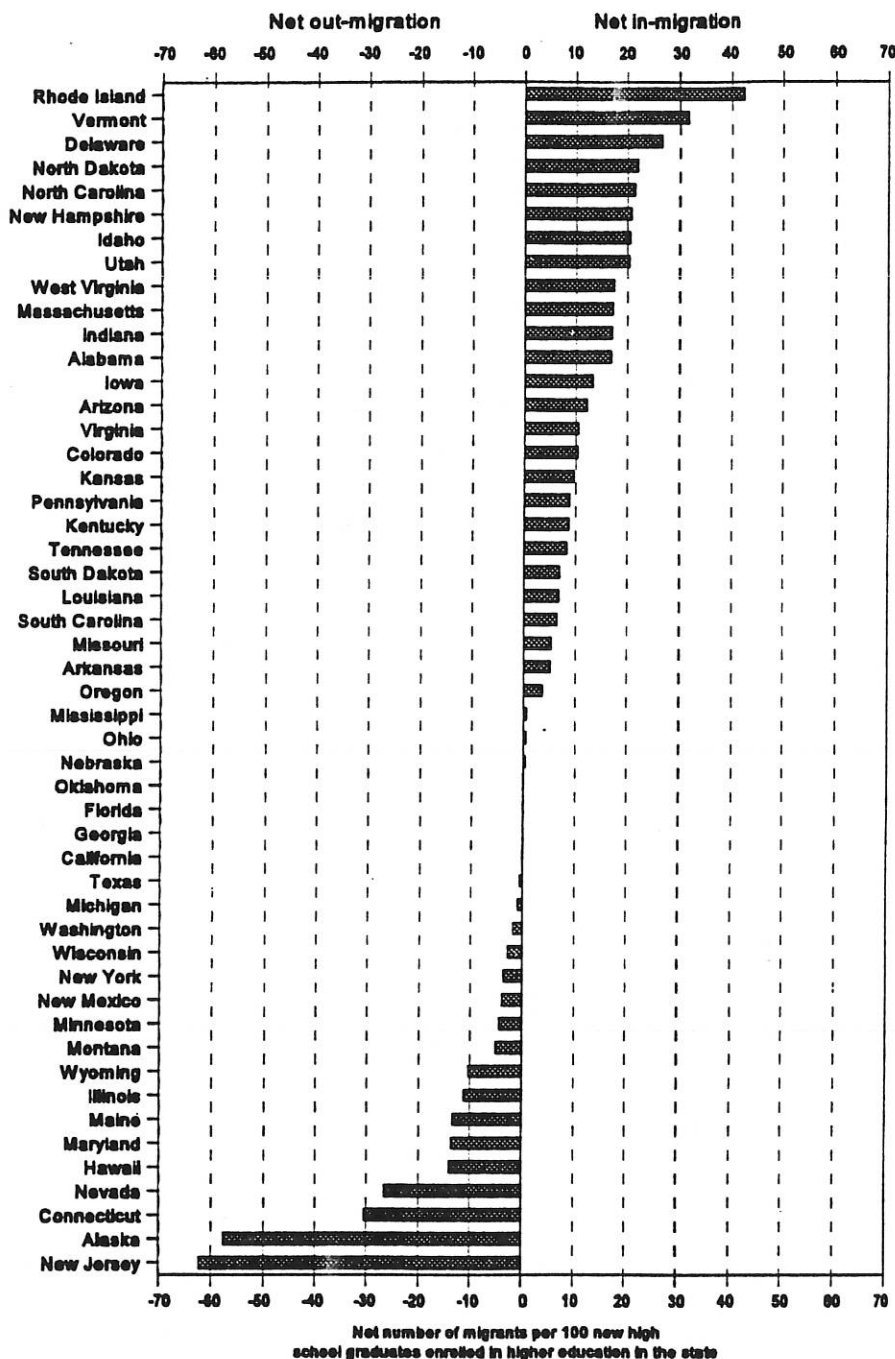
Larger states, large in size or in college-age population, tend to foster proportionally less migratory activity across state lines than smaller states. Geographically large states may experience less out-migration simply because it is easier for a student to move away from home and still stay within the state's borders, while this is less of a possibility for students from smaller states. Larger states can also offer a wider variety of experiences and opportunities to their high school graduates, be they different higher education institutions, different academic or professional programs, or different community environments.

Conversely, smaller states have proportionally smaller base populations of new high school graduates enrolled in their higher education institutions. Thus, any migration into or out of the state looms larger when measured as a percentage of the small base population.

Entry ratios should *not* be interpreted as entry rates. Entry ratios allow comparisons across states by standardizing entry at a particular education level to the size of the population in an age group typical for entry at that level. It is not, however, an estimate of the percentage of that age group who enter education at that level. In the case of this indicator, because some new high school graduates entering higher education institutions are not 18 years old, they are not represented in the denominator of the ratio. In the case of this indicator, because "out-migrants" are captured in the numerator, but not the denominator of the ratio, it cannot be considered a rate.



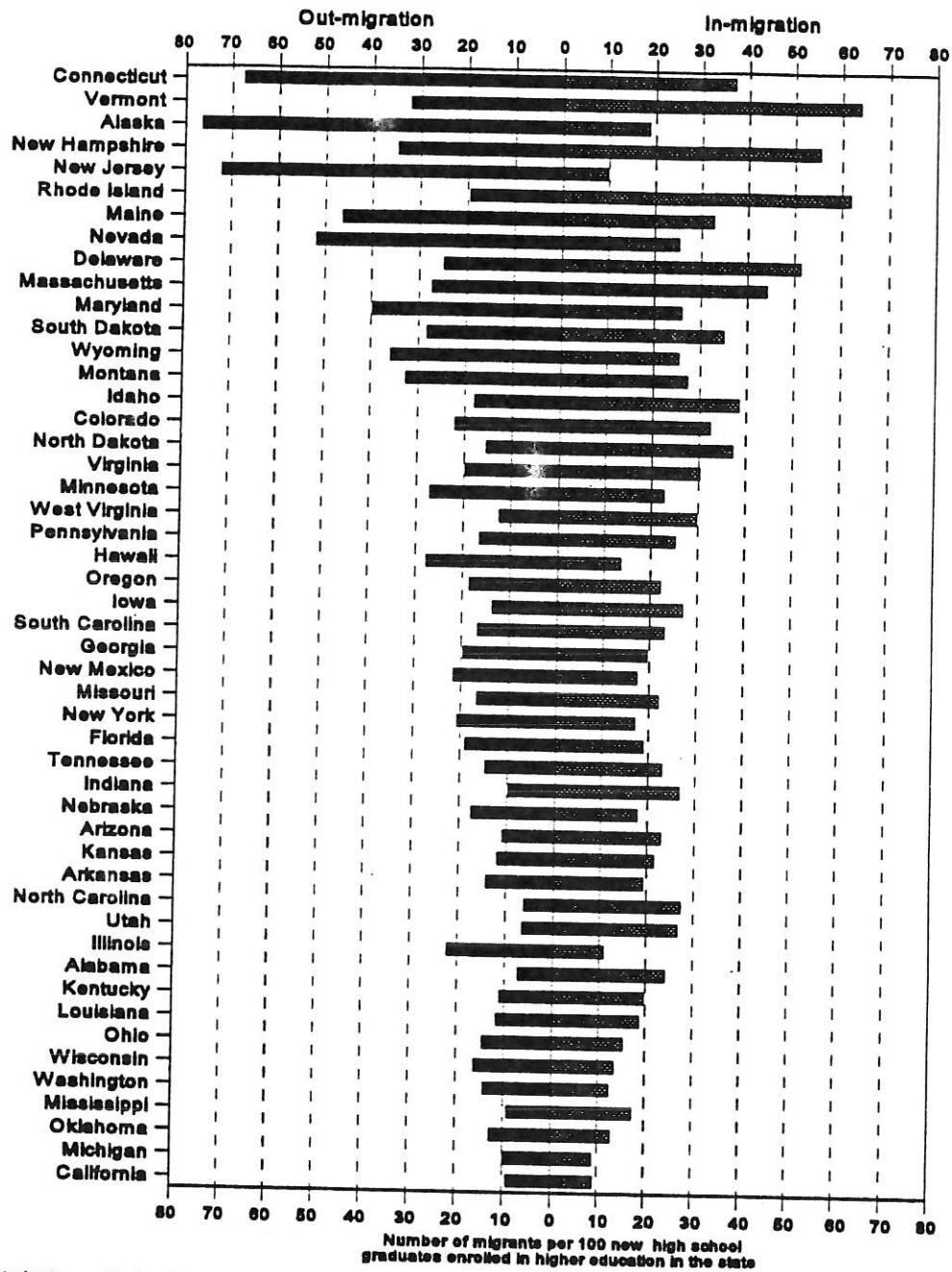
**Figure 6a: Net migration of new high school graduates\* entering public and private higher education institutions per 100 new high school graduates enrolled in a state, by state: 1992**



\* Includes students enrolled at the reporting higher education institution for the first time who graduated from high school within the previous 12 months.  
 NOTE: This indicator counts the number of students who migrated into and out of a state per 100 new high school graduates enrolled in higher education institutions in that state. The destinations of 8,088 out-migrants - 7 migrants per 100 new high school graduates enrolled in higher education - cannot be determined.  
 SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Residence of First-time Students Survey (based on: State Comparisons of Education Statistics: 1988-90 to 1993-94, Table 46).

6-11

**Figure 6b: Migration of new high school graduates\* entering public and private higher education institutions per 100 new high school graduates enrolled in a state, by type of migration and state: 1992**



\* Includes students enrolled at the reporting higher education institution for the first time who graduated from high school within the previous 12 months.

NOTE: This indicator counts the number of students who migrated into and out of a state per 100 new high school graduates enrolled in higher education institutions in that state. States are sorted from high to low according to the total number of migrants leaving and entering each state per 100 new high school graduates enrolled in higher education in the state. The destinations of 8,088 out-migrants - 7 migrants per 100 new high school graduates enrolled in higher education - cannot be determined.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Residence of First-time Students Survey (based on: State Comparisons of Education Statistics: 1988 - to 1993-94, Table 48).

6-12

**Table 6: Migration of new high school graduates<sup>1</sup> entering public and private higher education institutions per 100 new high school graduates enrolled in a state, by type of migration and state: 1992**

State	Net migration (in-migrant ratio minus out-migrant ratio)	Out-migration (out-migrants per 100 new high school graduates enrolled)	In-migration (in-migrants per 100 new high school graduates enrolled)
<b>UNITED STATES<sup>2</sup></b>	<b>3.6</b>	<b>23.1</b>	<b>26.9</b>
Alabama	16.8	7.3	24.1
Alaska	-57.7	76.3	18.6
Arizona	12.2	10.8	23.0
Arkansas	5.1	14.1	19.2
California	-0.2	9.2	9.0
Colorado	10.4	22.0	32.4
Connecticut	-30.5	67.4	37.0
Delaware	26.5	24.8	51.3
District of Columbia	74.1	19.1	93.2
Florida	-0.1	18.9	18.8
Georgia	-0.1	19.6	19.5
Hawaii	-14.1	27.6	13.6
Idaho	20.5	18.0	38.5
Illinois	-11.2	22.1	10.9
Indiana	16.9	9.7	26.7
Iowa	13.3	13.6	26.9
Kansas	9.6	11.9	21.5
Kentucky	8.6	11.1	19.7
Louisiana	6.9	11.8	18.7
Maine	-13.5	46.2	32.7
Maryland	-13.8	39.7	25.9
Massachusetts	17.1	27.1	44.2
Michigan	-1.1	9.9	8.7
Minnesota	-4.4	27.0	22.7
Mississippi	0.7	9.3	17.3
Missouri	5.4	16.6	22.0
Montana	-5.1	32.5	27.4
Nebraska	0.4	17.5	17.8
Nevada	-26.6	51.8	25.2
New Hampshire	20.7	34.7	55.3
New Jersey	-62.4	72.1	9.7
New Mexico	-4.0	21.5	17.4
New York	-3.7	20.7	17.0
North Carolina	21.3	6.0	27.3
North Dakota	21.9	15.4	37.3
Ohio	0.6	14.6	15.2
Oklahoma	-0.1	12.8	12.7
Oregon	3.7	18.5	22.2
Pennsylvania	8.7	16.5	25.2
Rhode Island	42.4	19.4	61.8
South Carolina	6.5	16.6	23.1
South Dakota	-7.0	28.1	35.1
Tennessee	8.2	14.7	22.9
Texas	-0.7	9.4	8.7
Utah	20.3	6.4	26.7
Vermont	31.7	32.1	63.8
Virginia	10.5	19.7	30.3
Washington	-1.8	14.3	12.4
West Virginia	17.3	12.4	29.7
Wisconsin	-2.8	16.2	13.4
Wyoming	-10.4	35.8	25.3

<sup>1</sup> Includes students enrolled at reporting higher education institution for the first time who graduated from high school within the previous 12 months.

<sup>2</sup> The destination of 9,086 out-migrants—7 migrants per 100 new high school graduates enrolled in higher education—cannot be determined. Thus, the nation as a whole appears to have a surplus of in-migrants but, rather than a real surplus, it is a statistical undercount.

NOTE: This indicator counts the number of students who migrated into or out of a state per 100 new high school graduates enrolled in higher education institutions in that state.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Residence of First-time Students Survey (based on: State Comparisons of Education Statistics: 1969-70 to 1993-94, Table 46.

## **Indicator 7: Average tuition at higher education institutions**

Tuition represents one of the greatest expenses a student incurs while pursuing higher education. As such, it plays a key role in determining the accessibility of higher education to potential students. Tuition also represents one of the major sources of revenue for institutions of higher education. This is particularly true at private institutions where tuition and fees are often the primary source of funding. This indicator measures the average annual tuition and required fees for full-time resident undergraduate students in state higher education institutions, using the average of tuitions and fees from all public institutions across the state weighted by their full-time-equivalent enrollments.

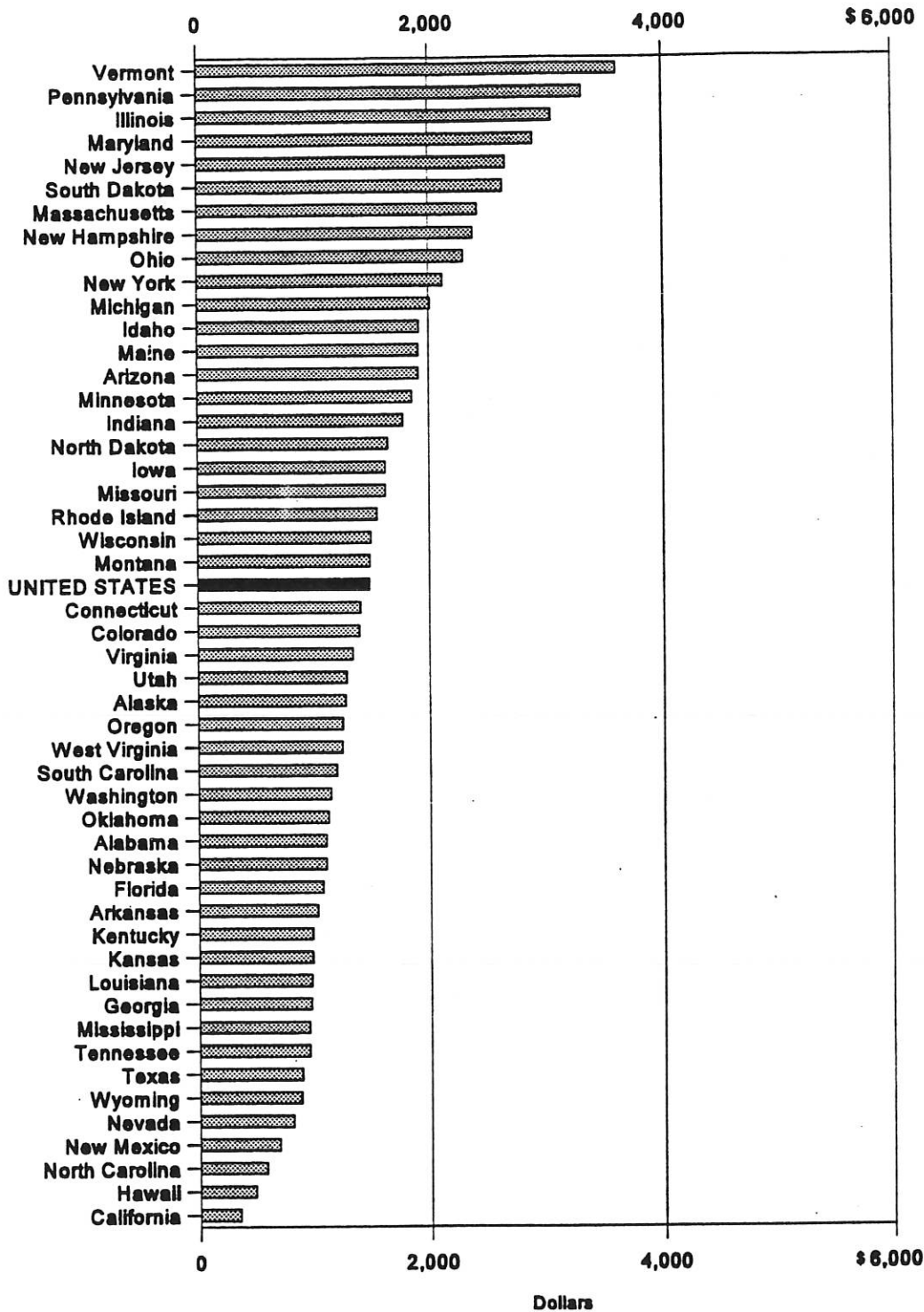
- ▶ **In 1993, the average in-state tuition and fees at 2-year public institutions did not exceed \$4,000 for any state. In only 3 states did the average public institution tuition and fees exceed \$3,000. Fourteen states had average public institution tuition and fees below \$1,000.**
- ▶ **Whereas the average tuition and fees at 2-year private institutions were less than \$4,000 in only 6 states, in 10 states it exceeded \$8,000.**
- ▶ **Average in-state tuition and fees at 4-year public institutions ranged from just below \$1,500 in Hawaii, Idaho, and North Carolina to just above \$5,500 in Vermont. Only three states had average in-state tuition and fees above \$4,000 at 4-year public institutions.**
- ▶ **Twelve states had average tuition and fees at 4-year private institutions above \$12,000, whereas Utah was the only state where average tuition and fees were below \$4,000.**
- ▶ **In no state were the average tuition and fees at private 4-year institutions lower than the average tuition at public 4-year institutions.**

**Note on interpretation:**

Averages here are calculated over varying numbers of institutions in each category of institution and in each state. In some cases, an average tuition can represent the tuition at a single institution (e.g., average tuition at public two-year higher education institutions in Alaska, South Dakota, and Rhode Island). The numbers of institutions in each category (e.g., public/private, 2-year/4-year, state) are listed in Table D3.

6-14

**Figure 7a: Average (in-state) tuition and required fees at public two-year higher education institutions, by state: Academic year 1993-94**



SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Institutional Characteristics survey, 1993-94.

6-15

## **Indicator 12: Educational attainment of the population**

The percentage of the population completing secondary and higher education in the states provides an indication of the skill level of the U.S. workforce. Completion levels reflect both the availability of education and the extent to which completion of certain levels of education is typical. However, because many working-age adults completed their education years ago, the indicator is influenced by the levels of development of an education system over time. States where education systems have undergone major expansions only in recent years may have a large proportion of adults with lower levels of educational attainment, and one would expect to find people in the younger age groups with higher levels of educational attainment than those in older age groups.

- ▶ **In 1994, while eight states had eighty percent or fewer males ages 25 to 64 completing at least high school, 11 other states had 90 percent or more males completing at least high school.**
- ▶ **Eighty percent or more females ages 25 to 64 completed at least high school in all but three states—Tennessee, South Carolina, and Louisiana. Eighteen states had a high school completion percentage for females of at least 90 percent.**
- ▶ **The majority of states had at least 25 percent of males completing college, whereas 4 states had less than 20 percent of males graduating from college.**
- ▶ **Twenty-five percent or more females completed college in 15 states. Of these 15 states, only Massachusetts had a college completion percentage for females above 30 percent. Twenty states had college completion percentages for females of 20 percent or less.**
- ▶ **It would appear that adults with high school diplomas but not 4-year college degrees comprise a majority of the population aged 25 to 64 in every state.**

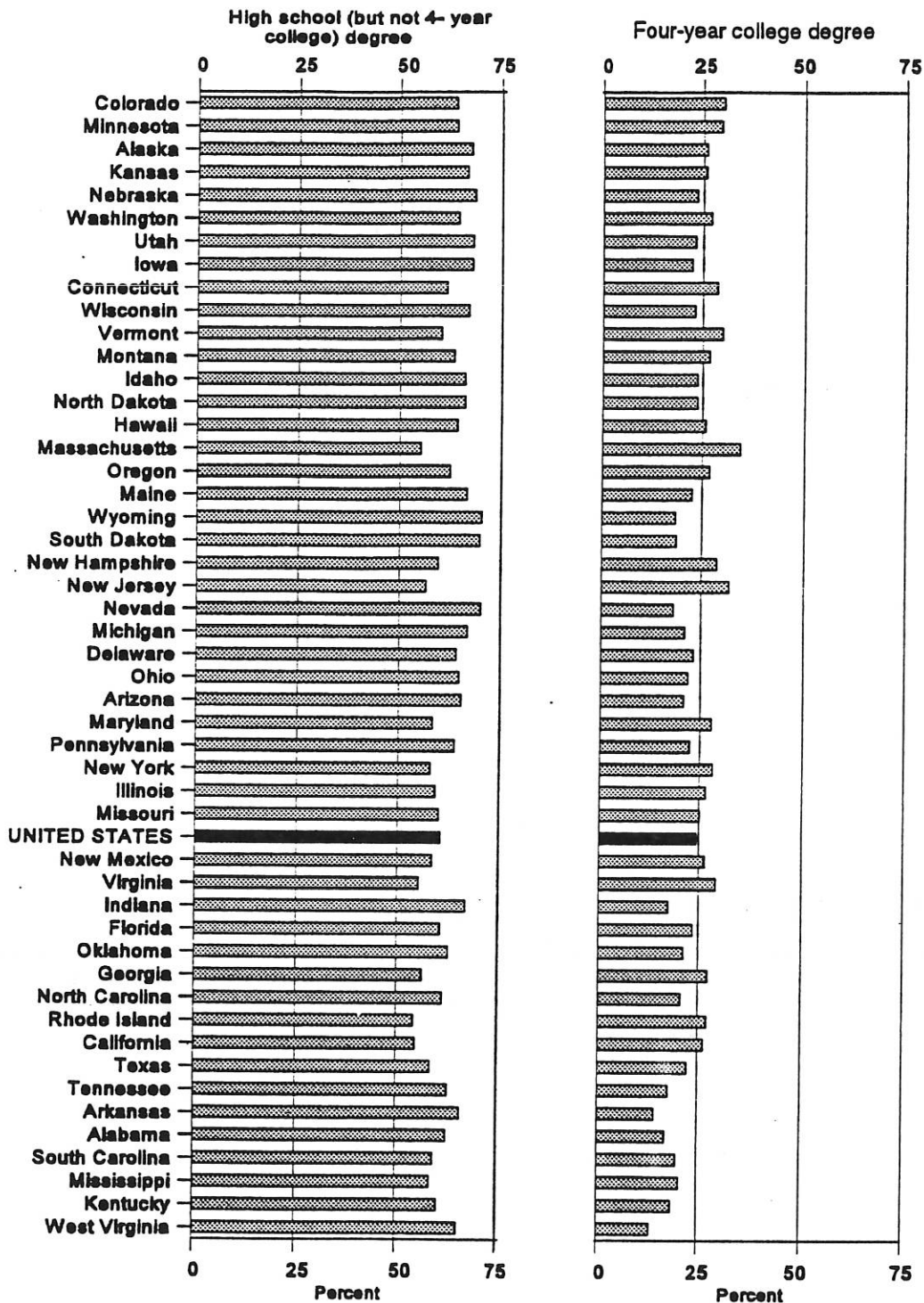
### **Note on interpretation:**

Although the educational attainment of a population is an indicator of the current skill level of the workforce, it is not necessarily a measure of success in educating a large proportion of the population. Within the 25 to 64-year-old age group, there may be many who have moved out of the state where they received their education. Thus, particularly in some states, large segments of the resident population may have been educated elsewhere.

Individuals who have attended college and completed some course work, or even an associate's degree, but not attained a bachelor's degree are counted here as having attained a high school (but not a 4-year college) degree.

6-16

**Figure 12c: Percentage of the population aged 25 to 64 having attained a certain level of education, by level of educational attainment and state: March 1994**



NOTE: States are sorted from high to low based on the sum of the two figures, which represents the proportion who are high school graduates.

SOURCE: U.S. Department of Commerce, Bureau of the Census, Current Population Survey, March 1994.

6-17

**Table 12b: Percentage of the population aged 25 to 64 having attained a certain level of education, by level of educational attainment and state: March 1994**

State	Less than a high school diploma	High school (but not a 4-year college) degree	4-year college degree or greater
<b>UNITED STATES</b>	<b>14.9</b>	<b>60.7</b>	<b>24.4</b>
Alabama	20.3	62.7	17.0
Alaska	6.6	67.6	25.8
Arizona	13.6	65.6	20.8
Arkansas	19.7	65.9	14.4
California	19.0	54.8	26.2
Colorado	5.9	64.0	30.2
Connecticut	9.7	61.7	28.6
Delaware	12.5	64.3	23.2
District of Columbia	17.4	42.8	39.7
Florida	15.7	60.8	23.5
Georgia	16.5	56.4	27.1
Hawaii	10.0	64.3	25.7
Idaho	9.9	66.3	23.8
Illinois	14.2	59.4	26.5
Indiana	15.6	67.1	17.4
Iowa	9.6	68.0	22.4
Kansas	7.7	66.7	25.6
Kentucky	21.0	60.5	18.6
Louisiana	21.8	60.0	18.2
Maine	10.7	66.8	22.5
Maryland	13.6	58.6	27.8
Massachusetts	10.4	55.4	34.2
Michigan	11.9	67.1	20.9
Minnesota	6.4	64.1	29.6
Mississippi	20.9	58.6	20.5
Missouri	14.6	60.3	25.1
Montana	9.9	63.5	26.6
Nebraska	7.8	68.5	23.7
Nevada	11.5	70.2	18.2
New Hampshire	11.3	59.8	28.9
New Jersey	11.5	56.8	31.7
New Mexico	15.0	58.8	26.2
New York	13.8	58.1	28.1
North Carolina	17.8	61.5	20.7
North Dakota	10.0	66.2	23.8
Ohio	13.0	65.1	21.9
Oklahoma	15.8	62.9	21.3
Oregon	10.7	62.6	26.7
Pennsylvania	13.6	64.1	22.3
Rhode Island	18.8	54.3	26.9
South Carolina	20.7	59.5	19.8
South Dakota	11.2	70.0	18.7
Tennessee	19.4	62.9	17.7
Texas	19.1	58.6	22.3
Utah	8.5	68.1	23.3
Vermont	9.7	60.4	29.8
Virginia	15.4	55.5	29.1
Washington	8.2	64.6	27.2
West Virginia	21.5	65.3	13.2
Wisconsin	9.7	67.1	23.2
Wyoming	11.1	70.4	18.5

SOURCE: United States Department of Commerce, Bureau of the Census, Current Population Survey, March 1994.

6-18



## Indicator 13: Higher education completion

Higher education completion is measured here by the number of associate's or bachelor's degrees received by students per 100 persons at an age typical for graduation at each level. The proportions of young people completing associate's and bachelor's degrees in the United States provide an indication of the skill level of entrants into the U.S. workforce. Even though some graduates migrate across states (or nations) after graduation, the ratio of college and university graduates to the state population at the graduation reference age (higher education completion ratio) is an indicator of the skill level of the adult labor pool available in a particular state.

- ▶ **In 1993, eight states had associate's degree completion ratios for public and private institutions above 20 per 100 persons 20 years old. Two of these eight states—Wyoming (25.8) and Rhode Island (32.9)—had completion ratios above 25.**
- ▶ **Bachelor's degree completion ratios for public and private institutions were higher than associate's degree completion ratios in all of the states. Only Nevada and Alaska had bachelor's degree completion ratios below 20 per 100 persons 22 years old, while a majority of the states had ratios above 30.**
- ▶ **Bachelor's degree completion ratios varied more across states for private institutions than for public institutions. North Dakota, the state with the highest completion ratio for public institutions, awarded roughly three times more bachelor's degrees than Massachusetts, the state with the lowest ratio. For private institutions, Rhode Island's ratio was over one hundred times larger than those of Nevada or Wyoming, the states with the lowest ratios.**
- ▶ **Five states—North Dakota, Montana, South Dakota, Colorado, and Kansas—had bachelor's degree completion ratios for public institutions above 30. For private institutions, one state—Rhode Island—had a bachelor's degree completion ratio above 30. However, no state had a completion ratio for public institutions below 10, while most states had completion ratios for private institutions below 10.**

### Notes on interpretation:

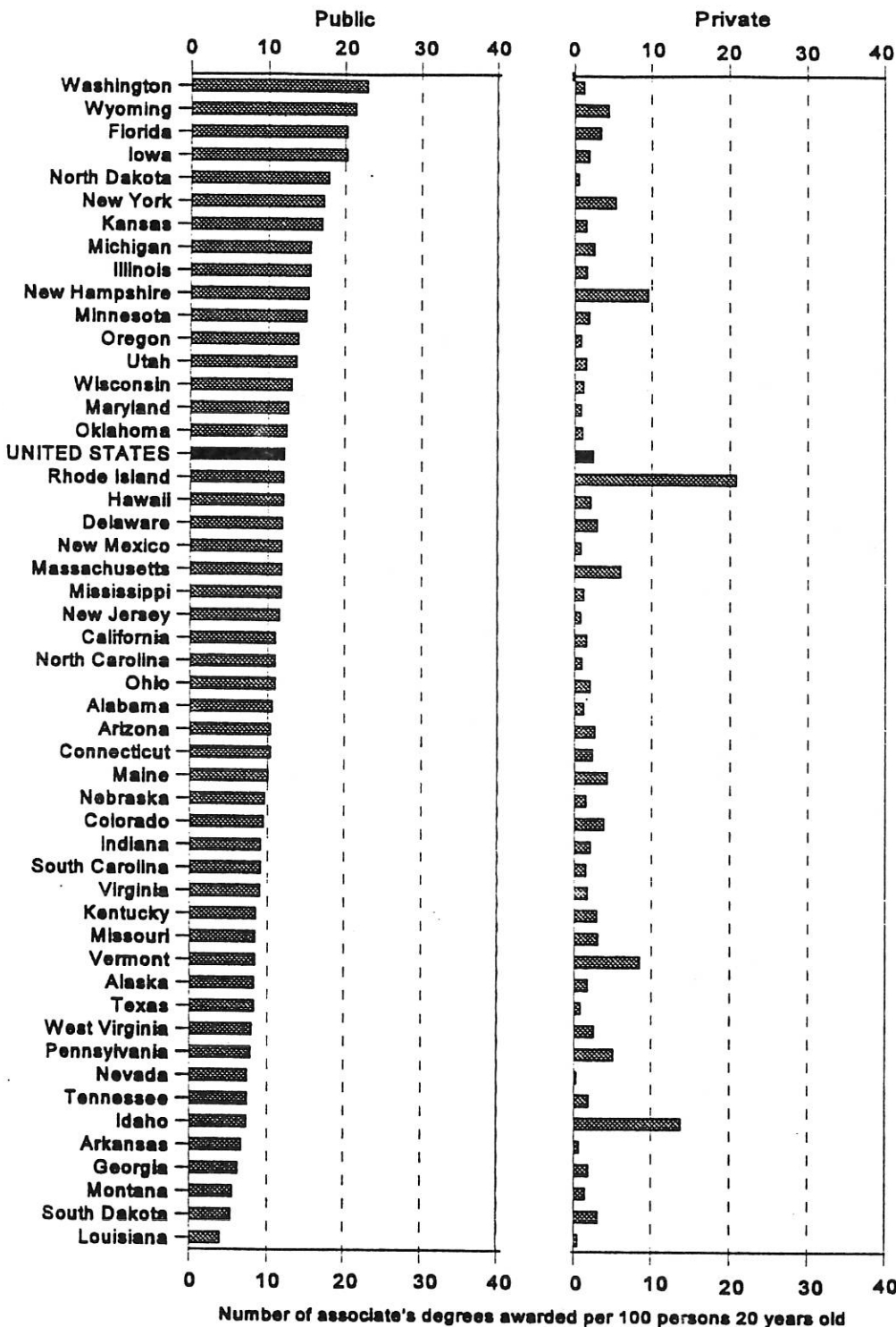
All students completing associate's or bachelor's degrees in state higher education institutions are included in the higher education completion figures. This includes students who had lived in other countries or states before attending their university or who moved to other countries or states after attending their university. Some states, particularly those with a relatively large public university system and many private universities, may have a surplus of "in-migrant" students. Other states, particularly those with a relatively small public university system and few private universities, may have a surplus of "out-migrant" students.

States vary greatly in their relative proportion of associate's degree programs, with some states providing many while others offer programs of similar content within bachelor's degree programs. Comparisons of completion ratios across states, then, should fully consider both degree programs.

A completion ratio should *not* be interpreted as a completion *rate*. Completion ratios allow comparisons across states by standardizing the number of graduates at a particular education level to the size of the population in an age group typical for graduation at that level. It is not, however, an estimate of the percentage of that age group who have graduated. See supplemental note on pages 206–207 for a discussion of graduation reference age.

The use of ages 20 and 22 as "typical" ages for higher education completion should not be taken as an endorsement of traditional higher education attendance demographic patterns. For the most part, the two ages used in the denominator of the completion ratio are arbitrary and could be substituted with any two age groups, so long as the age groups were standard across all the states.

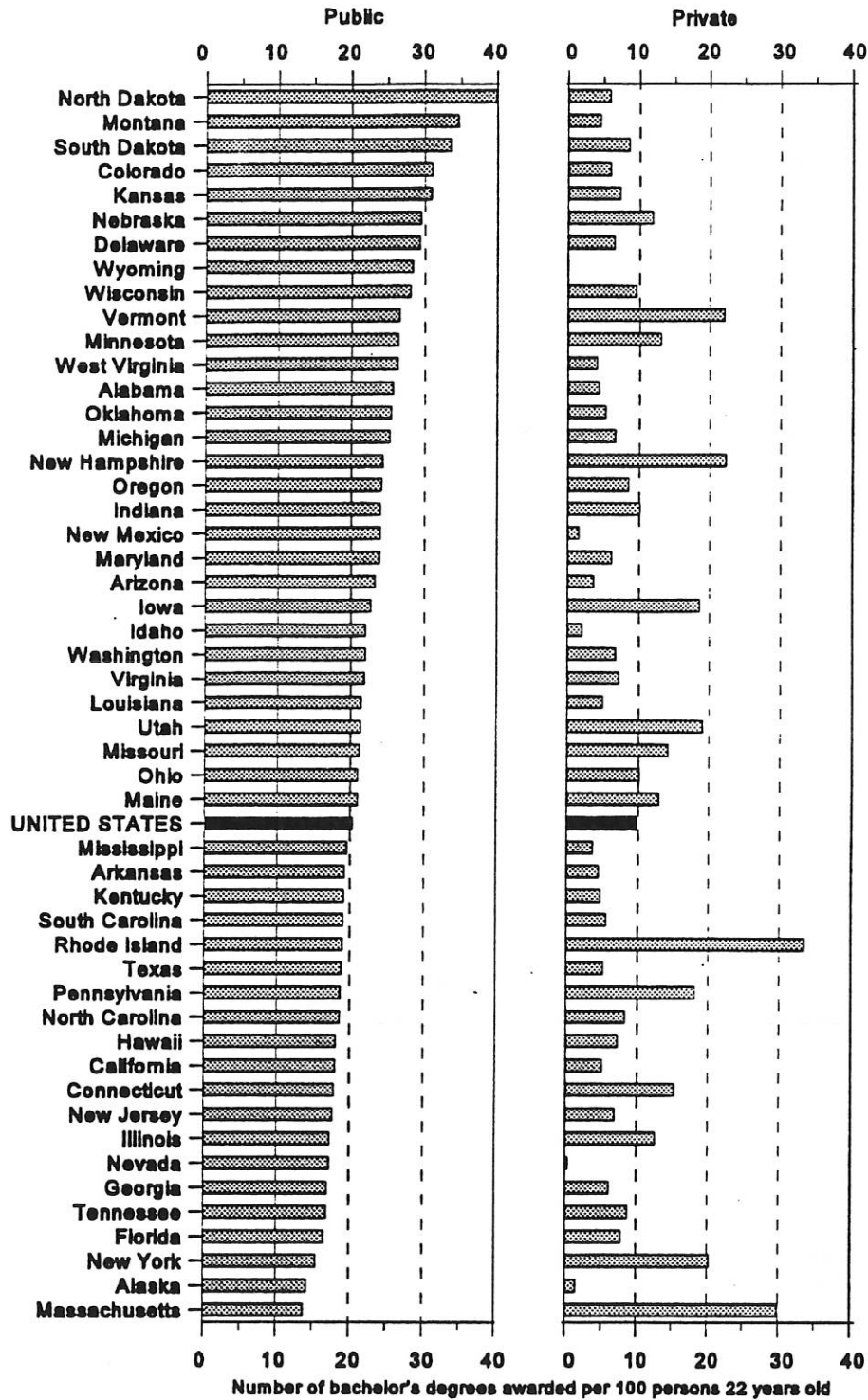
**Figure 13a: Associate's degrees awarded by institutions of higher education per 100 persons 20 years old, by control of institution and state: 1993**



SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Completions Survey (based on: *State Comparisons of Education Statistics: 1989-90 to 1993-94*, Table 58). U.S. Department of Commerce, Bureau of the Census, Population Division, unpublished tables consistent with Press Release CB95-39, issued March 1, 1995.

6-20

**Figure 13b: Bachelor's degrees awarded by institutions of higher education per 100 persons 22 years old, by control of institution and state: 1993**



SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Completions Survey (based on: State Comparisons of Education Statistics 1989-90 to 1993-94, Table 68). U.S. Department of Commerce, Bureau of the Census, Population Division, unpublished tables consistent with Press Release CB86-39, issued March 1, 1995.

6-21

**Table 13: Higher education degrees awarded per 100 persons at graduation reference age, by level of education, control of institution, and state (1993)**

State	Number of Associate's degrees awarded per 100 persons 20 years old			Number of Bachelor's degrees awarded per 100 persons 22 years old		
	Total	Public	Private	Total	Public	Private
<b>UNITED STATES</b>	<b>14.5</b>	<b>12.1</b>	<b>2.4</b>	<b>30.1</b>	<b>20.3</b>	<b>9.8</b>
Alabama	11.7	10.6	1.2	30.1	25.7	4.4
Alaska	9.9	8.3	1.7	15.5	14.2	1.4
Arizona	13.0	10.4	2.6	26.9	23.3	3.6
Arkansas	7.3	6.6	0.7	23.7	19.3	4.5
California	12.6	11.0	1.6	23.1	18.1	5.0
Colorado	13.2	9.5	3.8	37.1	31.1	6.0
Connecticut	12.8	10.4	2.3	33.1	17.9	15.3
District of Columbia	6.1	2.9	3.2	67.7	4.4	63.4
Delaware	14.8	11.9	2.9	35.8	29.3	6.5
Florida	23.7	20.3	3.4	24.3	16.5	7.8
Georgia	8.1	6.2	1.9	23.0	16.9	6.1
Hawaii	14.1	12.0	2.1	25.3	18.1	7.2
Idaho	21.0	7.3	13.7	24.1	22.0	2.0
Illinois	17.1	15.5	1.6	29.9	17.3	12.6
Indiana	11.2	9.1	2.1	34.2	24.0	10.2
Iowa	22.2	20.3	1.9	41.3	22.7	18.6
Kansas	18.5	17.0	1.5	38.2	30.9	7.3
Kentucky	11.4	8.5	2.9	23.9	19.2	4.7
Louisiana	4.4	3.9	0.5	26.5	21.5	5.0
Maine	14.4	10.1	4.3	33.9	21.0	12.9
Maryland	13.4	12.6	0.8	30.1	23.9	6.2
Massachusetts	17.8	11.8	6.0	43.6	13.7	29.9
Michigan	18.0	15.5	2.5	32.0	25.3	6.7
Minnesota	16.9	15.0	1.9	39.5	26.4	13.1
Mississippi	12.8	11.7	1.2	23.1	19.6	3.6
Missouri	11.5	8.4	3.1	35.5	21.3	14.3
Montana	6.9	5.5	1.4	39.2	34.6	4.6
Nebraska	11.1	9.6	1.5	41.5	29.5	12.0
Nevada	7.8	7.4	0.3	17.5	17.3	0.3
New Hampshire	24.7	15.3	9.5	46.6	24.3	22.3
New Jersey	12.3	11.5	0.8	24.6	17.7	6.8
New Mexico	12.6	11.8	0.8	25.5	24.0	1.5
New York	22.5	17.2	5.3	35.8	15.5	20.2
North Carolina	12.0	11.0	1.0	26.9	18.7	8.2
North Dakota	18.4	17.9	0.5	45.8	39.9	5.9
Ohio	13.0	11.0	2.0	31.1	21.0	10.1
Oklahoma	13.4	12.4	1.0	30.8	25.5	5.3
Oregon	14.7	13.9	0.8	32.8	24.2	8.6
Pennsylvania	13.0	7.8	5.1	36.8	18.7	18.1
Rhode Island	32.9	12.0	20.8	52.5	19.0	33.5
South Carolina	10.6	9.1	1.5	24.6	19.1	5.5
South Dakota	8.4	5.3	3.1	42.3	33.7	8.6
Tennessee	9.3	7.4	1.9	25.7	16.9	8.8
Texas	9.1	8.3	0.8	24.0	18.9	5.2
Utah	15.2	13.7	1.5	40.5	21.4	19.1
Vermont	16.9	8.4	8.5	48.7	26.6	22.1
Virginia	10.8	9.0	1.7	29.1	21.9	7.2
Washington	24.1	22.9	1.2	28.7	22.0	6.7
West Virginia	10.5	8.0	2.5	30.3	26.3	4.0
Wisconsin	14.2	13.1	1.1	37.7	28.0	9.6
Wyoming	25.8	21.4	4.4	28.4	28.4	0.0

NOTE: Details may not add to totals due to rounding. Wyoming has no private 4-year higher education institutions.  
 SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Completions Survey, (based on: State Comparisons of Education Statistics 1969-70 to 1993-94, Table 58). U.S. Department of Commerce, Bureau of the Census, Population Division, unpublished tables consistent with Press Release CB95-39, issued March 1, 1995.

6-27

## **Indicator 18: Number and average size of higher education institutions**

A state's higher education institutions may be numerous and geographically dispersed, or few and geographically concentrated. They may have small or large enrollments. They may be public (state-, county-, or city-run) or private institutions. Moreover, they may have various instructional themes (e.g., liberal arts, science and engineering, business, or trade and technical) or levels (e.g., certificate programs or associate's, bachelor's, graduate, or professional degree programs). These themes and levels may be separated by institution or combined within an institution. The more they are kept separate, the greater the number of individual institutions and the smaller their average size is likely to be. Smaller institutions may claim to offer students a more personal experience, more direct interaction with instructors, and a greater feeling of community. Larger institutions, however, may realize more economic efficiencies and offer students more curricular choice.

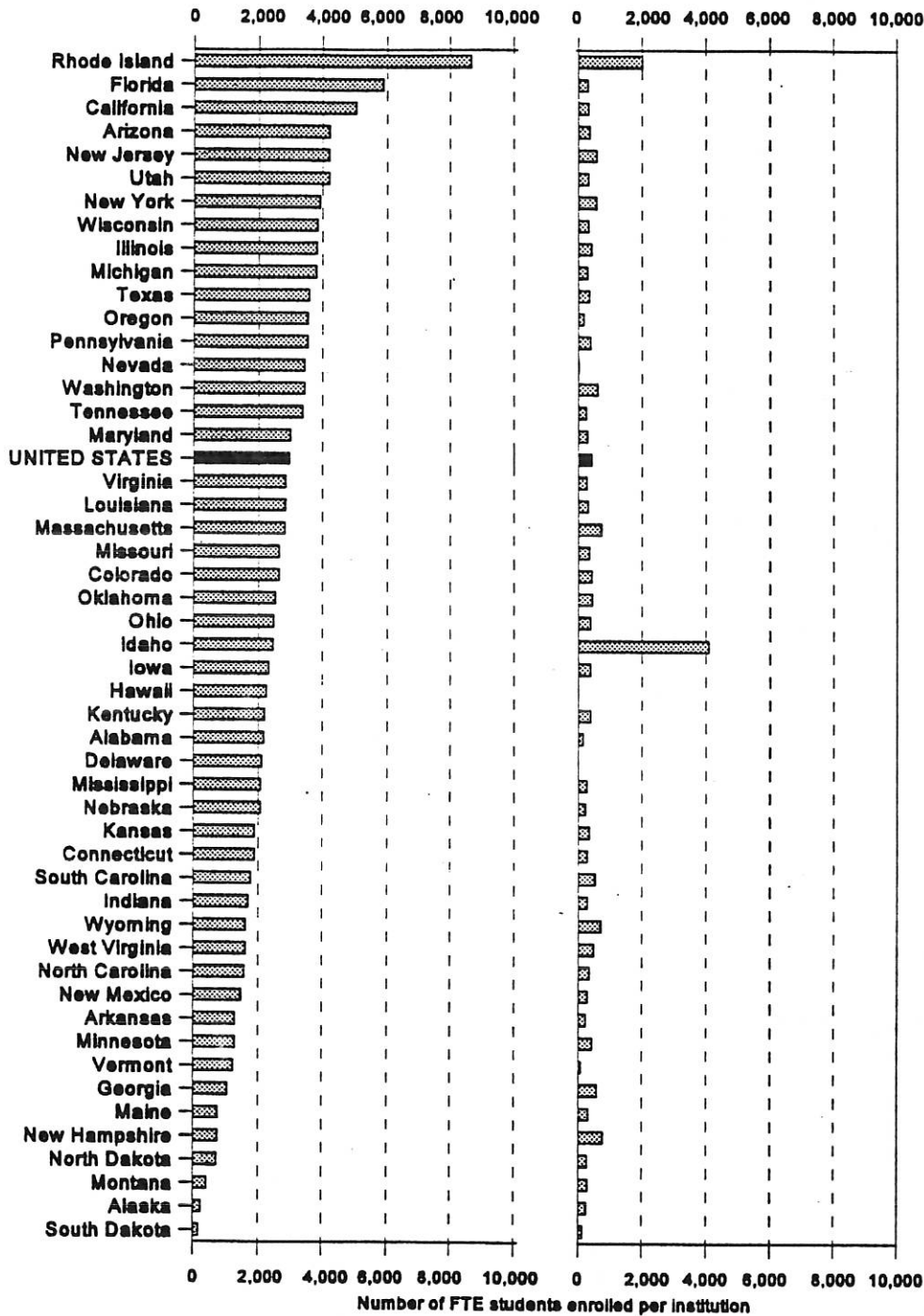
- ▶ **In 1993, the average size of public 2-year higher education institutions showed a wide range across states. The average number of students per public 2-year institution ranged from 171 in South Dakota to 8,675 in Rhode Island. Eleven states had an average enrollment level below 1,500 students; six states had an average enrollment above 4,000 students.**
- ▶ **Four-year higher education institutions were, for the most part, larger than their 2-year counterparts. The average public 4-year institution size was larger than the average public 2-year institution size in all states but Rhode Island.**
- ▶ **The range in average enrollment at public 4-year higher education institutions across states was also wide. The average number of students per institution ranged from 2,865 in Maine to 23,168 in Arizona. Nine states had average enrollment levels of less than 5,000 students; nine states had an average enrollment of over 10,000 students.**

**Note on interpretation:**

There exists some variation across states with respect to whether certain programs are assigned to 2-year or 4-year higher education institutions. This is true for technical and professional programs in particular. In those states with very small, or virtually non-existent, 2-year sectors, most technical and professional programs will be found in 4-year institutions. In those states with very large 2-year sectors, the converse may be the case.

6-23

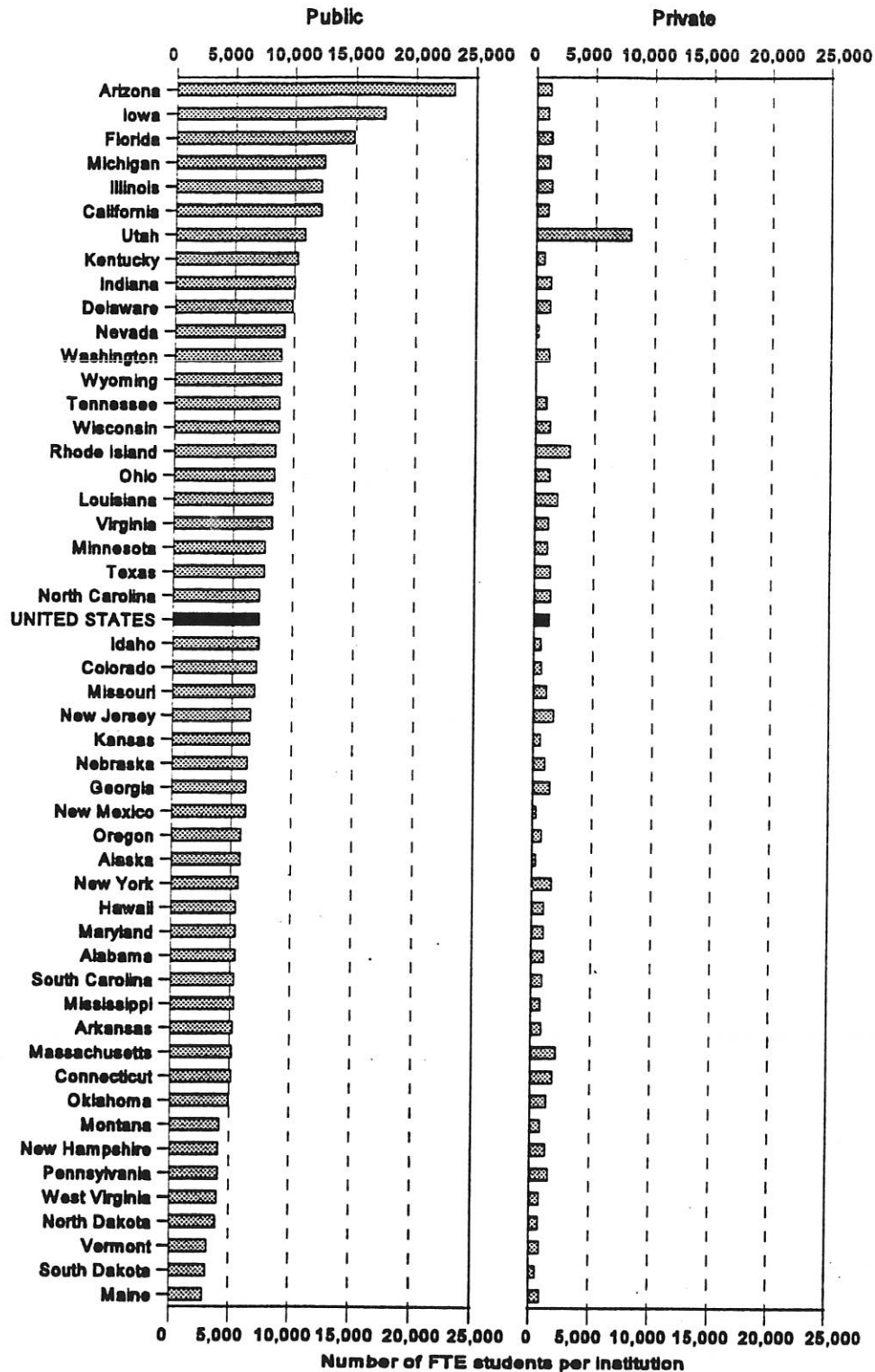
**Figure 18a: Average number of students enrolled per 2-year institution of higher education, by control of institution and state: Academic year 1993-94**



SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Institutional Characteristics Survey (based on: State Comparisons of Education Statistics: 1969-70 to 1993-94, Table 75); Fall Enrollment Survey, 1993-94.

6-24

Figure 18b: Average number of students enrolled per 4-year institution of higher education, by control of institution and state: 1993-94



NOTE: States are sorted from high to low based on the average size of public institutions.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Institutional Characteristics Survey (based on: State Comparisons of Education Statistics: 1969-70 to 1993-94, Table 76); Fall Enrollment Survey, 1993-94.

Table 18: Number of higher education institutions and average institution size, by level of education, control of institution, and state: Academic year 1993-94

State	2-year				4-year			
	Public		Private		Public		Private	
	Number of institutions	Average number of students per institution*	Number of institutions	Average number of students per institution*	Number of institutions	Average number of students per institution*	Number of institutions	Average number of students per institution*
<b>UNITED STATES</b>	<b>1,009</b>	<b>2,956</b>	<b>394</b>	<b>420</b>	<b>603</b>	<b>7,237</b>	<b>1,565</b>	<b>1,338</b>
Alabama	35	2,171	11	158	18	5,421	17	1,095
Alaska	1	249	1	239	3	5,780	3	311
Arizona	18	4,216	3	359	3	23,168	17	1,236
Arkansas	10	1,287	3	227	10	5,238	10	912
California	108	5,047	34	328	32	12,177	146	1,031
Colorado	15	2,645	9	426	14	7,051	22	712
Connecticut	12	1,877	4	280	8	5,145	19	1,871
Delaware	3	2,102	0	0	2	9,857	4	1,227
District of Columbia	0	0	0	0	2	3,098	16	2,792
Florida	30	5,882	13	309	9	14,863	53	1,313
Georgia	50	1,063	9	571	19	6,207	32	1,481
Hawaii	7	2,239	0	0	3	5,447	6	1,060
Idaho	2	2,462	2	4,087	4	7,232	3	634
Illinois	50	3,811	14	413	12	12,211	91	1,343
Indiana	14	1,697	10	295	14	10,054	39	1,291
Iowa	17	2,317	5	378	3	17,375	35	1,065
Kansas	19	1,880	2	343	10	6,535	19	644
Kentucky	14	2,181	12	384	8	10,297	27	773
Louisiana	6	2,831	2	301	14	8,276	11	1,930
Maine	6	765	5	302	8	2,865	12	903
Maryland	19	2,999	3	289	15	5,428	21	1,066
Massachusetts	17	2,817	13	722	14	5,177	73	2,134
Michigan	30	3,789	7	281	15	12,443	50	1,163
Minnesota	43	1,283	9	426	11	7,694	35	1,158
Mississippi	20	2,078	4	270	9	5,332	12	779
Missouri	16	2,647	10	351	13	6,909	54	1,146
Montana	7	424	2	288	6	4,204	4	837
Nebraska	9	2,068	2	223	7	6,324	15	1,036
Nevada	4	3,430	1	25	2	9,216	2	256
New Hampshire	7	759	4	773	5	4,142	13	1,323
New Jersey	19	4,206	6	572	14	6,567	22	1,726
New Mexico	17	1,471	2	283	6	6,204	7	305
New York	46	3,906	47	570	44	5,635	178	1,696
North Carolina	58	1,570	6	353	17	7,264	39	1,428
North Dakota	9	721	1	264	6	3,900	4	739
Ohio	37	2,476	27	389	25	8,432	67	1,300
Oklahoma	15	2,531	4	432	14	4,947	11	1,362
Oregon	13	3,522	1	182	8	5,852	22	796
Pennsylvania	19	3,520	50	390	45	4,142	102	1,574
Rhode Island	1	8,675	1	2,025	2	8,504	9	3,010
South Carolina	21	1,766	3	529	12	5,358	22	932
South Dakota	1	171	1	130	8	3,095	10	513
Tennessee	14	3,375	10	246	10	8,832	42	976
Texas	65	3,562	13	353	40	7,667	57	1,385
Utah	4	4,198	3	320	5	10,830	4	7,983
Vermont	2	1,232	2	78	4	3,208	14	832
Virginia	24	2,837	12	274	15	8,272	33	1,192
Washington	28	3,430	3	610	8	8,977	22	1,184
West Virginia	3	1,610	2	472	13	4,024	10	820
Wisconsin	17	3,834	5	333	13	8,806	29	1,277
Wyoming	7	1,613	1	700	1	8,956	0	0

\* Students are counted in full-time-equivalencies.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), *Institutional Characteristics Survey* (based on: *State Comparisons of Education Statistics: 1969-70 to 1993-94*, Table 75); Integrated Postsecondary Education Data System (IPEDS), *Fall Enrollment Survey*, 1993-94.



## Indicator 19: Enrollment in 2-year higher education institutions

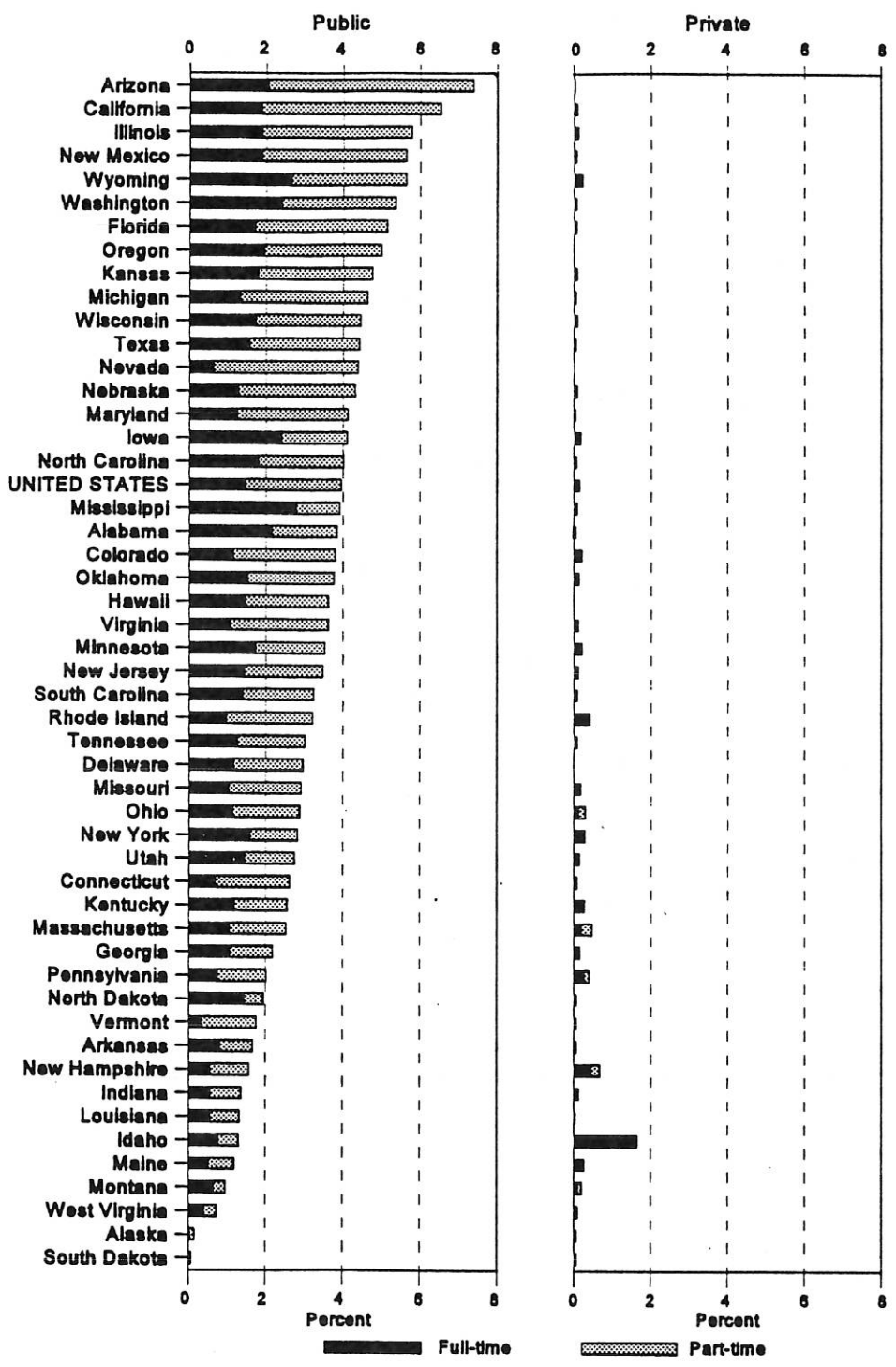
This indicator measures enrollment in 2-year institutions of higher education within a state as a proportion of various age groups. Enrollment rates are provided for four age groups (18–21, 22–29, 30–49, and 18–49) and for public and private institutions. Female enrollment as a percentage of the total has also been calculated and broken reported enrollment status (full-time and part-time). Enrollment is influenced not only by “demand”—the number of persons who wish to attend 2-year institutions—but also by “supply”—the number of places available in such institutions. High enrollment levels may reflect a corresponding high value placed on education by a state, or it may reflect an economy dependent on a highly trained workforce. High enrollment levels in 2-year institutions, in particular, may reflect a strong demand for the types of training provided at that level or the use of 2-year institutions to provide the first 2 years of 4-year higher education programs. In any event, state education strategies can produce a greater availability of places in higher education.

- ▶ **In the fall of 1993, the enrollment rate in public 2-year institutions in the majority of states included here was relatively higher for part-time than for full-time students. This was true for all age groups except those aged 18 to 21, a typical age group for full-time students. Moreover, this trend did not hold true for the small enrollment in private 2-year institutions, in which full-time students predominated.**
- ▶ **Two states, Arizona and California, had enrollment rates at public 2-year institutions among 18- to 49-year-olds of over 6 percent. In contrast, only Idaho had an enrollment rate for this age group of over one percent among private 2-year institutions.**
- ▶ **Enrollment rates are lower, and part-time enrollment assumes a larger share, for older age cohorts. Whereas only eight states had enrollment rates at or below 5 percent for those aged 18 to 21, no state had a combined (full-time and part-time) enrollment rate of over 5 percent for those aged 30 to 49, the oldest age group represented in this indicator.**
- ▶ **In general, females represented the majority in both full-time and part-time enrollment. In only four states (Minnesota, North Dakota, Rhode Island, and Vermont) did females represent less than 50 percent of full-time enrollment, and no state reported a male majority in their part-time enrollment.**

### Note on interpretation:

Not all students enrolled in 2-year higher education institutions are between 18 and 49 years old. In 1993, 2.4 percent of enrolled students were under 18 years old, 4.4 percent were 50 years of age or older, and the ages of 1.3 percent were unknown.

**Figure 19a: Percentage of 18- to 49-year-olds enrolled in 2-year higher education institutions, by control of institution, enrollment status, and state: Fall 1993**



SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System, Fall Enrollment survey, 1993. U.S. Department of Commerce, Bureau of the Census, Population Division, unpublished tables consistent with Press Release CB95-39, issued March 1, 1995.

6-28

## **Indicator 20: Enrollment in 4-year higher education institutions**

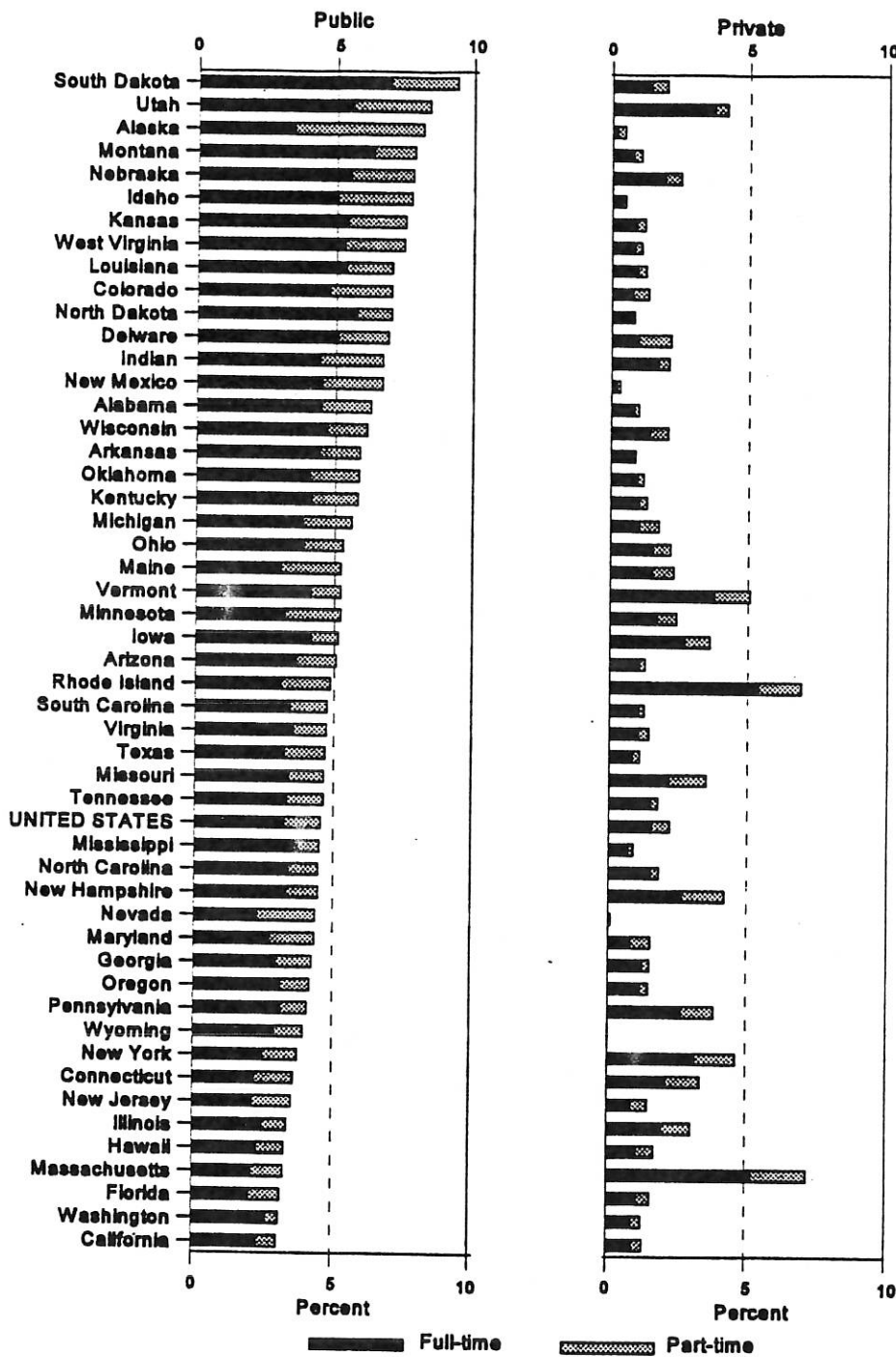
This indicator measures enrollment in 4-year institutions of higher education within a state as a proportion of various age groups. Enrollment rates are provided for four age groups (18–21, 22–29, 30–49, and 18–49) and for public and private institutions. Female enrollment as a percentage of the total has also been calculated and broken down by enrollment status (full-time and part-time). As with 2-year institutions, 4-year enrollment levels depend upon both the supply of and demand for 4-year higher education programs. However, enrollment levels at 4-year institutions in one state can be affected by the supply and demand in other states, as students are free to migrate across state lines to attend college.

- ▶ **In the fall of 1993, all states except Alaska had relatively higher full-time than part-time enrollment rates in public 4-year institutions. This was true for all age groups except those aged 30 to 49, in which part-time enrollment was predominant. This pattern was similar to that in public 2-year institutions in that part-time enrollment represented a larger proportion of total enrollment in the older age groups. The public 4-year pattern was different from that in public 2-year institutions, however, in that full-time enrollment generally exceeded part-time enrollments in 4-year institutions.**
- ▶ **Two states, Rhode Island and Vermont, had full-time enrollment rates of over 50 percent for those aged 18 to 21.**
- ▶ **As was found with 2-year institutions, enrollment rates in 4-year institutions were lower in older age cohorts. In every state, both full-time and total (full-time plus part-time) enrollment rates declined between the 18 to 21 age group and the 22 to 29 age group. Full-time and total enrollment rates declined again between the 22 to 29 age group and the 30 to 49 age group in every state.**
- ▶ **Females comprised a majority of part-time enrollment in every state. They comprised a majority of full-time enrollment in 45 states.**

Note on interpretation:

Not all students enrolled in 4-year higher education institutions are between 18 and 49 years old. In 1993, 1.3 percent of enrolled students were under 18 years old, 2.0 percent were 50 years of age or older, and the ages of 2.1 percent were unknown.

**Figure 20a: Percentage of 18- to 49-year-olds enrolled in public and private 4-year higher education institutions, by control of institution, enrollment status, and state: Fall 1993**



SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System, Fall Enrollment Survey, 1993. U.S. Department of Commerce, Bureau of the Census, Population Division, unpublished tables consistent with Press Release CB95-39, issued March 1, 1995.

6-30

## **Indicator 30: Higher education faculty salaries**

Faculty salaries are a primary factor in attracting and retaining the most qualified instructional personnel. Additionally, salaries are a considerable component of higher education expenditures and may influence the level of tuition charged to students. These factors can be seen by comparing the difference between the average salaries of faculty employed at 2-year public institutions versus their counterparts at 4-year institutions and the difference between tuition at 2-year and 4-year public institutions (Indicator A4). This indicator presents the average salary of full-time instructional faculty on 9-month contracts at higher education institutions.

- ▶ **In 1993, average annual salaries for full-time faculty at 2-year public higher education institutions ranged from about \$25,000 in South Dakota to \$51,000 in Alaska. Average salaries in 35 states were between \$30,000 and \$45,000.**
- ▶ **Faculty at 2-year private higher education institutions were generally less well compensated than faculty in 2-year public institutions. Faculty at private 2-year institutions in no state had an average salary above \$40,000, and faculty at private institutions in only 5 states had higher average salaries than their counterparts at public institutions.**
- ▶ **Faculty at 4-year public institutions received higher salaries than their counterparts in 2-year public institutions. Faculty at 4-year public institutions in 8 states had average salaries below \$40,000, while faculty at 2-year public institutions in 34 states had salaries below that level. Alaska was the only state in which salaries at 2-year public institutions exceeded salaries at both 4-year public and 4-year private institutions.**
- ▶ **For the nation as a whole, the average salary of faculty at 4-year private institutions was about equal to that of their counterparts at 4-year public institutions.**

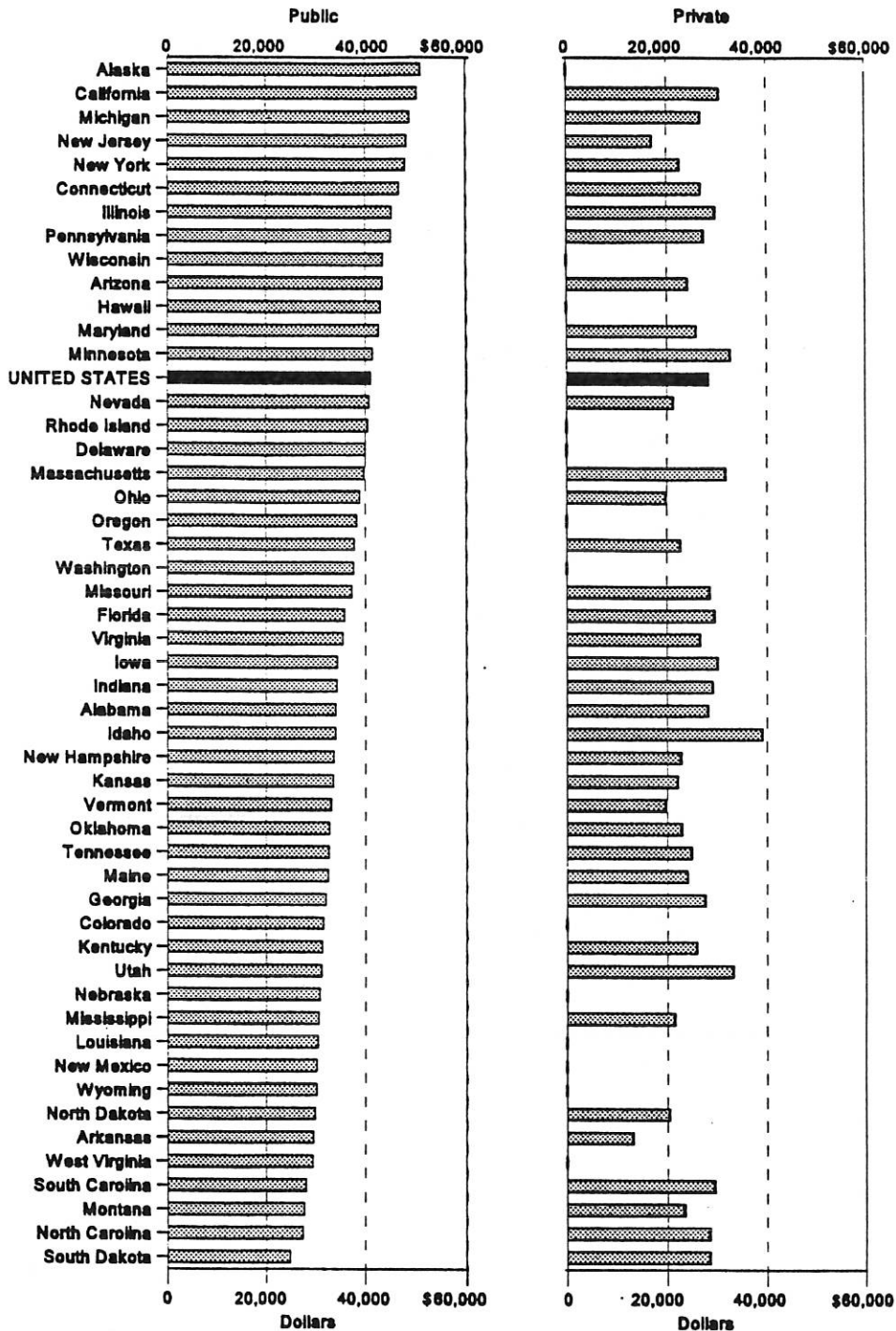
Notes on interpretation:

The faculty salaries presented here are not adjusted for varying working conditions, such as course frequency, degree of research responsibility, or level of training. They are also not adjusted across states for variations in cost of living. Moreover, they do not include fringe benefits.

A wide variety of types of institutions are subsumed under the category "4-year higher education institution," including small liberal arts colleges which emphasize classroom teaching and large doctorate-granting universities with graduate professional schools that emphasize research. Salaries at the latter type generally exceed those at the former type, but can range widely within each type.

6-31

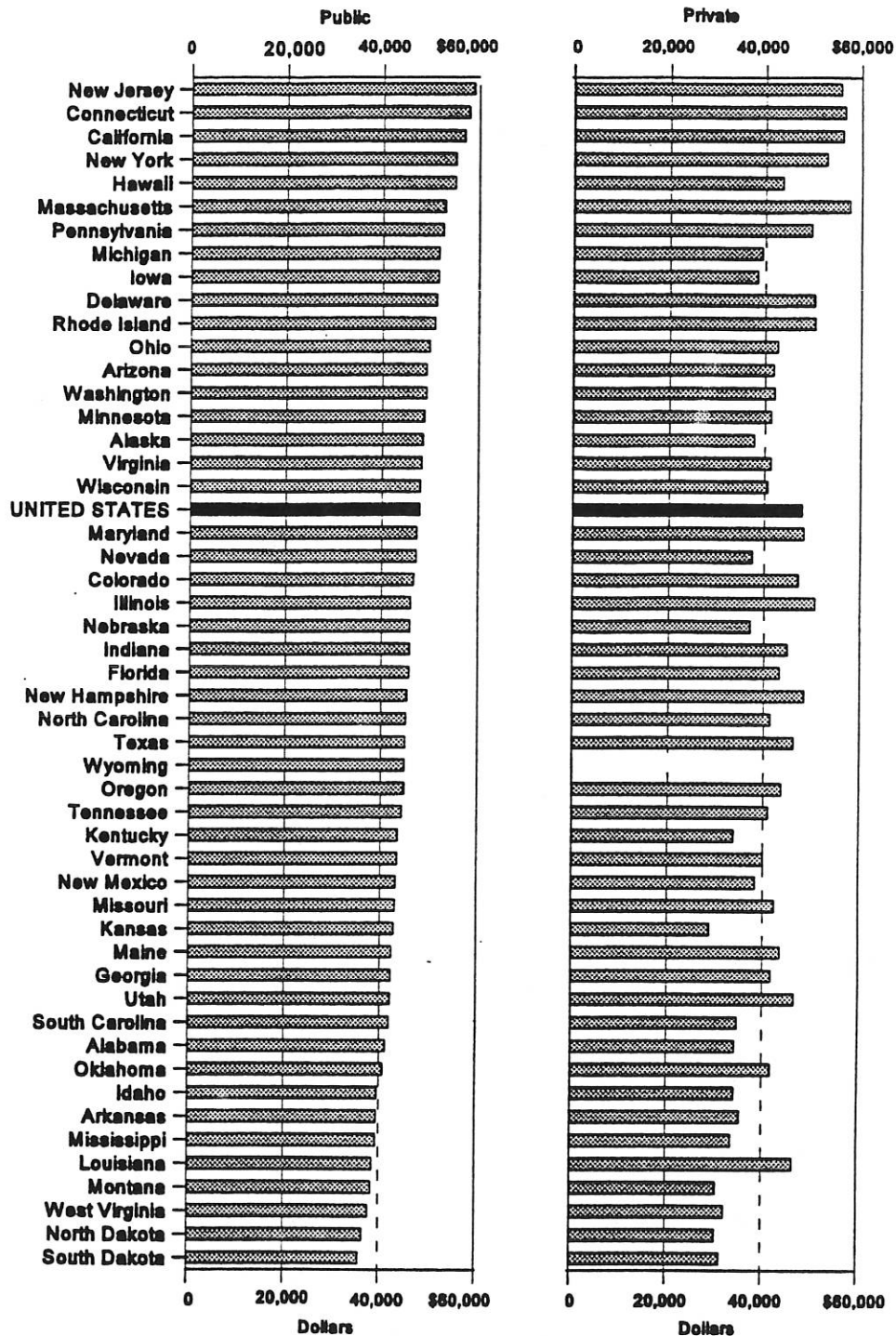
**Figure 30a: Average salary of full-time instructional faculty on 9-month contracts at 2-year higher education institutions, by control of institution and state: Academic year 1993-94**



SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Salary survey, 1993-94.

6-32

**Figure 30b: Average salary of full-time instructional faculty on 9-month contracts at 4-year higher education institutions, by control of institution and state: Academic year 1993-94**



NOTE: States are sorted from high to low based on average salaries in public institutions.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Salary Survey, 1993-94.

6-33

**Table 30: Average salary of full-time instructional faculty on 9-month contracts at higher education institutions, by level of education, control of institution, and state: Academic year 1993-94**

State	2-year		4-year	
	Public	Private	Public	Private
<b>UNITED STATES</b>	<b>\$41,040</b>	<b>\$28,468</b>	<b>\$47,988</b>	<b>\$47,880</b>
Alabama	34,037	28,181	41,248	34,129
Alaska	51,052	—	48,556	37,705
Arizona	43,395	24,121	49,225	41,724
Arkansas	29,506	13,109	39,498	35,241
California	50,368	30,608	57,051	56,089
Colorado	31,598	—	46,709	47,060
Connecticut	46,813	26,857	57,982	56,572
Delaware	40,011	—	51,371	50,219
District of Columbia	—	—	49,114	53,046
Florida	35,795	29,530	45,865	43,204
Georgia	32,096	27,568	42,401	41,687
Hawaii	42,967	—	55,155	43,631
Idaho	33,977	39,034	39,680	34,194
Illinois	45,283	29,700	46,076	50,700
Indiana	34,211	29,172	45,902	44,870
Iowa	34,329	30,160	51,711	38,326
Kansas	33,478	22,054	42,973	28,687
Kentucky	31,339	25,846	43,646	33,756
Louisiana	30,464	—	38,643	46,497
Maine	32,514	24,047	42,521	43,663
Maryland	42,617	25,839	47,376	48,225
Massachusetts	39,721	31,709	52,946	57,561
Michigan	48,882	26,828	51,919	39,293
Minnesota	41,376	32,702	48,805	41,221
Mississippi	30,636	21,406	39,433	33,570
Missouri	37,318	28,468	43,187	42,306
Montana	27,701	23,373	38,357	30,417
Nebraska	30,879	—	45,931	37,079
Nevada	40,736	21,233	47,239	37,401
New Hampshire	33,682	22,760	45,409	48,338
New Jersey	48,185	17,098	59,045	55,713
New Mexico	30,270	—	43,306	38,308
New York	48,027	22,617	55,204	52,819
North Carolina	27,454	28,460	45,208	41,403
North Dakota	29,874	20,426	36,618	30,261
Ohio	38,902	19,744	49,841	42,590
Oklahoma	32,769	22,867	40,796	41,668
Oregon	38,321	—	44,890	43,796
Pennsylvania	45,218	27,381	52,646	49,629
Rhode Island	40,398	—	51,037	50,429
South Carolina	28,085	29,494	42,078	34,640
South Dakota	24,780	28,500	35,929	31,243
Tennessee	32,652	24,810	44,485	41,014
Texas	37,760	22,681	45,110	46,294
Utah	31,244	33,209	42,330	46,664
Vermont	33,087	19,700	43,599	39,953
Virginia	35,503	26,573	48,313	41,257
Washington	37,607	—	49,187	41,930
West Virginia	29,378	—	37,806	32,173
Wisconsin	43,548	—	48,040	40,524
Wyoming	30,162	—	44,923	—

— Not applicable or not available.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Salary Survey, 1993-94.

6-34



## Indicator 32: Higher education expenditures

Educational and general expenditures cover all activities of higher education institutions except for auxiliary enterprises and independent operations, such as hospitals, large intercollegiate athletic sports facilities, and independent research centers. Gross State Product (GSP) is an aggregate measure of the value of goods and services produced in a state; the percentage of GSP spent on education from public sources corresponds to the share of a state's wealth that it invests in education. Variations in these measures across states reflect differences in income levels as well as policy priorities and preferences. This indicator measures the educational and general expenditures of each state's higher education institutions, calculated per student and as a proportion of GSP for public institutions.

- ▶ In 1993, Alaska and Montana had the highest expenditures for 2-year public higher education institutions—over \$10,000 per student. In 42 states, per-student expenditures ranged between \$5,000 and \$9,000.
- ▶ Expenditures for public 4-year higher education institutions ranged between \$10,000 and \$20,000 per student for all but three states: South Dakota (\$9,200), Washington (\$21,000), and Hawaii (\$25,000). Variation for private institutions was much greater, from under \$5,000 (Arizona) to over \$50,000 (Maryland).
- ▶ Whereas no state applied more than 0.6 percent of its GSP to expenditures for public 2-year higher education institutions, only one state—New Jersey, applied less than that percentage to expenditures for public 4-year institutions.
- ▶ In 4 states—North Dakota, Utah, New Mexico, and Vermont—over 2 percent of the GSP was applied to expenditures of public 4-year higher education institutions. In 37 states, between 1 and 2 percent of GSP was devoted to expenditures on public higher education institutions (2-year and 4-year).

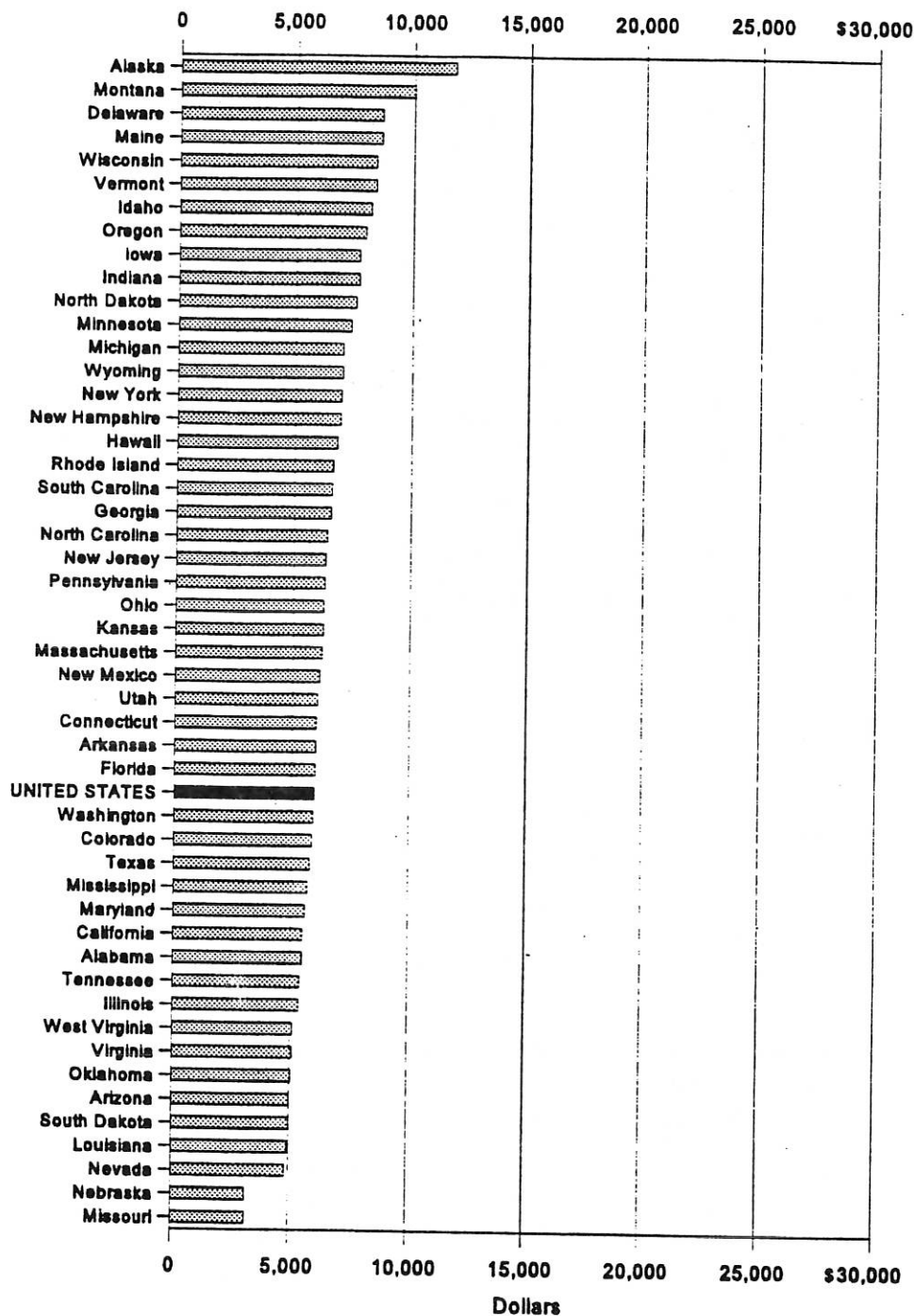
### Notes on interpretation:

Fiscal effort measures, such as expenditure as a percentage of gross product, do not directly convey information about the absolute quantity of resources that a state devotes to each student's education. The measure can also be heavily influenced by the proportion of the population of school-age students and those in school.

These figures represent gross, not net, expenditures. Net expenditures would account for revenues gained from student tuition and fees at public institutions and from other sources. A state with a high level of public higher education gross expenditure and high student tuition and fees at public institutions may be making no greater public investment in higher education than a state with lower expenditures and very low tuition and fees. In order to see a more complete accounting of each state's total public and private investment in higher education, the information in this indicator should be supplemented by Indicator A4: Average higher education tuition.

6-35

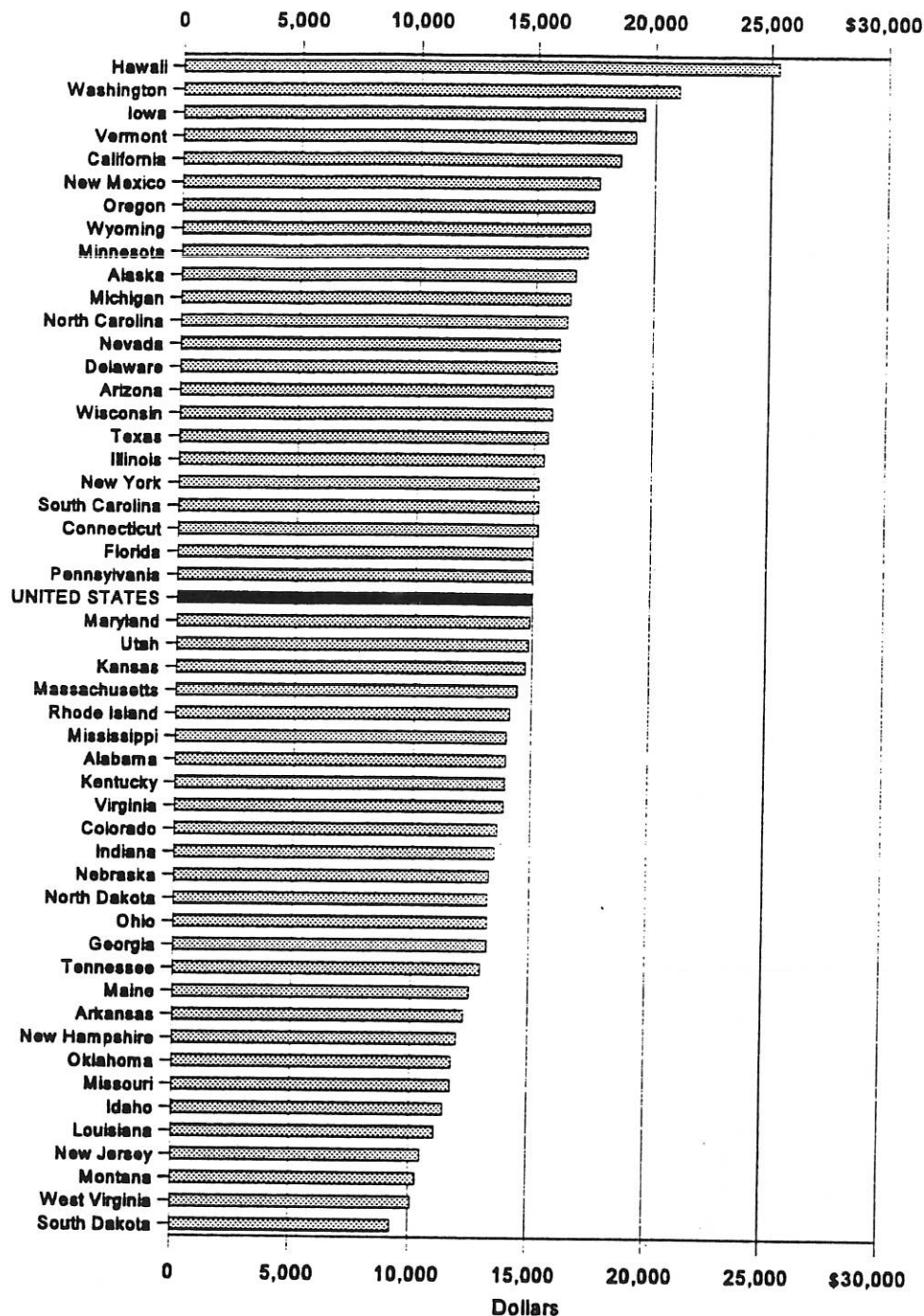
**Figure 32a: Educational and general expenditures per full-time-equivalent student at 2-year public higher education institutions, by state: 1993**



SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Finance survey, 1993; Fall Enrollment survey, 1993.

6-36

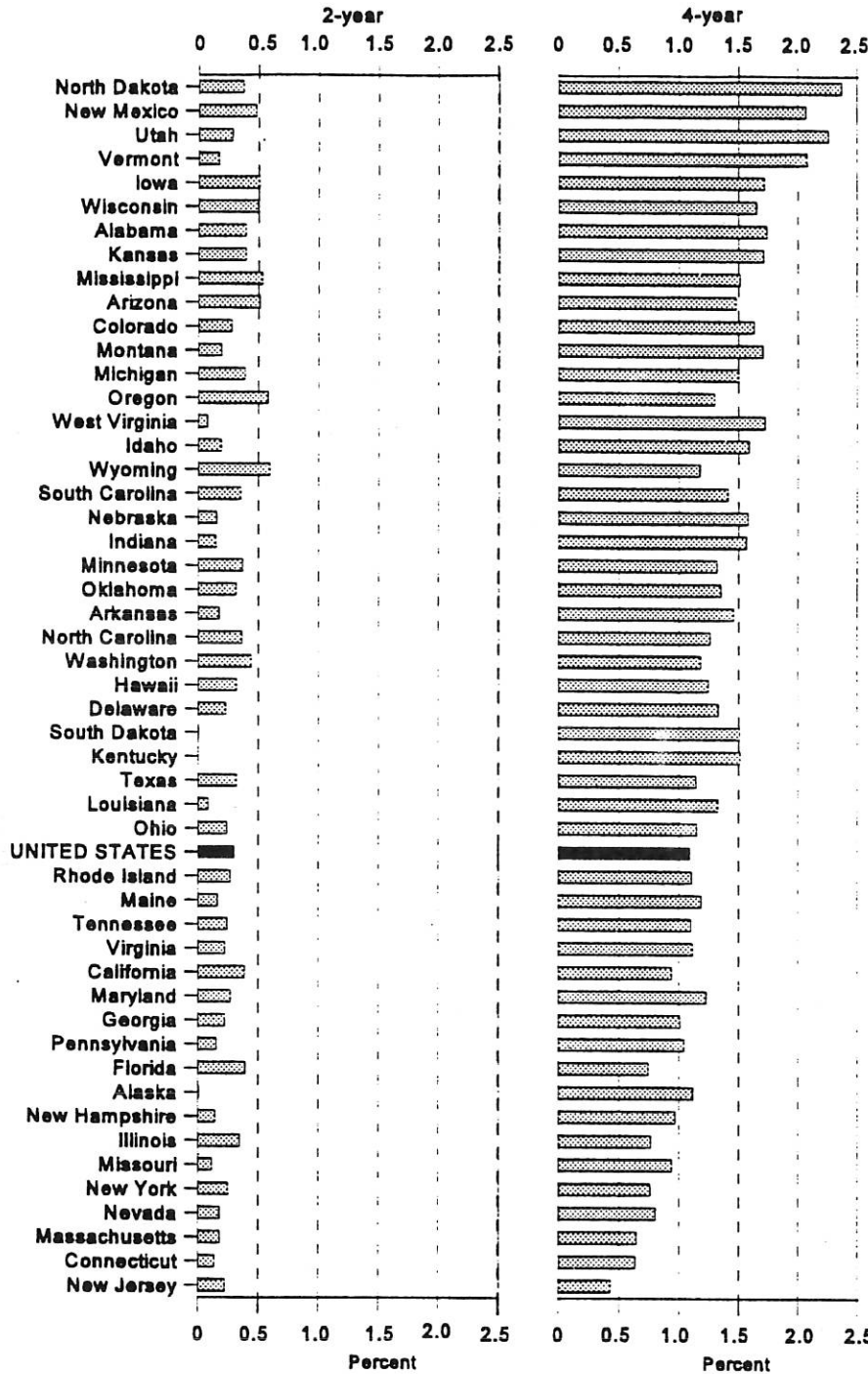
**Figure 32b: Educational and general expenditures per full-time-equivalent student at 4-year public higher education institutions, by state: 1993**



SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Finance survey, 1993; Fall Enrollment survey, 1993.

6-37

**Figure 32c: Educational and general expenditures of public higher education institutions as a percentage of gross state product,\* by level of education and state: 1993**



\* Gross State Product (GSP) figures are for 1992, the most recent available.  
 NOTE: States are sorted from high to low based on the sum of the two figures.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS) Finance survey, 1993. U.S. Department of Commerce, Bureau of Economic Analysis, Gross State Product Tables.

6-38

**Table 32a: Educational and general expenditures per full-time-equivalent student at higher education institutions, by level of education, control of institution, and state: 1993**

State	2-year		4-year	
	Public	Private	Public	Private
<b>UNITED STATES</b>	<b>\$5,963</b>	<b>\$8,450</b>	<b>\$14,930</b>	<b>\$21,641</b>
Alabama	5,477	8,018	13,924	13,552
Alaska	11,786	12,684	16,708	17,242
Arizona	4,993	7,635	15,796	4,680
Arkansas	6,004	9,368	12,274	11,261
California	5,503	11,732	18,572	26,180
Colorado	5,867	7,921	13,616	16,406
Connecticut	6,016	12,240	15,229	35,844
Delaware	8,668	—	15,954	5,648
District of Columbia	—	—	16,551	29,621
Florida	5,997	8,583	14,999	17,194
Georgia	6,564	7,965	13,204	20,430
Hawaii	6,800	—	25,348	11,721
Idaho	8,193	6,351	11,432	13,882
Illinois	5,351	7,176	15,422	22,201
Indiana	7,704	4,909	13,506	15,629
Iowa	7,714	10,746	19,563	14,393
Kansas	6,276	15,657	14,713	11,098
Kentucky	—	6,423	13,891	11,950
Louisiana	4,903	6,121	11,054	21,006
Maine	8,634	5,865	12,470	16,931
Maryland	5,594	10,634	14,907	50,475
Massachusetts	6,241	8,216	14,386	31,082
Michigan	7,028	11,738	16,477	12,420
Minnesota	7,367	7,850	17,195	16,491
Mississippi	5,706	13,347	13,959	10,468
Missouri	3,137	9,476	11,724	21,700
Montana	10,033	7,756	10,278	9,885
Nebraska	3,155	6,363	13,277	16,958
Nevada	4,833	32,864	16,092	8,399
New Hampshire	6,952	4,777	11,947	22,526
New Jersey	6,356	9,440	10,478	23,969
New Mexico	6,157	4,814	17,701	12,753
New York	6,963	9,777	15,246	25,683
North Carolina	6,408	12,073	15,246	23,533
North Dakota	7,586	15,832	13,224	9,307
Ohio	6,284	5,184	13,207	16,978
Oklahoma	5,046	16,766	11,741	14,254
Oregon	7,964	9,973	17,443	16,063
Pennsylvania	6,332	7,831	14,964	22,904
Rhode Island	6,636	10,399	14,082	18,188
South Carolina	6,592	7,926	15,242	12,052
South Dakota	4,988	7,545	9,228	11,791
Tennessee	5,376	6,077	12,951	20,325
Texas	5,777	6,627	15,580	19,576
Utah	6,081	4,890	14,850	10,380
Vermont	8,400	42,937	19,200	22,207
Virginia	5,083	9,722	13,853	15,955
Washington	5,925	7,410	21,032	14,276
West Virginia	5,087	6,470	10,104	13,975
Wisconsin	8,400	4,629	15,780	17,362
Wyoming	7,013	13,058	17,298	—

— Not applicable or not available.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Finance Survey 1993; Fall Enrollment Survey, 1993.

6-39

**Table 32b: Educational and general expenditures of public higher education institutions as a percentage of gross state product,\* by level of education and state: 1993**

State	Total	2-year institutions	4-year institutions
<b>UNITED STATES</b>	<b>1.39</b>	<b>0.30</b>	<b>1.09</b>
Alabama	2.28	0.54	1.74
Alaska	1.13	0.01	1.12
Arizona	1.99	0.51	1.48
Arkansas	1.64	0.18	1.46
California	1.33	0.39	0.94
Colorado	1.91	0.28	1.63
Connecticut	0.77	0.14	0.63
Delaware	1.56	0.23	1.33
District of Columbia	0.26	—	0.26
Florida	1.14	0.39	0.75
Georgia	1.24	0.23	1.01
Hawaii	1.57	0.32	1.25
Idaho	1.78	0.19	1.59
Illinois	1.12	0.35	0.77
Indiana	1.71	0.15	1.56
Iowa	2.23	0.51	1.72
Kansas	2.11	0.40	1.71
Kentucky	1.51	—	1.51
Louisiana	1.42	0.09	1.33
Maine	1.35	0.16	1.19
Maryland	1.32	0.27	1.05
Massachusetts	0.82	0.18	0.64
Michigan	1.89	0.39	1.50
Minnesota	1.69	0.37	1.32
Mississippi	2.05	0.54	1.51
Missouri	1.06	0.12	0.94
Montana	1.90	0.20	1.70
Nebraska	1.74	0.16	1.58
Nevada	0.99	0.18	0.81
New Hampshire	1.11	0.14	0.97
New Jersey	0.66	0.23	0.43
New Mexico	2.55	0.48	2.07
New York	1.01	0.25	0.76
North Carolina	1.63	0.37	1.26
North Dakota	2.75	0.38	2.37
Ohio	1.39	0.24	1.15
Oklahoma	1.67	0.32	1.35
Oregon	1.88	0.58	1.30
Pennsylvania	1.20	0.16	1.04
Rhode Island	1.38	0.27	1.11
South Carolina	1.76	0.35	1.41
South Dakota	1.52	0.01	1.51
Tennessee	1.34	0.24	1.10
Texas	1.47	0.32	1.15
Utah	2.55	0.29	2.26
Vermont	2.25	0.17	2.08
Virginia	1.35	0.23	1.12
Washington	1.63	0.45	1.18
West Virginia	1.80	0.08	1.72
Wisconsin	2.15	0.50	1.65
Wyoming	1.77	0.60	1.17

— Not applicable or not available.

\* Gross State Product (GSP) figures are for 1992, the most recent available.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), *Finance Survey*, 1993. U.S. Department of Commerce, Bureau of Economic Analysis, Gross State Product tables.

6-40

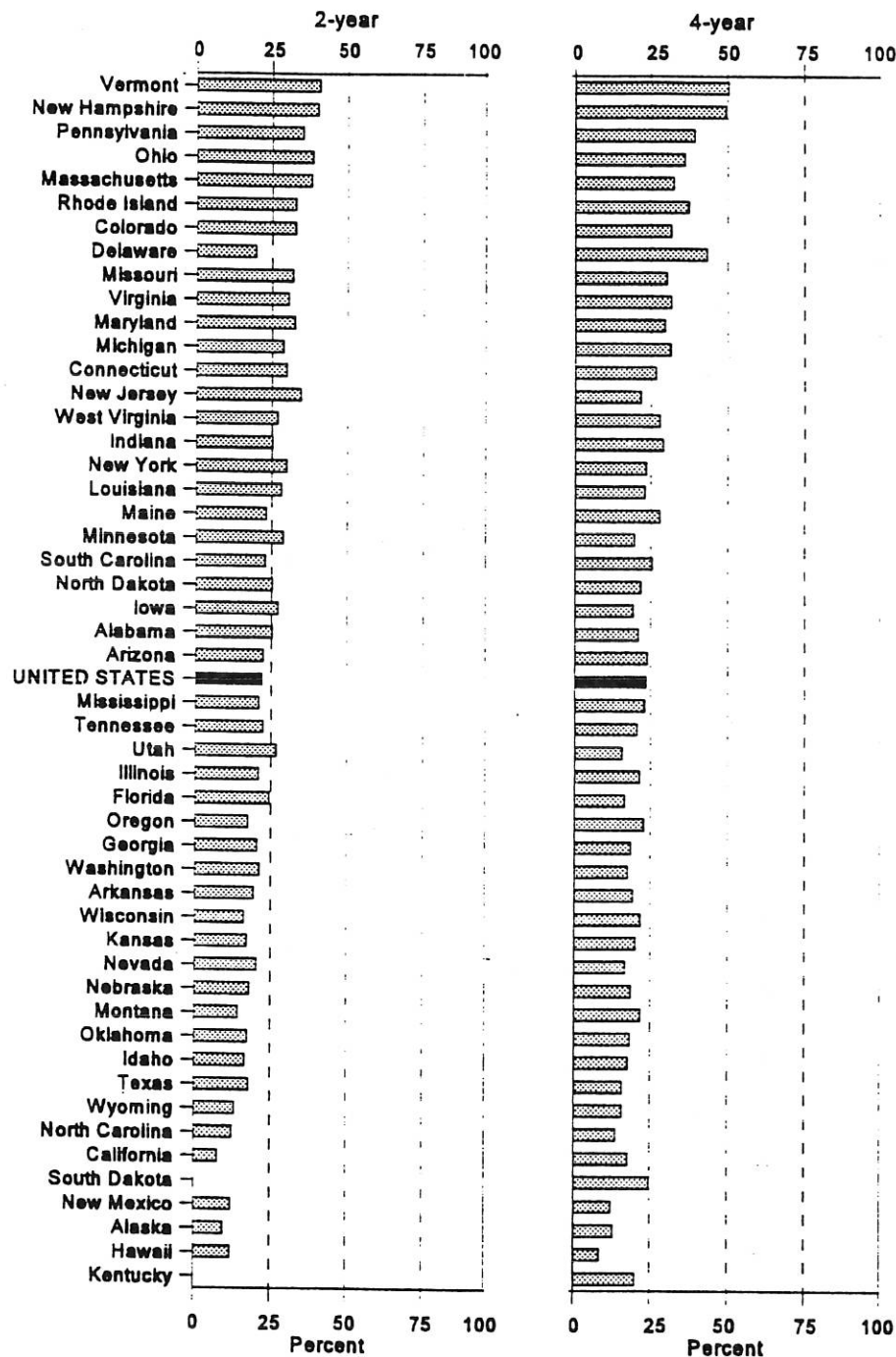
### **Indicator 33: Components of higher education expenditures**

Tuition revenue as a percentage of total educational expenditure can be considered a rough measure of the cost-to-benefit ratio for higher education students in a state: the higher the tuition, the greater the cost to a student; the higher the expenditure, the greater the benefit to a student. Instructional expenditures as a percentage of educational expenditures in higher education institutions represents the proportion of available funds dedicated to the primary mission of the colleges and universities. The remainder—the non-instructional expenditures— include such expenses as general administration, research, operation and maintenance of plant and equipment, and student services. This indicator shows both revenue from tuition and fees and instructional expenditures as proportions of total educational and general expenditures in public higher education institutions in each state.

- ▶ **In 1993, California and Alaska had the smallest tuition and fee revenue to expenditure ratios for public 2-year institutions; in both states the ratios were less than 10 percent. Hawaii, Alaska, New Mexico, and North Carolina had the smallest ratios for public 4-year institutions; all were below 15 percent.**
- ▶ **While the average tuition revenue to expenditure ratios for the entire United States were roughly equal for public 2-year and public 4-year institutions, ratios for public 4-year institutions had a slightly wider variation, ranging from about 9 percent (Hawaii) to 51 percent (Vermont). Ratios for public 2-year institutions ranged from about 8 percent (California) to 41 percent (Vermont).**
- ▶ **Instructional expenditures as a proportion of educational and general expenditures were higher for 2-year than for 4-year public institutions nationally and in all but five states—Idaho, Indiana, Ohio, Vermont, and West Virginia.**
- ▶ **There tended to be more variation across the states in the ratios of instructional expenditures as a proportion of educational and general expenditures among 2-year than 4-year institutions. Ratios for 2-year institutions ranged from about 31 percent (Vermont) to 61 percent (Wisconsin). Ratios for 4-year institutions ranged from 28 percent (New Mexico) to 45 percent (Delaware and Ohio).**

6-41

**Figure 33a: Revenue from tuition and student fees as a percentage of educational and general expenditures in public higher education institutions, by level of education and state: 1993**



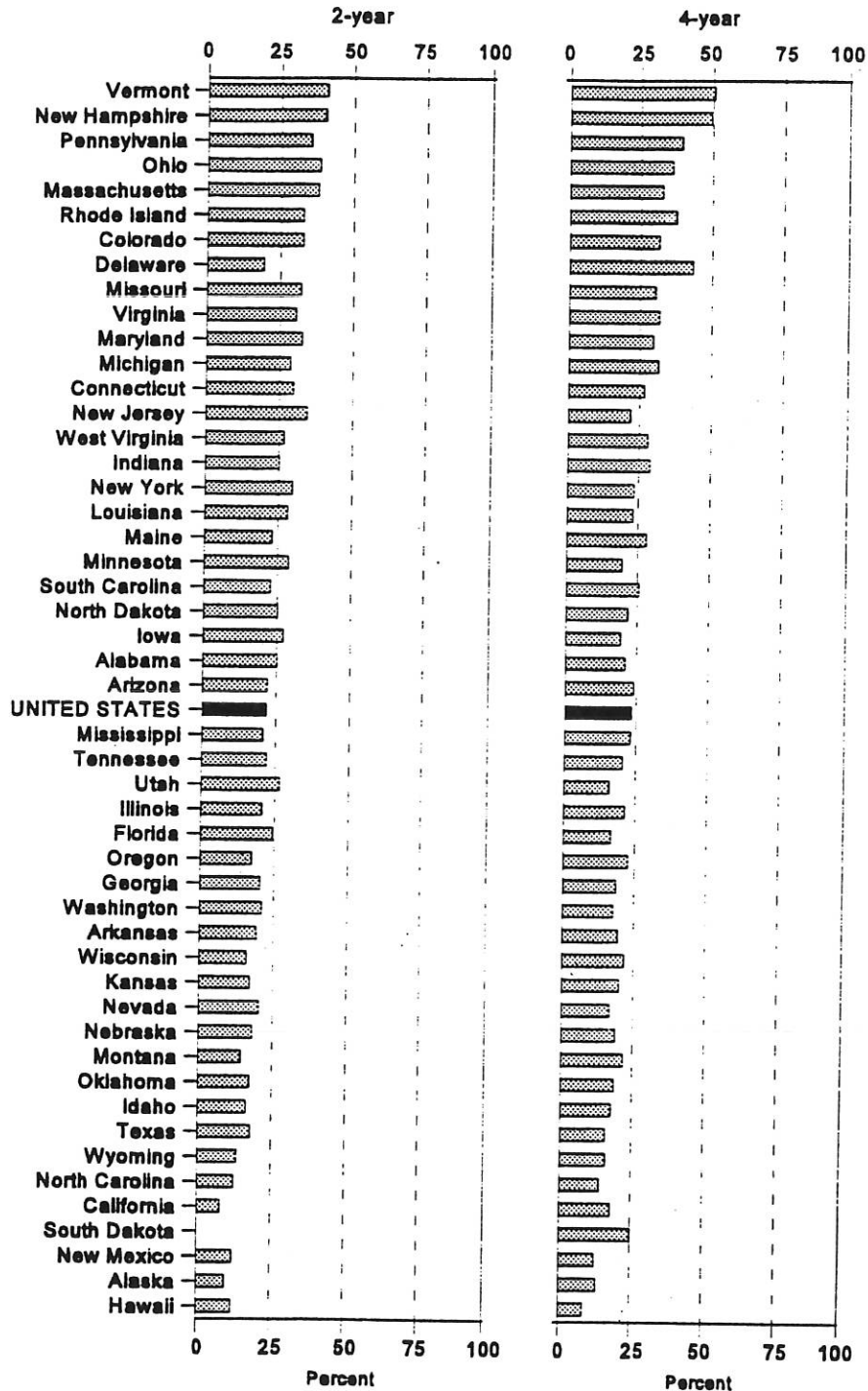
NOTE: States are sorted from high to low based on the weighted average of the two figures. The proportions given to 2-year institutions or 4-year institutions in determining the weights for averaging are determined by the relative sizes of FTE enrollments.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Finance survey, 1993.

6-42



Figure 33b: Instructional expenditures as a percentage of educational and general expenditures in public higher education institutions, by level of education and state: 1993



NOTE: States are sorted from high to low based on the weighted average of the two figures. The proportions given to 2-year institutions or 4-year institutions in determining the weights for averaging are determined by the relative sizes of FTE enrollments

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Finance survey, 1993.

6-43

**Table 33: Revenue from tuition and student fees and instructional expenditures as a percentage of educational and general expenditures in public higher education institutions, by level of education and state: 1993**

State	Tuition and fee revenue as a percentage of educational and general expenditures		Instructional expenditures as a percentage of educational and general expenditures	
	2-year institutions	4-year institutions	2-year institutions	4-year institutions
<b>UNITED STATES</b>	<b>21.9</b>	<b>23</b>	<b>46</b>	<b>38.3</b>
Alabama	25.3	21.0	41.9	35.5
Alaska	9.6	13.0	51.6	32.3
Arizona	22.3	24.0	45.6	33.3
Arkansas	19.4	19.3	43.8	37.5
California	7.9	17.7	49.4	39.1
Colorado	32.8	26.4	44.1	37.8
Connecticut	29.9	25.0	38.2	37.5
Delaware	19.6	43.4	57.1	45.2
District of Columbia	—	24.1	—	40.3
Florida	24.5	16.6	43.3	37.7
Georgia	20.5	18.6	50.8	37.0
Hawaii	12.1	8.6	54.2	38.7
Idaho	16.6	17.7	36.3	40.1
Illinois	20.8	21.4	42.6	34.5
Indiana	25.3	28.9	35.0	41.1
Iowa	27.2	19.3	49.3	33.9
Kansas	17.3	20.1	40.9	35.8
Kentucky	—	20.2	—	35.8
Louisiana	28.3	23.1	46.5	37.2
Maine	23.2	28.0	46.2	35.3
Maryland	32.6	23.7	45.8	38.7
Massachusetts	37.9	32.6	39.3	36.4
Michigan	28.8	31.4	41.6	37.1
Minnesota	28.8	19.7	46.1	37.6
Mississippi	20.8	23.0	48.7	35.8
Missouri	32.1	30.3	47.2	43.9
Montana	14.4	21.9	35.7	34.3
Nebraska	18.2	18.7	42.0	38.0
Nevada	20.5	16.8	51.7	37.3
New Hampshire	40.1	49.5	47.9	33.9
New Jersey	34.6	21.7	41.3	38.1
New Mexico	12.2	12.4	40.3	27.8
New York	29.9	21.6	41.7	37.8
North Carolina	12.5	13.8	53.6	39.9
North Dakota	25.3	21.7	46.4	38.3
Ohio	38.4	35.4	43.4	45.4
Oklahoma	17.5	18.5	45.0	37.8
Oregon	17.5	22.8	47.9	35.7
Pennsylvania	35.3	39.3	47.3	38.4
Rhode Island	32.8	37.3	44.8	35.9
South Carolina	22.9	25.5	42.8	41.2
South Dakota	—	24.8	40.6	37.7
Tennessee	22.3	20.5	46.2	44.2
Texas	18.0	15.9	44.5	42.8
Utah	26.7	15.8	42.0	31.3
Vermont	40.6	50.5	30.9	33.0
Virginia	30.5	31.7	49.6	40.7
Washington	21.2	17.6	50.2	36.2
West Virginia	26.9	28.0	37.4	39.0
Wisconsin	16.3	21.7	61.1	31.9
Wyoming	13.4	16.0	42.7	37.5

— Not applicable or not available.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Finance Survey, 1993.

6-49

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# State Fact Finder

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**Rankings**

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**America**

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**1997**

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**HAROLD A. HOVEY  
KENDRA A. HOVEY**

6-45

H-19 STATE AND LOCAL HIGHER EDUCATION SPENDING, FY 1993

State	Higher education spending \$(millions)	Per capita \$	As % of personal income	Rank by per capita
Alabama	1,577	377	2.31	21
Alaska	324	541	2.50	3
Arizona	1,512	383	2.25	20
Arkansas	859	354	2.32	25
California	11,494	368	1.72	22
Colorado	1,527	428	2.14	14
Connecticut	778	237	0.87	47
Delaware	396	566	2.69	2
Florida	3,193	233	1.20	48
Georgia	1,713	248	1.37	46
Hawaii	591	507	2.27	5
Idaho	390	354	2.18	26
Illinois	3,589	307	1.42	37
Indiana	2,248	394	2.16	19
Iowa	1,351	479	2.63	9
Kansas	1,098	434	2.27	12
Kentucky	1,243	328	2.01	30
Louisiana	1,302	304	1.93	38
Maine	369	298	1.65	39
Maryland	1,815	366	1.59	23
Massachusetts	1,331	221	0.94	50
Michigan	4,172	441	2.24	11
Minnesota	1,823	403	1.99	18
Mississippi	831	315	2.26	33
Missouri	1,202	230	1.22	49
Montana	268	318	1.97	31
Nebraska	686	425	2.23	15
Nevada	399	288	1.37	43
New Hampshire	319	284	1.32	45
New Jersey	2,309	294	1.13	42
New Mexico	811	502	3.31	6
New York	5,589	308	1.28	36
North Carolina	2,866	412	2.35	16
North Dakota	366	575	3.34	1
Ohio	3,497	316	1.67	32
Oklahoma	1,084	335	2.05	29
Oregon	1,232	406	2.22	17
Pennsylvania	3,433	285	1.39	44
Rhode Island	309	309	1.52	35
South Carolina	1,258	347	2.16	27
South Dakota	211	294	1.69	41
Tennessee	1,512	297	1.70	40
Texas	6,420	356	1.97	24
Utah	932	501	3.30	7
Vermont	278	482	2.59	8
Virginia	2,192	339	1.64	28
Washington	2,249	428	2.05	13
West Virginia	572	315	2.03	34
Wisconsin	2,268	450	2.38	10
Wyoming	252	537	2.87	4
<b>50 States</b>	<b>88,039</b>	<b>342</b>	<b>1.72</b>	
DC	100	173	0.61	
<b>United States</b>	<b>88,138</b>	<b>342</b>	<b>1.72</b>	

Rank in order	By per capita
1.	North Dakota
2.	Delaware
3.	Alaska
4.	Wyoming
5.	Hawaii
6.	New Mexico
7.	Utah
8.	Vermont
9.	Iowa
10.	Wisconsin
11.	Michigan
12.	Kansas
13.	Washington
14.	Colorado
15.	Nebraska
16.	North Carolina
17.	Oregon
18.	Minnesota
19.	Indiana
20.	Arizona
21.	Alabama
22.	California
23.	Maryland
24.	Texas
25.	Arkansas
26.	Idaho
27.	South Carolina
28.	Virginia
29.	Oklahoma
30.	Kentucky
31.	Montana
32.	Ohio
33.	Mississippi
34.	West Virginia
35.	Rhode Island
36.	New York
37.	Illinois
38.	Louisiana
39.	Maine
40.	Tennessee
41.	South Dakota
42.	New Jersey
43.	Nevada
44.	Pennsylvania
45.	New Hampshire
46.	Georgia
47.	Connecticut
48.	Florida
49.	Missouri
50.	Massachusetts

6-46

20 HIGHER EDUCATION SPENDING AS % OF TOTAL SPENDING, FY 1993

State	Higher education spending as % of general spending %	Rank
Alabama	11.5	11
Alaska	5.4	47
Arizona	10.7	15
Arkansas	11.9	9
California	8.6	34
Colorado	10.7	16
Connecticut	4.9	50
Delaware	12.9	3
Florida	6.4	46
Georgia	7.0	43
Hawaii	9.3	28
Idaho	11.3	13
Illinois	8.4	36
Indiana	11.3	12
Iowa	12.4	6
Kansas	12.2	7
Kentucky	10.0	23
Louisiana	7.9	38
Maine	7.7	39
Maryland	9.8	26
Massachusetts	5.1	49
Michigan	11.2	14
Minnesota	8.4	35
Mississippi	10.3	21
Missouri	7.9	37
Montana	9.0	31
Nebraska	11.9	10
Nevada	7.1	42
New Hampshire	7.5	41
New Jersey	6.4	45
New Mexico	12.4	4
New York	5.2	48
North Carolina	12.4	5
North Dakota	14.2	2
Ohio	8.8	32
Oklahoma	10.6	17
Oregon	9.9	25
Pennsylvania	7.6	40
Rhode Island	6.9	44
South Carolina	10.1	22
South Dakota	8.6	33
Tennessee	9.6	27
Texas	10.4	20
Utah	14.8	1
Vermont	12.0	8
Virginia	9.9	24
Washington	9.1	29
West Virginia	9.1	30
Wisconsin	10.6	18
Wyoming	10.5	19
50 States	8.6	
DC	2.2	
United States	8.6	

Rank in order	By %
1.	Utah
2.	North Dakota
3.	Delaware
4.	New Mexico
5.	North Carolina
6.	Iowa
7.	Kansas
8.	Vermont
9.	Arkansas
10.	Nebraska
11.	Alabama
12.	Indiana
13.	Idaho
14.	Michigan
15.	Arizona
16.	Colorado
17.	Oklahoma
18.	Wisconsin
19.	Wyoming
20.	Texas
21.	Mississippi
22.	South Carolina
23.	Kentucky
24.	Virginia
25.	Oregon
26.	Maryland
27.	Tennessee
28.	Hawaii
29.	Washington
30.	West Virginia
31.	Montana
32.	Ohio
33.	South Dakota
34.	California
35.	Minnesota
36.	Illinois
37.	Missouri
38.	Louisiana
39.	Maine
40.	Pennsylvania
41.	New Hampshire
42.	Nevada
43.	Georgia
44.	Rhode Island
45.	New Jersey
46.	Florida
47.	Alaska
48.	New York
49.	Massachusetts
50.	Connecticut

6-47

State	Higher education enrollment	As % of total population %	Rank by %
Alabama	206,548	4.9	15
Alaska	27,631	4.6	18
Arizona	252,184	6.2	2
Arkansas	85,601	3.5	42
California	1,582,837	5.0	10
Colorado	209,717	5.7	7
Connecticut	102,450	3.1	47
Delaware	36,322	5.1	9
Florida	528,024	3.8	37
Georgia	243,855	3.5	43
Hawaii	51,648	4.4	23
Idaho	48,994	4.3	25
Illinois	545,958	4.6	16
Indiana	228,270	4.0	34
Iowa	122,017	4.3	26
Kansas	152,798	6.0	3
Kentucky	151,575	4.0	36
Louisiana	175,112	4.1	33
Maine	39,188	3.2	46
Maryland	223,692	4.5	22
Massachusetts	179,799	3.0	49
Michigan	466,758	4.9	14
Minnesota	227,015	5.0	11
Mississippi	108,398	4.1	32
Missouri	191,859	3.6	40
Montana	34,927	4.1	30
Nebraska	95,877	5.9	4
Nevada	63,271	4.3	24
New Hampshire	34,988	3.1	48
New Jersey	272,420	3.4	44
New Mexico	97,073	5.9	5
New York	604,433	3.3	45
North Carolina	303,649	4.3	27
North Dakota	36,639	5.7	6
Ohio	417,566	3.8	38
Oklahoma	161,748	5.0	12
Oregon	141,027	4.6	20
Pennsylvania	342,565	2.8	50
Rhode Island	39,376	4.0	35
South Carolina	148,514	4.1	31
South Dakota	30,980	4.3	28
Tennessee	191,425	3.7	39
Texas	843,002	4.6	19
Utah	108,593	5.7	8
Vermont	20,505	3.5	41
Virginia	293,165	4.5	21
Washington	244,772	4.6	17
West Virginia	76,120	4.2	29
Wisconsin	250,246	4.9	13
Wyoming	30,015	6.3	1
<b>50 States</b>	<b>11,071,146</b>	<b>4.3</b>	
DC	11,048	1.9	
<b>United States</b>	<b>11,133,680</b>	<b>4.3</b>	

By %
1. Wyoming
2. Arizona
3. Kansas
4. Nebraska
5. New Mexico
6. North Dakota
7. Colorado
8. Utah
9. Delaware
10. California
11. Minnesota
12. Oklahoma
13. Wisconsin
14. Michigan
15. Alabama
16. Illinois
17. Washington
18. Alaska
19. Texas
20. Oregon
21. Virginia
22. Maryland
23. Hawaii
24. Nevada
25. Idaho
26. Iowa
27. North Carolina
28. South Dakota
29. West Virginia
30. Montana
31. South Carolina
32. Mississippi
33. Louisiana
34. Indiana
35. Rhode Island
36. Kentucky
37. Florida
38. Ohio
39. Tennessee
40. Missouri
41. Vermont
42. Arkansas
43. Georgia
44. New Jersey
45. New York
46. Maine
47. Connecticut
48. New Hampshire
49. Massachusetts
50. Pennsylvania

6-48

22 STATE PER PUPIL SUPPORT OF HIGHER EDUCATION, 1994-1995

State	Per pupil support \$	Rank
Alabama	4,919	8
Alaska	6,205	2
Arizona	2,639	47
Arkansas	4,891	9
California	3,000	46
Colorado	2,592	49
Connecticut	4,884	10
Delaware	3,784	28
Florida	3,211	42
Georgia	4,593	14
Hawaii	7,474	1
Idaho	4,631	11
Illinois	3,470	35
Indiana	4,046	22
Iowa	5,255	5
Kansas	3,288	40
Kentucky	4,339	19
Louisiana	3,367	37
Maine	4,415	18
Maryland	3,524	33
Massachusetts	5,022	7
Michigan	3,444	36
Minnesota	4,541	15
Mississippi	5,799	3
Missouri	3,507	34
Montana	3,240	41
Nebraska	3,855	26
Nevada	3,073	45
New Hampshire	2,439	50
New Jersey	4,623	12
New Mexico	4,507	17
New York	5,140	6
North Carolina	5,675	4
North Dakota	3,927	24
Ohio	3,735	29
Oklahoma	3,344	38
Oregon	3,082	44
Pennsylvania	4,615	13
Rhode Island	3,175	43
South Carolina	4,272	21
South Dakota	3,645	32
Tennessee	4,516	16
Texas	3,688	30
Utah	3,661	31
Vermont	2,596	48
Virginia	3,332	39
Washington	3,852	27
West Virginia	3,992	23
Wisconsin	3,913	25
Wyoming	4,287	20
<b>50 States</b>	<b>3,868</b>	
DC	n/a	
<b>United States</b>	<b>3,846</b>	

Rank in order

By \$

1. Hawaii
2. Alaska
3. Mississippi
4. North Carolina
5. Iowa
6. New York
7. Massachusetts
8. Alabama
9. Arkansas
10. Connecticut
11. Idaho
12. New Jersey
13. Pennsylvania
14. Georgia
15. Minnesota
16. Tennessee
17. New Mexico
18. Maine
19. Kentucky
20. Wyoming
21. South Carolina
22. Indiana
23. West Virginia
24. North Dakota
25. Wisconsin
26. Nebraska
27. Washington
28. Delaware
29. Ohio
30. Texas
31. Utah
32. South Dakota
33. Maryland
34. Missouri
35. Illinois
36. Michigan
37. Louisiana
38. Oklahoma
39. Virginia
40. Kansas
41. Montana
42. Florida
43. Rhode Island
44. Oregon
45. Nevada
46. California
47. Arizona
48. Vermont
49. Colorado
50. New Hampshire

6-49

State	Average tuition \$	Rank
Alabama	2,240	31
Alaska	2,489	26
Arizona	1,926	43
Arkansas	2,028	37
California	2,666	22
Colorado	2,473	27
Connecticut	3,845	10
Delaware	3,981	5
Florida	1,787	47
Georgia	2,103	36
Hawaii	1,576	50
Idaho	1,892	44
Illinois	3,352	15
Indiana	3,037	19
Iowa	2,565	25
Kansas	2,120	35
Kentucky	2,161	34
Louisiana	2,221	32
Maine	3,474	14
Maryland	3,572	13
Massachusetts	4,253	4
Michigan	3,895	8
Minnesota	3,216	17
Mississippi	2,459	28
Missouri	3,015	20
Montana	2,387	29
Nebraska	2,182	33
Nevada	1,684	48
New Hampshire	4,448	3
New Jersey	3,972	6
New Mexico	1,940	42
New York	3,714	11
North Carolina	1,639	49
North Dakota	2,248	30
Ohio	3,603	12
Oklahoma	1,839	45
Oregon	3,233	16
Pennsylvania	4,723	2
Rhode Island	3,856	9
South Carolina	3,084	18
South Dakota	2,642	23
Tennessee	1,990	41
Texas	1,820	46
Utah	2,011	39
Vermont	5,898	1
Virginia	3,907	7
Washington	2,791	21
West Virginia	2,024	38
Wisconsin	2,614	24
Wyoming	2,005	40
<b>50 States</b>	n/a	
DC	1,116	
<b>United States</b>	<b>2,848</b>	

By \$
1. Vermont
2. Pennsylvania
3. New Hampshire
4. Massachusetts
5. Delaware
6. New Jersey
7. Virginia
8. Michigan
9. Rhode Island
10. Connecticut
11. New York
12. Ohio
13. Maryland
14. Maine
15. Illinois
16. Oregon
17. Minnesota
18. South Carolina
19. Indiana
20. Missouri
21. Washington
22. California
23. South Dakota
24. Wisconsin
25. Iowa
26. Alaska
27. Colorado
28. Mississippi
29. Montana
30. North Dakota
31. Alabama
32. Louisiana
33. Nebraska
34. Kentucky
35. Kansas
36. Georgia
37. Arkansas
38. West Virginia
39. Utah
40. Wyoming
41. Tennessee
42. New Mexico
43. Arizona
44. Idaho
45. Oklahoma
46. Texas
47. Florida
48. Nevada
49. North Carolina
50. Hawaii

6-50