

Approved: 3/18/99
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 9:00 a.m. on March 9, 1999 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Avis Swartzman - Revisor
 Carolyn Rampey - Legislative Research
 Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee: William Docking, Kansas State Board of Regents
 Dr. Jerry B. Farley, President, Washburn University

Others attending: See Attached List

Chairperson Lawrence called the meeting to order and stated the agenda for the day:

SB 345 - Kansas higher education coordination act

The Chairperson called on Carolyn Rampey, Legislative Research to give an overview of the bill.

Ms. Rampey stated the bill makes statutory changes to the State Board of Regents and provides for the supervision by the State board of Regents of community colleges, Washburn University, area vocational schools and technical colleges, in addition to the Board's existing governance of the Regents institutions. In addition, the bill makes the Board of Regents responsible for the coordination of postsecondary education.

Ms. Rampey went through the bullets of the report citing, Existing Board of Regents Abolished and new Board Created; Nine Member Board of Regents Established; New Board would Have Responsibilities to Govern, Supervise and Coordinate; Duties of the Board of Regents Derivative Boards Established; Duties of the Board for Community Colleges and Vocational/Technical Education Established; Duties of the Board for Public Universities Established; Duties of the Board for Higher Education Coordination Established and New Board Would Assume Duties of former Board of Regents and State Board of Education With Respect to Transferred Institutions.

Ms. Rampey ended by stating the standard transfer language has been included in the bill to make the newly established Board of Regents the successor board to the current Board and to provide for the transfer of supervisory authority for the community colleges, area vocational school and technical colleges from the State Board of Education to the State Board of Regents. (Attachment 1)

A question was asked as to the funding. Ms. Rampey responded there is no funding in the bill, it deals with the structure.

Chairperson Lawrence addressed the committee, stating that in the last 24 years there have been at least twenty-six reports on this issue. It is an issue that everyone agrees needs to be addressed. The time has come when the issue has to be faced and resolved. Rather than try to see why the system won't work, she would like to see the committee look at the plan, listen to the testimony, and see how it can be made to work. She believes it is an idea whose time has come. It needs to be addressed in a positive way to come up with a plan that will pass the Senate and the House. She called on Senator Emert, one of the authors of the bill.

Senator Emert had an attachment distributed to the committee that he, in conjunction with Senator Downey, had put together. (Attachment 2) This legislation evolved out of the Governor's Task Force on Higher Education this summer. Everyone on that committee agreed that the state has outstanding educational institutions. What was missing was coordination. There was no one voice for all higher education; there was no one body that could coordinate and due strategic planning. When one looks at the system, it is very fragmented. There is also no dispute resolution component and no data collection piece.

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MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on March 9, 1999.

The purpose of this bill is to finish the picture and bring all of this together. The Governor's Task Force on Higher Education recommended more layers of bureaucracy and a constitutional amendment. This bill is a result of the philosophy that was adopted by the task force. It is very operable. The funding component, as well as other components, are not in this bill. If everyone could get under the same board and advocating for the entire system then those problems that exist, whether funding or dispute resolution, can be worked out.

Senator Downey made a few comments, stating that the question is, who speaks for higher education in Kansas? When that question is asked there are a multitude of voices. That is the first question that has not been answered. Commissioner Tompkins has stated that we have to quit looking at this as if there is some kind of deficit model that has to be fixed and think about what can be done to create an improved model. The only reason for looking at a structural change is if we can increase the likelihood that a data system will be created; that there will be collaboration when it comes to funding requests, and there will be dialogue when it comes to services and course offerings. If the likelihood can be increased with this type of structural change, then it ought to be done. This is a starting point. There are lots of ways to do this. This is a legislative type model where the whole legislature has to deal with all of these issues. The committee and subcommittee format has been put in place to focus interest and expertise. That is the reason for this model, as well as the fact that it eliminates the constitutional amendment. There are lots of ways to work with the bill and the hope is for good efforts from all sectors in being able to make a structural change and make long term improvements.

Bill Docking, Board of Regents appeared to give his comments on the bill. He brought no prepared testimony. The Regents have not had a formal opportunity to consider the bill. They will be holding their regular monthly meeting next week at which time they will be dealing with the bill. There is no formal position on the bill at this time. What he was offering were informal observations about the bill based on the stated position the Board of Regents has on coordination as set forth in testimony, both written and oral to the Governor's Task Force on Higher Education. The Board of Regents continues to be supportive of ways to improve the coordination of Kansas public postsecondary education. The bill appears to be an attempt to define a structure to meet the needs of all constituencies without requiring a constitutional amendment. (Testimony later provided and is labeled Attachment 4)

Mr. Docking stated his primary concern with the bill relates to the functioning of the three derivative boards. At this time, the Kansas Board of Regents has several standing committees; academic affairs, fiscal affairs, facilities, policies and procedures, plus several committees on which various members, as well as others, serve, such as the Budget committee and the tuition committee. It is a considerable task for nine members of the Board of Regents to handle for them to receive the attention they deserve. He is concerned about proposing this much authority and responsibility in a three-person review board.

Mr. Docking stated he is not as comfortable commenting on the community college and vocational derivative board. The proposal places much authority in the hands of small groups of board members, as well as the power of one member to adjourn meetings of the derivative boards. He sees the potential for continuation of turf battles among higher education sectors because of the derivative nature and there is the possibility of the need for separate staff for each of the derivative boards. There are also potential difficulties in the making of gubernatorial appointments. A question he would also ask is, could the three derivative boards function as independent boards and members also effectively function as a full state board without creating a divisive atmosphere.

One of the specific items Mr. Docking is concerned about is the the derivative board that has to do with coordination that would make recommendations to the full board about who would be hired as the CEO of each university. It seems to him that it should fall under the purview of the derivative board that looks after regents institutions, not the coordinating board. If there is a conflict between the derivative board for the regents schools and the derivative board for the vocational-technical schools and the community colleges, it is his understanding that it would not be resolved by the full board, but by the three person coordinating board.

A final concern of Mr. Docking was the funding issue. There is need to know how the changes in funding play into the picture and until that is placed on the table, that is a question mark.

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Senator Downey responded to some of the comments made by Mr. Docking. One of the proposals that came up was that everything could be put under the Board of Regents as it exists now and hand them the responsibility, so the only change that would have to be made in the bill would be simply to strike any indication of three boards and say what we expect the Board of Regents to do, govern community colleges, vocational technical schools and coordinate. The essence of this bill is or what we think could be a part of the improved structure, is really under the duties of the coordinating three. The other sectors are already governing themselves and taking care of those duties. The crux of this thing is to get what is listed under the coordination sub-board to happen for all of higher education.

Mr. Docking replied that if they are all going to be together then let it be one nine person board that can organize itself into sub-boards as is seen fit to function. It is doable.

Senator Downey stated that she is not sure how that changes some of the concerns about whether we designate that you will have the committees or we designate it. This is trying to calm the fears of all the folks that have been operating independently and who will operate under a reconfigured structure, but has the same name. How would the difference be whether you would decide to do it other than the power issue or whether we decide that you will do it in a committee format.

Mr. Docking saw the bill as written as likely to produce regionalism, parochialism - that type of concern. If the Board of Regents were given these responsibilities and was told in broad outline what was to be done that would be basically up to the legislature. He thinks what would be found is a number of individuals serving on several different committees.

Senator Downey commented that the intention is not to become parochial in their views. Another point she brought up was the duty of the coordination board to resolve conflicts. It is hoped that board would meet with involved parties, would negotiate and look at some possibilities and bring those solutions to the Board to solve because those sub boards would not have the power in and of themselves to solve these problems without the agreement of the full Board. That is the purpose that nine people agree is the best for higher education.

Senator Kerr commented to Mr. Docking that he certainly has brought attention to the slicing up of the Board into different areas. Community colleges have concerns about coming under a Board that has no experience with their issues; they worry about being drawn in and being a stepchild, as it were. He asked if there would be merit to some kind of a transitional structure that might require some people to be on the board for a period of time. That could be accomplished by having the communities colleges put forward names to the governor for a period of time and to lead to people being appointed for a specified period who would help with the transition and be knowledgeable on community college issues, but who would return in a fairly short period of time to the present appointing structure so there would be nine people for higher education in its entirety, not broken down as the bill is presently.

Mr. Docking agreed, stating that this was the intent of the Governor's Task Force.

After further comments, Senator Emert stated that in every state where educational governance has been made by the legislature, it has been changed in spite of the parties that have governed. He asked Mr. Docking about the funding issue.

Mr. Docking stated that he has spoken with some community college people and they are saying that community college funding per se needs to be changed; until that is put into a major restructuring plan, it will have a hard time getting serious consideration from community colleges. The Regents institutions would not propose trying to hold the bill hostage. He applauds the planning and coordination efforts of the bill, stating that it is needed.

Dr. Jerry Farley, Washburn University was the last conferee on the bill. (Attachment 3) Since he has arrived in the State of Kansas, he has been an advocate for increased coordination in higher education. Coordination will benefit institutions, students and citizens in Kansas. In serving with Senators Downey and Emert on the Governor's Task Force, he sees many of the characteristics that were discussed in the task force. It is accomplishing much of the same thing, but without the difficulties that would have been created with a constitutional amendment. Washburn fully supports the idea of greater coordination.

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They also support the concepts that were established in the Governor's Task Force, as well as the concepts established in the bill. They want to be positive in support of the bill. Of each of the proposals made over the last eighteen months, they have supported all of those. Each of them had some aspect of coordination which we thought was important to have occur in the State of Kansas. There are a couple of things in the bill that would increase its viability as far as Washburn is concerned. There are some provisions in the bill that create a problem for the governance of our institution. In section 9 of the bill, this sub-board for public universities in essence is the governing board for the six current Kansas Board of Regents institutions. It is responsible for the duties that are lined out in the bill which provide for means by which that governance will occur. It also assigns Washburn to this particular sub-board. Washburn also has a governance structure, created by constitution in statute. The concern is that there have been two governance boards created for Washburn. The duties that are assigned in several of the subparagraphs in section 9 are overlapping duties that any governance structure would have.

Dr. Farley continued with section 9(b)(5), this is a major part of the heart of governance; the ability for a board to create and review existing programs and to make decisions as to whether those programs will continue. That responsibility is currently invested in the Washburn board. He believes the Washburn board has exercised that responsibility judiciously; the duties have been performed as required. To vest this then in another board that has governing responsibilities will create an intolerable conflict between the two. It will create a particular conflict for the chief executive officer of the institution, whose board he has a particular responsibility to. The second conflict speaks of a public policy agenda. He can see a situation where the Washburn Board of Regents might adopt a public policy decision as a governing board and the new body would adopt a public policy agenda and the two would conflict. Both of the boards would be advising him as to what his actions should be. The third issue is one of maximization and utilization of resources. This strikes at the heart of governance, where an institution's governing body has to insure that resources are being utilized appropriately on the campus. Currently that responsibility is part of the Washburn Board of Regents' governing board. It is entirely appropriate that this be the responsibility of the new board for those institutions for whom they govern, but it creates an immediate conflict between the two boards and for him.

Dr. Farley believes that this can be very simply resolved by Washburn being assigned oversight to the coordinating body. If the Washburn Board adopts programs and there is some coordination problem, then it should be resolved by the coordinating board that the bill establishes. The governance board for the six public institutions under the current Kansas Board of Regents, can bring proposals forward for coordination just as the community colleges can for coordination from their sub board. Washburn should be on a par and level playing field with both of those. Some people might suggest that there is some great benefit to the apparent symmetry of this particular proposal. He suggests that it is not symmetry. The community colleges have local governing boards. They will then have oversight responsibility provided by this new sub board created by this bill. The governing board for the six institutions is the sub-board created by this bill. It does not have a governance structure that will report somehow to this body. His proposal is that Washburn has a governing board and it will report to the coordinating body. That what they are interested in, not replicating or duplicating governance. Washburn needs the coordination process, but does not think it should duplicate the existing governance structure that exists for Washburn.

In closing, Dr. Farley stated that they feel very strongly that a unified budget recommendation to the legislation is very important. It will have great benefit in the long run to higher education in the State of Kansas. The university thinks there should be a section added that would reflect the same provisions as is mirrored currently in section 18(i) and 19(i) for those institutions which in essence provides for the continuing operations of those institutions. Washburn should be included.

The Chairperson thanked all the conferees and adjourned the meeting.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 9, 1999

NAME	REPRESENTING
Sarah Moberg	guest of Farm Bureau
Julie Super	Farm Bureau
Rosmary Maker	Guest of the Farm Bureau
Tony Allen	guest of Farm Bureau
Andy Allison Lobbins	guest of Farm Bureau
L. Ferguson	AP
Debbie Martin	Farm Bureau State Women Chair
Jeff Tankins	Conferee Farm Bureau
STEVE KEARNEY	KANUTS
KEITH STOVER	FIRST HUS TECHNICAL COLLEGE
Brian Hammerschmitt	Farm Bureau
Bevor Winchell	Farm Bureau
Lisa Wright	Farm Bureau
Brennan Rittel	Farm Bureau
Kim Wynn	Farm Bureau
Gail Schmitz	Farm Bureau
Michelle Pressell	Farm Bureau
Craig Grant	HNEA
William Reid	Ks Indep College Assn

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 9, 1999

NAME	REPRESENTING
Bernie Koch	Wichita Area Chamber of Commerce
Asnley Sheppard	Overland Park Chamber
SAUE PETERSON	K-STATE
ERIC Sexton	W SU
Jessica Kymu	guest of Farm Bureau
Nicole Sommerfeld	guest of Farm Bureau
Amelia Trason	guest of Farm Bureau
Melissa Fox	guest of Farm Bureau
Jenica Feyt	guest of Farm Bureau
Jon Jossard	University of Kansas
Elaine Frisbie	Division of the Budget
Hebra Skidauk	FHSU
Mary (Carol) Corrothers	Pittsburg State U.
Jo & Ross Ilor	ESU
Marlin Rein	KU
Nick Haines	KANU Radio
Kristin Kitten & Emily Bahr	guest of Farm Bureau
Amanda Butler	guest of Farm Bureau
Jamin Dreasner	guest of Farm Bureau

SB 345

SB 345 makes statutory changes to the State Board of Regents and provides for the supervision by the State Board of Regents of community colleges, Washburn University, area vocational schools, and technical colleges, in addition to the Board's existing governance of the Regents institutions. In addition, the bill makes the Board of Regents responsible for the coordination of postsecondary education.

- **Existing Board of Regents Abolished and New Board Created.** Upon publication of S.B. 345 in the *Kansas Register*, the current State Board of Regents and the position of Executive Director of the Board would be abolished. There would be a wind-down period until July 31, 1999, and on August 1, 1999, a new Board of Regents created by the bill would become operational.
- **Nine-Member Board of Regents Established.** S.B. 345 would create a nine-member Board of Regents appointed by the Governor and confirmed by the Senate. After the initial appointment that would establish staggered terms, members would serve four-year terms, with a two-term limit. As currently is the case, one member of the Board of Regents would be a resident of each congressional district and the remaining members would be appointed at large, except that no two members could be from the same county. No more than five members could be from the same political party. The Governor would designate the first chairperson of the new Board, but after that the members would elect the chair. Members of the new Board of Regents would be appointed on or before August 1, 1999.
- **New Board Would Have Responsibilities to Govern, Supervise, and Coordinate.** There would be no change in the new Board's authority to govern (manage and control) the Regents institutions. Governance of the community colleges, area vocational schools, and technical colleges would continue to reside with local boards of trustees for the community colleges and local school district boards, boards of trustees, or multi-boards of control for the area vocational schools and technical colleges. Washburn University would continue to be governed by the Washburn University Board of Regents. Supervision (a lesser level of control) of the community colleges, area vocational schools, and technical colleges essentially would remain at the same level as it currently is, but would be transferred from the State Board of Education to the State Board of Regents. Washburn University also would be supervised by the State Board of Regents and would be subjected to a greater level of control by a state-level board than currently is the case. Coordination (an activity relating to interaction between and among institutions and institutional segments) would be exercised by the Board, including the responsibility to interface with the state's independent colleges and universities.
- **Duties of the Board of Regents.** The Board would be charged with the following

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specific duties:

- Adopt and administer a comprehensive plan for coordination of higher education
 - Determine institutional roles and review institutional missions and goals
 - Develop articulation procedures among and between postsecondary institutions
 - Approve or disapprove for state funding existing and proposed educational programs, courses of instruction, and program and course locations
 - Review budget requests and present a unified budget for higher education to the Governor and to the Legislature each year
 - Develop and implement a comprehensive plan for the utilization of distance learning technologies
 - Develop each year and recommend to the Governor and the Legislature a policy agenda for higher education that assesses priorities among proposals for policy change, programmatic recommendations, and state funding requests.
 - Conduct continuous studies of ways to maximize the utilization of higher education resources and of how to improve access to postsecondary education
 - Receive and consider reports, proposals, proposals, and recommendations of derivative boards and take such actions thereon as are deemed necessary or appropriate.
 - Make annual reports on its functions and duties to the Governor and the Legislature
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- **Derivative Boards Are Established.** The Board of Regents will be subdivided into three boards—one for community colleges and vocational/technical education (community colleges, area vocational schools, and technical colleges), one for public universities (Regents institutions and Washburn University), and one for higher education coordination. At the time the Governor appoints each member to the Board of Regents, the Governor would designate the derivative board on which the member is to serve. Each derivative board would have three members and each member of the Board on Regents would serve on one of the derivative boards.
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- **Duties of the Board for Community Colleges and Vocational/Technical Education Established.** The Board for Community Colleges and Vocational/Technical Education would have the following duties:
 - Propose for adoption by the State Board rules and regulations for supervision of the community colleges, technical colleges, and area vocational education schools
 - Provide for statewide planning for institutions under its jurisdiction
 - Recommend for approval or disapproval new programs and courses of instruction for state funding purposes
 - Review existing programs and courses of instruction and recommend for

- approval or disapproval programs and courses for state funding purposes
 - Review requests of community colleges, technical colleges, and area vocational schools for state funding and formulate recommendations thereon
 - Develop an annual policy agenda for institutions under its jurisdiction
 - Conduct continuous studies of ways to best use resources available for institutions under its jurisdiction
 - Make reports on the performance of its functions and duties together with any proposals and recommendations at each regular meeting of the State Board of Regents

- **Duties of the Board for Public Universities Established.** The Board for Public Universities would have the following duties:
 - Propose rules and regulations to the State Board of Regents concerning the operation and management of the Regents institutions and for the supervision of Washburn University
 - Initiate plans for institutional advancement and new educational programs and courses of instruction
 - Formulate budget requests for the Regents institutions
 - Review requests of Washburn University for state funding and formulate recommendations thereon
 - Review existing educational programs and courses of instruction at the Regents institutions and Washburn University and make decisions with respect to the educational and economic justification for the programs and courses
 - Develop an annual policy agenda for the Regents institutions and Washburn University
 - Conduct continuous studies of ways to best use resources available for institutions under its jurisdiction
 - Make reports on the performance of its functions and duties together with any proposals and recommendations at each regular meeting of the State Board of Regents

- **Duties of the Board for Higher Education Coordination Established.** The Board for Public Universities would have the following duties:
 - Conduct continuous review and evaluation of the comprehensive plan for coordination of higher education and make recommendations for amendment, revision, or modification of the plan
 - Review existing and proposed educational programs, courses of instruction, and program and course locations and make recommendations to the State Board with respect to the approval or disapproval of programs, courses, and locations
 - Collect and analyze data and maintain a uniform postsecondary education data base

- Resolve conflicts among and between postsecondary educational sectors and institutions
 - Make recommendations to the State Board with respect to the appointment of chief executive officers of the Regents institutions
 - Identify core indicators of quality performance for postsecondary educational institutions (all the institutions under the State Board's jurisdiction)
 - Broker affiliations and mergers of postsecondary educational institutions
 - Coordinate a state system interface with private colleges and universities
 - Make reports on the performance of its functions and duties together with any proposals and recommendations at each regular meeting of the State Board of Regents
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- **New Board Would Assume Duties of Former Board of Regents and State Board of Education With Respect to Transferred Institutions.** Standard transfer language is included in S.B. 345 to make the newly-established Board of Regents the successor board to the current Board and to provide for the transfer of supervisory authority for the community colleges, area vocational schools, and technical colleges from the State Board of Education to the State Board of Regents. These provisions address the transfer of current employees of the State Board of Regents and the State Board of Education to the new Board of Regents if the new Board determines that the officers and employees are necessary to perform the new Board's powers, duties, and functions.

TIM EMERT
 SENATOR, 15TH DISTRICT
 ALLEN, CHAUTAUQUA, SE COFFEY,
 MONTGOMERY, WILSON, WOODSON COUNTIES
 P.O. BOX 747
 INDEPENDENCE, KANSAS 67301
 (316) 331-4831
 STATE CAPITOL BUILDING, ROOM 356-E
 TOPEKA, KS 66612-1504
 (785) 296-2497



KANSAS SENATE
 OFFICE OF THE MAJORITY LEADER

COMMITTEE ASSIGNMENTS

CHAIRMAN:
 CONFIRMATIONS OVERSIGHT
 JUDICIARY

VICE-CHAIRMAN:
 ORGANIZATION, CALENDAR & RULES

MEMBER:
 EDUCATION
 INTERSTATE COOPERATION COMMISSION
 LEGISLATIVE COORDINATING COUNCIL
 STATE FINANCE COUNCIL
 JOINT COMMITTEE ON GAMING COMPACTS
 UNIFORM LAW COMMISSION

Testimony for Senate Education Committee on SB345

Madame Chair and members of the committee: My colleague, Sen. Downey, and I have teamed up to bring you our solution for the restructuring of higher education in Kansas. It is SB 345.

Why the need for change? We believe that all post-secondary education in Kansas should be coordinated and that by instituting a structured change we can increase the likelihood that better coordination, better data collection and better cooperation will follow. We think the Governor should hear one focused voice when he is approached for funding for higher education. We think this would make more efficient long-range planning. It is not that we have a deficit model, but that we can approach this as an improvement model.

Secondly, how to change? Our idea is simple. We would reconfigure the board of regents, creating a new nine-member board, all appointed by the governor. Positions one, two and three would have authority over the community colleges and vocational/technical institutions. Positions four, five and six would oversee the present regents schools. Positions seven, eight and nine would focus state-wide and work on strategic planning, data collection, dispute resolution and development of a statewide budget.

These three groups would be designated according to their functions, such as the Board for Community Colleges and Vocation/Technical Education; the Board for Public Universities and the Board for Higher Education Coordination.

The entire new board, also to be known as the Board of Regents, would meet to adopt and approve policies developed by the subgroups within it.

Finally, what about the existing system? We would abolish the current Board of Regents. We would move the supervision of the community colleges from the State Board of Education and bring the coordinating staff with it.

In my opinion, one of the beauties of this plan is it would not require a constitutional amendment. Due to transferring certain staff from the Kansas Board of Education, there would be minimal cost implications. We would have a focused voice for post-secondary education. Institutions of higher learning would be encouraged to collaborate under this system.

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WASHBURN UNIVERSITY
Office of the President

**Testimony to
Senate Education Committee
by
Dr. Jerry B. Farley, President
March 9, 1999**

RE: Senate Bill 345

Senator Lawrence, Members of the Senate Education Committee:

It is a pleasure to appear before you today to discuss the "Kansas Higher Education Coordination Act." Since my arrival in the state in the summer of 1997, I have been speaking in favor of improved coordination among the state's institutions of post-secondary education. It was an honor to serve on the Governor's Task Force examining changes in the structure of higher education and I remain conceptually in favor of the product as representing a first step towards improved coordination within the state.

The Task Force proposed restructuring and coordination through a constitutional amendment. I understand the dilemma in amending the Constitution in any substantive fashion because of a general lack of interest in this subject on the part of the public and the inability to reach consensus among those of us who are stakeholders in higher education. Your colleagues, Senators Emert and Downey, are to be congratulated on devising as an alternative an ingenious mechanism to improve coordination within the state's highly restrictive constitutional structure.

I am in favor of amending the Constitution or other statutory provisions to allow greater structural flexibility in the state's organization of higher education and am a strong advocate for improved coordination among the state's higher education institutions. Therefore, with certain changes, I would be pleased to support SB 345 and the coordinating structure it embodies. But in supporting the proposed structure, we must insure that governance and coordination are not co-mingled. I am concerned that it imposes another layer of governance on an institution which already has a governing board.

The Board of Public Universities created by Section 9 in essence becomes the governing board for the six existing Regents' institutions. Given the structure of this act, this is the only way and the only place where specific governance is provided. Washburn continues to be governed by its own Board. By inserting Washburn University in its current governance structure under these provisions, in essence, it creates two boards with governance responsibility over Washburn University.

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For example, in Section 9(b)(4), the Board of Public Universities is to "review requests of the municipal university for state funding and formulate recommendations thereon." Washburn University has its own board of regents who prepare the University's budget and recommendations for state funding. Under a coordinated system this request should be relayed directly to the Board for Higher Education Coordination created by this act. This would avoid any potential conflict of interest on the part of the Board of Public Universities as it "formulates budget requests for the state educational institutions" for whom it serves as a governing board.

Section 9(b)(5) provides for review of existing programs at public universities and decisions with respect to their justification. This section again conflicts directly with the statutory authority for the Washburn University Board of Regents to review and adopt academic programs. Clearly, Washburn's academic programs should be considered by the Board of Higher Education Coordination along with all other institutions under the provisions of Section 10(b)(2).

Each year the Board of Public Universities is to develop a policy agenda for public universities. Setting this agenda for both the state educational institutions and Washburn creates a situation of giving two different boards the ability to set policy for the institution. For example, what if the Washburn University Board's policy agenda was to reduce reliance on local property taxes and to increase additional state funding while the policy agenda for the Board of Public Institutions was to leave local property taxes intact to reduce reliance on state funding. There is a clear potential for conflict if a board governs one set of institutions and attempts to coordinate another.

Finally, under Section 9(b)(7) "maximizing utilization of resources in public universities and taking action for improvement" is a direct governance issue. While this is an appropriate role for this board to exercise over the state educational institutions, it is an inappropriate role for this board to be directing to the Washburn Board of Regents "action for improvement." This clearly raises the issue of which board actually would be governing the University and which board's decision take precedent.

Having state coordination of these functions for Washburn University is not at issue. We support coordination. Having these functions performed by a board which also will have direct governance authority over six other public universities, is where difficulties emerge. The conflict resolution provisions provide little relief from this situation. Within a nine person board to have three make a decision regarding Washburn and then involve three others to sit as a board to resolve inter-institutional and sector disputes, creates a somewhat unwieldy situation. This could be resolved simply by having coordination of Washburn vested in the Board of Higher Education Coordination. Because Senate Bill 345 does not specifically repeal or amend any of the over 100 statutes which govern Washburn University, we could have an immediate conflict if the Board of Public Universities were to adopt any rule or regulation which interferes with the management of Washburn University statutorily charged to its board of regents.

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Because any step towards improved coordination is better than no step, we would consider SB 345 favorably if amendments are adopted to have the coordinating function of Washburn be overseen by the Board for Higher Education Coordination. It will still take five members of the total board of regents to ensure favorable action on Washburn's or any other budget, but it removes any potential conflict between the governance and coordination function for the three members of the Board for Public Universities. Program reviews and approvals should also be matters brought before the full board of regents in order to ensure that the governance and coordination functions are not mixed by a three person board (Section 10(b)(2)).

Finally, just as was done for the community colleges, technical colleges, area vocational schools and area vocational-technical schools, statutes authorizing Washburn's existing powers and authorities should not be altered inadvertently. A section should be included for Washburn which mirrors section 18(i) for the community colleges and 19(i) for the technical institutions to recognize the primacy of the institutional governing board.

With these amendments, we would be pleased to support Senate Bill 345 and the structural changes in coordination which it embodies.

**SENATE EDUCATION COMMITTEE
HEARING ON SENATE BILL 345**

**Outline of Remarks by
Bill Docking, Chairman
Kansas Board of Regents
Tuesday, March 9, 1999
9:00 a.m., Room 123-S**

The Board of Regents continues to be supportive of ways to improve the coordination of Kansas postsecondary education to enhance access, quality and accountability through efficient and effective utilization of resources.

SB 345 contains all necessary elements for improved coordination:

- comprehensive statewide planning
- review and approval of institutional mission statements
- exploring opportunities for mergers and affiliations
- coordination of off-campus education
- creation of uniform statewide database
- provision for conflict resolution
- development of procedures for articulation and transfer
- development of and advocacy for a unified higher education budget

SB 345 appears to be attempt to define a structure to meet the needs of all constituencies without requiring a constitutional amendment; the question is: Could it function effectively and efficiently?

Primary concern with SB 345 relates to the functioning of the three derivative boards:

- considerable effort now expended by nine-member board just to supervise the six state universities; much of this would be vested in three persons.
- would also constitute a major effort for three persons on each of the other two derivative boards, especially when they also serve on the nine-member board.

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- also places much authority in the hands of small groups of board members (as well as power of one board member to adjourn meeting of derivative board).
- potential for continuation of turf battles among higher education sectors.
- potential need for separate staffs for derivative boards.
- potential difficulties in making gubernatorial appointments vis a vis current perception of institutional dominance.
- Could the three derivative boards function as independent boards and their members also effectively function as a full state board without creating a divisive atmosphere?
 - Example: The board for higher education coordination would rule on conflicts between the two higher education sectors supervised by the other two derivative boards.
 - Example: The board for higher education coordination, and not the board for public universities, would make recommendations to the state board regarding the appointment of CEOs of the state universities.