

Approved: _____
Date

4/28/99

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 9:00 a.m. on March 16, 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:

Others attending: See Attached List

SB 345 - Kansas higher education coordination act

Chairperson Lawrence called the meeting to order for continuation of **SB 345**. She called on Carolyn Rampey, Legislative Research, to present the information requested by the committee yesterday.

Ms. Rampey started with a sheet that represented the Duties of Boards under **SB 345** (Attachment 1) The attachment reflected the amendments adopted March 15. She stated that the layout of the first attachment reflected the three advisory boards, the Board for Public Universities, Board for Community Colleges and Vocational/Technical Education and the Board for Higher Education Coordination. The last column contained the policy making Board, Board of Regents. Running down the sides of the attachment were 19 different functions and duties. What she had done was to arrange the attachment so the functions and duties could be looked at, following across the attachment, to see what the different boards do.

Starting with 'Authority to Adopt Rules and Regulations', Ms. Rampey stated the two boards that have to do with the regents institutions and the community and the area schools have a certain type of regulatory activity that they are advisory to, so they have the authority to recommend rules and regulations. With regard to the Board of Regents this is not specifically in the bill, but part of existing statutory authority of the Board of Regents. The bill does not do away with the authority that the Board of Regents currently has. She moved on to 'Program and Course Initiation' to the duties that are assigned to the advisory boards of Public Universities and the Community Colleges and Vocational/Technical Colleges and area Vocational Schools which had been updated to reflect amendments adopted yesterday by the committee.

Moving on to 'Budget Requests', the regents advisory board would formulate budget requests and the community colleges, technical colleges and area vocational schools will review requests. The Board of regents will review these requests and present a unified budget to the governor and legislature. 'Program and Course Review' reflected the dual responsibilities of the first two advisory boards. Going to the coordinating board, she stated that the way the statute is currently worded in the bill was discussed between the Revisor and herself and they thought that the committee might want to change "approval and disapproval" to "coordination of such programs, courses, and locations". Approval or disapproval is something that is addressed in the other two boards. They are the ones with the specific jurisdictions for those institutions, which the coordinating board would coordinate. 'Public Policy Agenda' is provided for in the first two boards. 'Ongoing studies' deals with activities the advisory boards and the Board of Regents would do. 'Report to State Board' reflects how the advisory function would work in dealing with matters that are assigned and report to the policy making board and the board receives and considers the reports, proposals and recommendations of the derivative boards and takes appropriate action. There is a general provision for exercising 'Other Powers and Duties' as considered appropriate. 'Statewide Planning' entails the Board of Education's current statutory role to develop a state-wide plan. The Revisor repeated the language for the community college advisory board. The coordinating board would also be looking at a comprehensive plan and the Board of Regents would adopt. Next came the things that the coordinating board would be involved in, such as 'Uniform Data Base', 'Conflict Resolution', 'Appointment of Regents CEOs', 'Identify Core Indicators', 'Broker Affiliations and Mergers' and 'Coordinate Interface With Other Institutions'.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on March 16, 1999.

Next came the ones reserved specifically for the policy making nine-member Board of Regents. These included, 'Institutional Roles and Missions', 'Articulation Procedures', Distance learning Technologies' and 'Annual Report'.

The Chairperson asked for discussion on the first attachment.

Senator Downey directed attention to page 2 of the attachment, 'Conflict Resolution', and stated the Revisor had some language the committee was going to look at. The Board for Higher Education Coordination is the one that should be formulating recommendations for resolving conflicts.

Ms. Rampey stated that was correct. The Revisor is going through the bill, trying to fine tune it, making sure the advisory board duties are clearly advisory and the policy making residing with the Board of Regents.

Senator Emert asked if it would be advisable to give the coordinating board the authority to formulate rules and regulations.

Ms. Rampey stated that was a policy decision. She had discussed this with the Revisor. There is the authority of each of the boards to exercise whatever powers and duties they deem necessary. The Revisor noted that the supervision of community college and area schools is a regulatory function. The governance of the regents is a regulatory function. Coordination is not a regulatory function.

Senator Emert referred to 'Other Powers and Duties', "Exercise such other powers and perform such other functions and duties as are deemed necessary and appropriate . . ." It would seem to him that it would be best to put that kind of language only under the full state board and not have each sub-group deciding what it might want to do.

An added comment was that they could give the power back to the derivative boards to determine such functions as the entire board, as well as the derivative boards should do.

The Revisor, Ms. Swartzman and Ms. Rampey could see no problem with that.

Senator Emert moved to amend SB 345 by deleting 'other powers and duties' from the three derivative boards and place it under the Board of Regents.

The Chairperson asked for a second to the motion.

Senator Kerr gave a second to the motion. He spoke to the motion, saying that he believes this was a very important thing to do because the contention has been that the derivative boards do not have any authority. This clearly gave them authority which, in every other respect, they did not have.

The motion carried.

Senator Emert directed attention to the top of page 3, 'Appointment of Regents CEOs'.

Senator Emert moved to amend SB 345 by shifting the appointment of the chief executive officers from the Coordinating Board to the Board for Public Universities. Senator Umbarger gave a second to the motion.

One of the committee members asked for a clarification of the motion.

Senator Emert responded that the Board for Public Universities would make the recommendation for the hiring of CEOs for the universities.

It was asked if there shouldn't be something under the Kansas Board of Regents. Ms. Rampey stated that it is existing statutory authority for the Regents to appoint the heads of the institutions.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on March 16, 1999.

The Chairperson called for action on the motion.

The motion carried.

Senator Downey asked to go back to page 2 of the attachment to address the language change on 'Conflict Resolution'. Under the Board for Higher Education Coordination the amendment would say, "formulate recommendations to resolve conflicts" something to that effect; the resolution of conflicts would slide over to the Board of Regents. The Higher Education Coordinating Board is the one that deals with the party in dispute, works through it and makes the recommendations. It is the whole board who resolves the conflict.

Senator Downey moved to amend SB 345 place language under the Board for Higher Education Coordination that would state, "formulate recommendations to resolve conflicts", with the resolution of conflicts under the Board of Regents. Senator Emert gave a second to the motion.

The motion carried.

Senator Bleeker recommended along that same line to do the same procedure with 'Identify Core Indicators'. She was doubtful of a very small group of three people identifying core indicators that would drive the direction of the program.

Ms. Rampey interjected that she had discussed this with the Revisor. All of these are advisory and could be reworded to 'recommend' core indicators; to 'recommend' broker affiliations.

Senator Bleeker moved to amend SB 345 by making the full board responsible for identifying core indicators.

Senator Downey stated that one of the things the committee wants to be sure of is to make sure that the coordination board can do much of the background work. None of these decisions are final without the full board certifying it. If a lot of this is placed under the full board, there will be no justification for having the derivative boards become specialists and focused on their ability to broker agreements and get the work done and streamline the process.

Senator Bleeker commented that she thinks three people is too specialized.

Senator Emert stated that a solution might be to say, under the coordinating board, to recommend and identify core indicators. Under the Board of Regents, to approve or regulate or whatever the correct wording would be. A neutral group is needed to identify system-wide core indicators. The decision is made by the full board.

Senator Oleen stated that there are currently core indicators in the Board of Regents. She thinks the rationale is that since the Board already has those that all members ought to be a part of pulling it together.

Senator Bleeker replied that all members ought to be a part of pulling that together; essentially this is a new governance structure and in that respect the ability to make recommendations is a very strong specialization or influence on what is going to drive the entire system.

Senator Downey stated the chart may be a little inadequate. Her belief is that this coordination of three are not going to be deciding what each institution is supposed to be doing. They will be bringing the institutions in and asking them what they are identifying as their core indicators, gathering these together and make sure there is some consistency. This group's role is simple to pull these indicators together and then present that to the full board. It has to be evaluated and recommended by the full board. It is too big a job for three people to make those core indicators for all those institutions.

The Chairperson asked for a second to the motion. It was asked for the motion to be clarified.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on March 16, 1999.

Senator Bleeker said that the coordination board would simply be to identify and compile core indicators for both the public universities, Washburn University, and the community colleges and bringing them to the full board.

Senator Emert suggested putting under Public Universities the identification of core indicators for public universities; for community colleges the identification of core indicators for community colleges, and the coordinating board that it coordinates and compiles core indicators for postsecondary education and that the regents approve.

Senator Bleeker withdrew her prior motion and moved to amend SB 345 by placing the identification of core indicators for the public universities under the public universities; identification of core indicators for community colleges under the community college board and the coordinating board will coordinate and compile core indicators for postsecondary education and the regents will approve. Senator Emert gave a second to the motion.

The motion carried.

Senator Emert referred to page 1 of the attachment that had been formerly reviewed by Ms. Rampey entitled 'Program and Course Review', where Ms. Rampey and the Revisor had suggested the committee might want to consider a change in the language under Board for Higher Education Coordination.

Senator Emert moved to amend SB 345 to change "approval or disapproval of such programs, courses and locations" to "coordination of such programs, courses, and locations". Senator Hensley gave a second to the motion.

The motion carried.

Senator Langworthy asked if there was some way to fix the attachment to reflect a more true structure.

Ms. Rampey stated that she would fix the attachment and fill in the blanks to reflect either existing or proposed language.

Senator Langworthy stated that on page 3, 'Broker Affiliations and Mergers' has to be a full blown function. An advisory committee can only go so far.

Avis Swartzman, Revisor, stated there is existing statutory authority for mergers and affiliations. What was envisioned here was that the Board would encourage these kinds of things. If it was determined by the Board to do it, they would use the existing statutory authority. There is already existing statutory authority for consolidation of community colleges and for affiliation of vocational schools with community colleges.

Ms. Rampey continued to the Time Line (Attachment 2) The bill is fairly specific about how all this would occur. **SB 345**, as enacted, would be published in the Kansas Register with a tentative date of May, 1999. The existing Board of Regents and Executive Director would be abolished. A wind-down period would begin with the effective date of the act until July 31, 1999. The Board and Director would continue to function in order to provide continuity until the new board takes office - August 1, 1999. All the powers, duties and functions would be transferred by that time. Ms. Rampey went through the details of how that would take place.

A third paper distributed by Ms. Rampey for the committee's information was entitled, "Terms of the Members of the Kansas Board of Regents" (Attachment 3) The paper showed the existing members of the Board of Regents and when their terms expire. Four members' terms have already expired; they continue to serve until a replacement is confirmed.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on March 16, 1999.

Senator Emert stated that since the committee had met yesterday, he had spoken with persons at the Board of Regents and the State Board of Education office. Neither he nor Senator Downey were locked into this date. Their preference is July 1, 1999 because of the fiscal year issue. They will need a period of time to physically move staff.

Senator Emert moved to change the effective date from August 1, 1999 to July 1, 1999.

Senator Hensley gave a second to the motion.

The motion carried.

The Chairperson asked if there were any further issues to be addressed.

The Revisor suggested incorporating into the bill a repealer of the five statutes under which the current Board of Regents is currently statutorily created. All the language is almost identical in **SB 345**. To make the delineation.

Dale Dennis, Deputy Education Commissioner asked if proprietary schools were in or out; ADE in or out.

The Revisor stated that there will have to be a trailer bill containing all the amended statutes.

Senator Emert moved to include proprietary schools in the bill. Senator Downey gave a second to the motion. The motion carried.

Senator Jones asked if the amendment made by Senator Emert as to the effective date included all the August 1 dates in the bill. The Chairman responded that it did.

Senator Emert responded that along that line another amendment needed to be offered.

Senator Emert moved to change the wind-down time from July 31, 1999 to June 30, 1999.

Senator Hensley gave a second to the motion. The motion carried.

Senator Oleen moved that all community colleges and area vocational technical schools providing adult education be placed under the board of higher education coordination.

Senator Downey gave a second to the motion. The motion carried.

Senator Kerr commented on the time line for funding indicators. Plans for improvement would be developed, FY 2000; Adoption of plans of improvement, FY 2001; Regents evaluation and the beginning of making awards, FY 2003. He emphasized that the first attachment that was drawn up sounded too much like an entitlement program and not a performance award so he will have something for the committee to consider tomorrow.

Senator Umbarger had a balloon distributed and called attention to page four, section 7, line 27.

Senator Umbarger moved to amend SB 345 on page 4, section 7, line 27 by inserting, after boards., the sentence, "At no time shall more than one alumnus of any postsecondary educational institution be designated for service on a derivative board." Senator Bleeker gave a second to the motion.

The Revisor was asked the definition of the word, 'alumnus'. The Revisor replied that in the old dictionary it was a male person who attended or graduated from a post secondary institution; in the new dictionary it is a person who has graduated or attended a post secondary institution. A provision in the statute states that masculine also includes feminine.

Senator Emert expressed concern that if the amendment went on it could hurt the transition. It appears from the governor's office that the thought process is that those regents whose terms have not expired be retained for the transition, at least until their terms expire.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on March 17, 1999.

Senator Lee stated that this could possibly take effect at a particular point after the transition takes place.

Senator Hensley stated he supported the concept behind the amendment, but thought it would complicate what the bill was trying to be accomplished with this bill.

The Chairperson stated she thought one of the reasons that the community colleges were willing to come on board was that there would be equal representation. .

Senator Langworthy stated that there should not be too many limitations placed on the bill. The committee should have the best qualified people to serve the best interests of education at heart. It will be bogging down the process by trying to fit people into categories.

Senator Downey stated that this bill signifies a new way of doing business. Everyone will be working together with a high visibility level for collaboration and not parochialism. The governor will be in the spotlight. The new board members will be working hard and responsibly on the issues and will come to the table ready to work toward the process of coordination.

Several further comments were made on the motion.

Senator Umbarger withdrew his motion, stating that there was some confusion over the wording and he would consult with staff and come to the committee tomorrow with new wording.

The Chairperson told the committee that continuation of **SB 345** would continue tomorrow.

The meeting was adjourned.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 16, 1999

NAME	REPRESENTING
Tom Ruyant	BOR
Joe Birmingham	KSDE
Christie Crenshaw	BOR
Stacia Wohlford	Lt. Gov.
Diane Gjerstad	USD 259
Mark Tallman	KASB
David & Monica	Washburn
Bob Kelly	KICA
Elaine Frisbie	Div. of the Budget
Alba Grideoaux	FHSU
Joe Ross, Nov	ESU
Al Bonatto	PSU
Ray Raymond	Sen Lee
Dawn Cole	Sen. Lynn Denton
James Shay	KACCT
Phil Kahan	
Tom Burke	KCKCC
Kelly Brader	KACCT
Tom Brune	Allen & Assoc.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 16, 1999

NAME	REPRESENTING
Jim Edwards	KCCI
Martine J. Cooper	KACHA
Digg Songales	KACHA

**Duties of Boards Under S.B. 345
(Reflects Amendments Adopted March 15)**

*State Education
Attachment 1
3-16-99*

	Board for Public Universities Advisory to the Board of Regents Concerning the Regents Institutions	Board for Community Colleges and Vocational/Technical Education Advisory to the Board of Regents Concerning the Community Colleges, Technical Colleges, and Area Vocational Schools	Board for Higher Education Coordination Advisory to the Board of Regents Concerning the Coordination of Regents Institutions, Community Colleges, Technical Colleges, and Area Vocational Schools and the Interface with Washburn University and the Private Colleges and Universities	Kansas Board of Regents
Authority to Adopt Rules and Regulations	Propose for adoption by the State Board of rules and regulations for operation and management of the Regents Institutions	Propose for adoption by the State Board of rules and regulations for supervision of the community colleges, technical colleges, and area vocational schools		[Not in S.B. 345, but part of existing statutory authority of Kansas Board of Regents]
Program and Course Initiation	Initiate plans for institutional advancement and new educational programs and courses of instruction	Initiate plans for institutional advancement and new educational programs and courses of instruction		
Budget Requests	Formulate budget requests for the Regents institutions	Review requests of community colleges, technical colleges, and area vocational schools for state funding and formulate recommendations thereon		Review budget requests and requests for state funding of postsecondary educational institutions and present a unified budget for higher education to the Governor and the Legislature each year
Program and Course Review	Review existing educational programs and courses of instruction at the Regents institutions and make decision with respect to the educational and economic justification, or lack thereof, for such programs and courses	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 such programs, courses, and locations	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 such programs, courses, and locations (Staff Note: The Committee might want to consider changing "approval and disapproval of such programs, courses, and locations" to "coordination of such programs, courses, and locations")	Approve or disapprove for state funding existing and proposed educational programs, courses of instruction, and program and course locations
Public Policy Agenda	Develop each year a policy agenda for Regents institutions	Develop each year a policy agenda for community colleges, technical colleges, and area vocational schools		Develop each year and recommend to the Governor and the Legislature a policy agenda for higher education, which policy agenda shall assess priorities among proposals for policy change, programmatic recommendations, and state funding requests

	Board for Public Universities Advisory to the Board of Regents Concerning the Regents Institutions	Board for Community Colleges and Vocational/Technical Education Advisory to the Board of Regents Concerning the Community Colleges, Technical Colleges, and Area Vocational Schools	Board for Higher Education Coordination Advisory to the Board of Regents Concerning the Coordination of Regents Institutions, Community Colleges, Technical Colleges, and Area Vocational Schools and the Interface with Washburn University and the Private Colleges and Universities	Kansas Board of Regents
Ongoing Studies	Conduct continuous studies of ways to maximize the utilization of resources available for public universities and initiate action for improvement	Conduct continuous studies of ways to maximize the utilization of resources available for community colleges, technical colleges, and area vocational schools and initiate action for improvement		Conduct continuous studies of ways to maximize the utilization of resources available for higher education in Kansas and initiate action for improvement Conduct continuous studies of how state policies affecting higher education and how Kansas economic and demographic trends impact upon accessibility to postsecondary education by Kansas residents, and initiate ways to improve such accessibility
Report to State Board	Make reports on the performance of its functions and duties together with any proposals and recommendations it may formulate with respect thereto at each regular meeting of the State Board	Make reports on the performance of its functions and duties together with any proposals and recommendations it may formulate with respect thereto at each regular meeting of the State Board	Make reports on the performance of its functions and duties together with any proposals and recommendations it may formulate with respect thereto at each regular meeting of the State Board	Receive and consider reports, proposals, and recommendations of the derivative boards and take such actions thereon as are deemed necessary or appropriate
Other Powers and Duties	Exercise such other powers and perform such other functions and duties as are deemed necessary and appropriate to the fulfillment of its responsibilities	Exercise such other powers and perform such other functions and duties as are deemed necessary and appropriate to the fulfillment of its responsibilities	Exercise such other powers and perform such other functions and duties as are deemed necessary and appropriate to the fulfillment of its responsibilities	Exercise such other powers and perform such other functions and duties as are deemed necessary and appropriate to the fulfillment of its constitutional and statutory responsibilities
Statewide Planning		Provide state wide planning for community colleges, technical colleges, and area vocational schools	Conduct continuous review and evaluation of the comprehensive plan for coordination of higher education and make recommendations as deemed necessary for amendment or modification of the plan	Adopt, from time to time amend, revise, or modify, and administer a comprehensive plan for coordination of higher education within this state
Uniform Data Base			Collect and analyze data and maintain a uniform postsecondary education data base	
Conflict Resolution			Resolve conflicts among and between postsecondary educational sectors and institutions	

1-2

1-3

	Board for Public Universities Advisory to the Board of Regents Concerning the Regents Institutions	Board for Community Colleges and Vocational/Technical Education Advisory to the Board of Regents Concerning the Community Colleges, Technical Colleges, and Area Vocational Schools	Board for Higher Education Coordination Advisory to the Board of Regents Concerning the Coordination of Regents Institutions, Community Colleges, Technical Colleges, and Area Vocational Schools and the Interface with Washburn University and the Private Colleges and Universities	Kansas Board of Regents
Appointment of Regents CEOs			Make recommendations to the State Board with respect to the appointment of chief executive officers of the Regents institutions	
Identify Core Indicators			Identify core indicators of quality performance for postsecondary educational institutions	
Broker Affiliations and Mergers			Broker affiliations and mergers of postsecondary educational institutions	
Coordinate Interface With Other Institutions			Coordinate a state system interface with private colleges and universities and Washburn University	
Institutional Roles and Missions				Determine institutional roles and review institutional missions and goals
Articulation Procedures				Develop articulation procedures so that maximum freedom of transfer among and between postsecondary educational institutions is ensured
Distance Learning Technologies				Develop and implement a comprehensive plan for the utilization of distance learning technologies
Annual Report				Report annually on the performance of its functions and duties to the Governor and the Legislature

S.B. 345 Time Line

- May, 1999 (tentative)–S.B. 345, as enacted, would be published in the *Kansas Register*. The current State Board of Regents and the position of Executive Director would be abolished. A wind-down period would begin.
- Wind-down period beginning with effective date of act until July 31, 1999–During this time, the existing Board of Regents and Executive Director abolished by the act would continue to function in order to provide a transition to the new board.
- August 1, 1999–The new Board of Regents would become operational and all powers, duties, and functions exercised by the former board would be transferred.
 - The Governor would be required to make appointments of members to the new board on or before August 1. In order to establish a staggered cycle, three of the initial appointments would serve four-year terms, three would serve three-year terms, and three would serve two-year terms. After that, terms would be for four years, with a limit of two terms (not counting the initial term).
 - Standard transfer language is included in S.B. 345 to make the newly-established Board of Regents the successor board to the current board. Current employees of the State Board of Regents and the State Board of Education would be transferred 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.
 - Rules and regulations and policies of the current Board of Regents would continue in effect. Property, records, and funds of the existing board would be transferred to the new board.
 - Supervisory authority for the community colleges, area vocational schools, and technical colleges would be transferred from the State Board of Education to the State Board of Regents. All powers, duties, functions, records, and property of the State Board of Education relating to the operations of community colleges, technical colleges, and area vocational schools would be transferred to the new Board of Regents. Rules and regulations, policies, and state plans relating to the transferred institutions would continue in effect under the new board.

*Senate Education
Attachment 2
3-16-99*

January 11, 1999

Terms of the Members of the Kansas Board of Regents

Member	Term Expires
Thomas E. Hammond	December 31, 1997
William, R. Docking	December 31, 1998
Kenneth C. Havner	December 31, 1998
Robert V. Talkington	December 31, 1998
Sylvia Robinson	January 15, 2000
Harry W. Craig, Jr.	January 15, 2001
Sidney T. Warner	January 15, 2001
Clay C. Blair, III	January 15, 2002
Murray D. Lull	January 15, 2002

*Senate Education
Attachment 3
3-16-99*