

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 17, 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

The Chairperson called the meeting to order and stated that before continuation of **SB 345**, the committee would take up **HB 2062 - vocational education; revising and updating citation of the federal act**. She called on Dale Dennis, Deputy Education Commissioner, to explain what the bill would do.

Mr. Dennis stated that the bill was recommended by the State Board of Education and explained that the amendments are needed to update certain language in order to make it consistent with a federal law revision, the Carl D. Perkins Vocational and Technical Education Act of 1998. Most of the amendments are changes in reference from the Carl D. Perkins Vocational and Applied Technology Education Act of 1990 to the Carl D. Perkins Vocational and Technical Education Act of 1998. The bill has no fiscal impact.

**Senator Langworthy moved to pass HB 2062 favorably and place it on the Consent Calendar. Senator Emert gave a second to the motion. The motion carried.**

The Chairperson turned the committee's attention to **SB 345**. Carolyn Rampey, Legislative Research presented the updated Duties of Boards Under **S.B. 345** and stated the changes were in italics in the fourth column. She went over the changes (Attachment 1)

The Chairperson asked if there were any questions on the updated attachment.

Senator Langworthy asked about the empty box on 'Broker Affiliations and Mergers'. Ms. Rampey explained that the reason is because the statutes do not address mergers between community colleges and area vocational schools. In order for regents institutions to merge, there would have to be legislative approval. KTI affiliation or merging with K State is an example of where the legislature did that. The regents under its own initiative does not merge regents institutions.

Senator Langworthy stated that we are giving authority to the advisory board for higher education coordination to help broker affiliations and mergers, but they have no clout over community colleges and area vocational schools. She thinks this is serious because the point of having one board is to be able to have some powers to force mergers.

The Chairperson commented if this might be something the office would mind being put over into the full board.

Senator Emert responded that it would probably mean a real fight with the legislature. Every merger that has ever happened has required legislative approval.

The Chairperson called on Senator Kerr, who had a paper to distribute (Attachment 2) He stated that it was more difficult than expected. The material entitled, 'Proposed Time Line to Implement Performance Funding' was a time line that explained how the performance funding would be implemented. He went through the chart, explaining each bullet on the page.

## CONTINUATION SHEET

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

July 1, 1999 to July 1, 2000 - The Board of Regents would review performance indicators and institutional sectors, work with the respective advisory boards and select those indicators that would be implemented.

July 1, 2000, to July 1, 2001- Institutions would have one year to develop institutional improvement plans. Institutional plans would have to be reviewed and submitted to the Board of Regents by each institution at least every three years.

July 1, 2001 - Institutional improvement plans would be implemented for each institution under the State Board of Regents.

July 1, 2002 - and annually thereafter - The Legislature would make three specific appropriations for performance funding: One for the Regents institutions and Washburn University, one for community colleges, and one for technical colleges and area vocational schools.

The Board of Regents could allocate performance funding on an annual basis to an institution which, pursuant to its improvement plan, implemented a multi-year program or project to achieve excellence.

A few reviewing each bullet, Senator Kerr stated that the first new money that would have to be available would be July 1, 2002, which is good because FY2001 looks very tight.

**Senator Kerr moved the conceptual amendment to SB 345 with the provisions as outlined in the Proposed Time Line to Implement Performance Funding. Senator Downey gave a second to the motion.**

**The motion carried.**

Senator Umbarger, continuing with yesterday's proposed amendment, stated there had been some confusion in the definition of alumnus. He had an amendment drawn up on page , "(i) "Representative of a postsecondary educational institution" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution." He stated that would hopefully clarify that term. On page 4, in line 27, after the period, by inserting "At no time after January 15, 2002, shall more than one representative of any postsecondary educational institution be designated for service on a derivative board." Understanding the arguments made yesterday, this will give time for the transition period and the governor will be able to make the appointees with as much uniformity as possible. Hopefully beginning 2002, this could be implemented.

The Chairperson stated that from the paper that had been distributed to the members of the committee, the terms of all the regents members will be up by January 15, 2002.

Senator Lee stated that she supported the concept but wondered if persons with an associate degree at one institution and a four-year degree at another institution and would be appointed to a derivative board, would that preclude anyone else from those institutions from being on a derivative board.

The Chairperson commented that she assumed it would only be the bachelor's degree that would be affected. The intent is that it would be the bachelor's degree and would not preclude someone from the same institution being on another derivative board. That would enable one institution to have three members.

The Revisor was asked if this could be written into the bill. Her response was that some type of language could possibly be put into the bill.

Senator Kerr commented on his own situation with an MBA from KU and a bachelor's degree from K-State. There seems to be no clear purpose to this. He thinks the bill is unworkable and a bad amendment.

The Chairperson stated that the four-year institutions are not the ones that are trying to be protected. The community colleges have severe reservations about joining the Board of Regents. They are trying to make it workable so those people who are joining the Board of Regents can be assured that their voice

will be heard and they will have a seat at the table. She wondered why there would be a particular  
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MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on  
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concern that a person be identified by the institution where the associate or bachelor's degree was  
obtained.

Senator Langworthy commented that it would seem, then, that the argument is being made for the people  
at the lower end; the two-year degree people.

The Chairperson replied that is not the case. Whoever is governor will take into consideration that the  
community colleges and the AVTS have to be represented on the board if it is going to be a coordinating  
board. We are trying to assure that representation will be there and also that representation will not be  
slanted one way or another. While there is every confidence in our present governor, no one knows what  
will happen ten years from now. Because this is a new structure and a new board and program, this is the  
time to make those changes, not some time down the line.

Senator Lee stated that one thing to keep in mind is that this is in statute, not in the constitution. If it is  
found in seven or eight years that it is unworkable, it can be changed.

Senator Downey stated the problem with this discussion is that it is predicated on past experiences. This  
is a totally new way of doing business. Because of the way we were doing business, the perception was  
that it was biased. That is one thing that has prompted the whole effort on restructuring higher education  
because of a perceived divisiveness between sectors. She is opposing the amendment at this time, even  
though she has been a past supporter because there is a new way of doing business that imposes a very  
strict expectation on collaborative behavior. By discussing how to segment these, we are sabotaging the  
purpose of this board, which is better coordination. Instead of belaboring all the things that went wrong in  
the way appointments were made in the past, the board should be set up with high expectations and good  
visibility for the governor to see what has to happen for this board to work in the way it was designed.

The second point Senator Downey wanted to make was that this protection has not been requested by the  
community colleges or the vocational technical schools. They are concerned about whether or not it will  
sabotage the intent of the board and whether it will make appointments so difficult it will be impossible to  
find good people. She is opposed to it at this time because it runs directly counter to what the intention of  
this board is supposed to do. She wants to reserve the caveat that next year, at a point in time when the  
Senate confirms these confirmations, if these people are not good representatives with the focus being to  
work together, then it needs to be taken up again.

The Chairperson stated that as she understands it, five out of the nine will be those who are serving as  
regents now.

Senator Downey commented that they have to be confirmed by us; we still hold the control on how those  
appointments are developed.

The Chairperson responded that the point is well taken, but we never do anything without looking at the  
history; it is foolish not to look at what has happened in the past and to be aware. This is trying to make  
sure that what has been seen in the past will not be repeated. It is putting it in statute.

It was clarified for Senator Jones that the governor appoints members to the derivative boards. He stated  
that it would put a hardship on the governor to say in the bill the governor must do this.

The Chairperson stated one would not find any board or appointed position the governor makes that do  
not have some restrictions of one type or another. His choice is not being restricted because it is opening  
up the possibility for people who have worked with or gone through a community college. Opening up the  
possibility for someone who is extremely interested or who has possibly gone through vocational  
technical training who would understand that. Many people in the business community are extremely  
interested in vocational technical colleges.

Senator Jones stated that most people that have associate degrees go on to continue towards a full degree.  
If we suggest that the highest degree is the one to be selected, an associate degree would never be chosen.

## CONTINUATION SHEET

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

The Chairperson responded that would depend on the governor and what he saw as important.

Senator Bleeker commented that she has two of the three community colleges in the state and two of the three highest mill levies. They are skeptical as to whether a funding mechanism will follow. It makes her skeptical to see such resistance to guaranteeing a seat at the table for community colleges really puts in doubt the motivation for just coordination. She questions whether the coordination aspect can really be done if we can't delineate community colleges a seat at the table.

Senator Oleen stated that there are twenty-seven four-year degree-granting institutions in the state. When a governor goes to someone to serve on these boards or the Board of Regents, it is a two-way street. If someone is not willing or believe that they have an interest in the community college or the coordination piece or the Board of Regents, that is the difference that we have now, rather than a regent who was supposed to represent only public universities in the state. If someone were a graduate of Cloud County and went on for his or her degree at Ft. Hays, it would be a shame to 'x' out that experience at the community college because of a quota count for Ft. Hays. She understands the perception in the past, but in starting new, people will be asked to serve on particular boards of expertise. That makes the difference.

Senator Emert commented that there seemed to be a shift in the motivation for the amendment. If community college representation is truly wanted, the way to do it is to put a requirement in the bill for that type of representation. What one will get if the amendment passes is people with bachelor's degrees from different universities. If community college representation is what is desired, then it should be addressed so that three people who have a sincere interest based on past activities in community colleges get appointed to the derivative board for community colleges. He had explored this, but deliberately left it out of the bill, thinking that was another restriction on the governor. He does not think this bill is the answer to getting community college representation.

The Chairman stated that she thought that Senator Oleen's statement that we have enough community colleges and four-year colleges will make it so it will not be terribly restrictive. She does feel there might be better wording for this that will ensure that there will be representatives. We also cannot forget the AVTS is out there.

Senator Lee said that she has faith in the talents of the people of the state. Nine people can be found that have graduated from different institutions. She does not think that simply changing the law changes attitudes. Bureaucracies become very well entrenched. Changing the outline of how something is supposed to operate does not necessarily change the outcome. The bill is an excellent step, the first she has seen in twenty some studies she has looked at. A fresh start is needed. There is nothing negative against anyone or board, but sometimes new blood has to come in to have a new way of thinking. She supports the amendment because she believes it completes what the bill is all about.

As Senator Umbarger was out of the room, Senator Emert asked the Chairperson if she would consider another amendment. The Chairperson gave her consent.

Senator Oleen stated that she thought there might be a better word to than derivative. It had an unclear meaning. Perhaps committee is not the right word, but commission might be. Dealing with the commission of public universities, those of the community colleges and vocational-technical schools and the Commission on Coordination. Defined groups of three that do become a board when they meet as nine to set their policy.

**Senator Oleen moved to amend SB 345 by changing 'derivative board', to 'commission'; commissioners in their groups of three and regents in their action of nine.**

**Senator Umbarger moved his balloon amendments.**

**The motion failed.**

Senator Oleen stated her motion which was to change the derivatives boards to commissions and the people would serve as commissioners, clarify it would be a commission for state institutions.

CONTINUATION SHEET

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

Senator Emert asked if the words 'state universities' could be used instead of 'institutions'. After a brief comment from the Revisor, Senator Oleen agreed on 'state educational institutions'.

**Senator Kerr gave a second to the motion.**

The Chairperson called for action on the motion.

**The motion carried.**

Senator Jones stated that he would like to see a sunset placed on the bill.

The Revisor reminded the committee that the constitution calls for a State Board of Regents, so it cannot be sunsetted.

Senator Jones responded that something could be done about that if the bill didn't work out. He commented that the bill will look vastly different when it comes out of the House then it will when it comes out of the Senate.

Committee discussion began on whether or not to place a sunset on the bill. Various committee members gave input as to whether this would harm the intent of the bill. The authors of the bill argued that it would be sending the wrong message. It makes it seem temporary.

Senator Jones gave his reasoning for the sunset provision, which would allow for legislators to realize that if it isn't working, they don't have to vote for it.

**Senator Lee made a motion that the LEPC take a very close look at this and monitor it during the interim for two or three years. The LEPC would report to the Senate and House Committees each year. Senator Downey gave a second to the motion.**

Senator Kerr stated that he would like to take the opportunity to make a substitute motion.

**Senator Kerr made a substitute motion to amend SB 345 to include the reasons put forth by Senator Jones and combine what Senator Lee had added and add that the commission petitions would be dissolved as of June 30, 2004; that the LEPC be designated as the monitoring committee for the implementation of the bill. Senator Jones gave a second to the motion.**

Clarification of the substitute motion was asked for.

Senator Kerr stated the only thing being sunset was the commissions, June 30, 2004, with the LEPC being the monitoring committee for the bill.

**Motion failed.**

The Chairperson stated the committee was back on the original motion.

**The motion carried.**

**Senator Emert moved that SB 345 be passed favorably as amended. Senator Downey gave a second to the motion.**

**The motion carried.**

Senators Kerr, Langworthy and Oleen were recorded as voting no.

The meeting was adjourned.

## SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 17, 1999

NAME	REPRESENTING
Gus Peterson	IC-STATE
Tom Bruno	Allen & Assoc.
Tom Bryant	BOR
Elaine Frisbie	Division of the Budget
Marlin Rein	KU
David Zow	KDOR
Algebra Rideaux	FHSU
Ken Saha	K Governmental Affairs Div.
Craig Grant	MITWIEA
Charles Hostetler	Manhattan C of C
ERIC Sexton	WSU
David J. Monical	Washburn
Stacia Wohlford	Lt. Gov.
Bob Newsome	Riley Co
Burke Bayer	Manhattan Chamber
Jim Williams	Riley Co Comm.
JOHN YOUNG	Manh. C. of C.
Bernie Koch	Wichita Chamber
Jim Edwards	KCCI

# SENATE EDUCATION COMMITTEE GUEST LIST

DATE: 3-17-99

NAME	REPRESENTING
Betsy Beake	Manhattan Chamber of Commerce
Wray Olson	"
Michael Ann	"
Debbie Nuss	Manhattan Chamber of Com
Eileen King	Manhattan Chamber of Commerce
Angie Cohorst	Manhattan Chamber of Commerce
Shirley O. Baker	Manhattan Chamber of Commerce
Kim Zerfas	Manhattan Chamber of Commerce
Mike Sheehy	Federica Consulting
Jan Levin	Manhattan Chamber
Joe Binnufyhan	KSDE
Marvin Burris	KBOR
David Kuller	Manhattan Chamber of Commerce
Rich Vargo	Manhattan Chamber of Commerce
Scott Sullivan	Manhattan Chamber of Commerce

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

	<b>Board for Public Universities</b> Advisory to the Board of Regents Concerning the Regents Institutions	<b>Board for Community Colleges and Vocational/Technical Education</b> Advisory to the Board of Regents Concerning the Community Colleges, Technical Colleges, and Area Vocational Schools	<b>Board for Higher Education Coordination</b> 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	<b>Kansas Board of Regents</b>
<b>Authority to Adopt Rules and Regulations</b>	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		<i>Existing authority</i>
<b>Program and Course Initiation</b>	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		<i>Existing authority, although initiative for programs and courses often comes from institutions</i>
<b>Budget Requests</b>	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  <i>Under existing authority, Board of Regents approves budgets for Regents institutions</i>
<b>Program and Course Review</b>	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 <b>(Staff Note:</b> 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  <i>Under existing authority, Board of Regents approves new programs and degrees and off-campus courses and locations</i>
<b>Public Policy Agenda</b>	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

Sample Education Attachment!  
 3-17-99



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	<b>Board for Public Universities</b> Advisory to the Board of Regents Concerning the Regents Institutions	<b>Board for Community Colleges and Vocational/Technical Education</b> Advisory to the Board of Regents Concerning the Community Colleges, Technical Colleges, and Area Vocational Schools	<b>Board for Higher Education Coordination</b> 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	<b>Kansas Board of Regents</b>
<b>Ongoing Studies</b>	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
<b>Report to State Board</b>	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
<b>Other Powers and Duties</b>	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
<b>Statewide Planning</b>		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
<b>Uniform Data Base</b>			Collect and analyze data and maintain a uniform postsecondary education data base	<i>Under existing authority, collects uniform data for Regents institutions</i>
<b>Conflict Resolution</b>			Resolve conflicts among and between postsecondary educational sectors and institutions	<i>Under existing authority, resolves conflicts among Regents institutions and, on a voluntary basis, with other institutional sectors</i>
<b>Appointment of Regents CEOs</b>			Make recommendations to the State Board with respect to the appointment of chief executive officers of the Regents institutions	<i>Under existing authority, appoints heads of Regents institutions</i>

	<b>Board for Public Universities</b> Advisory to the Board of Regents Concerning the Regents Institutions	<b>Board for Community Colleges and Vocational/Technical Education</b> Advisory to the Board of Regents Concerning the Community Colleges, Technical Colleges, and Area Vocational Schools	<b>Board for Higher Education Coordination</b> 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	<b>Kansas Board of Regents</b>
<b>Identify Core Indicators</b>			Identify core indicators of quality performance for postsecondary educational institutions	<i>Under existing authority, has identified core indicators for Regents institutions</i>
<b>Broker Affiliations and Mergers*</b>			Broker affiliations and mergers of postsecondary educational institutions	
<b>Coordinate Interface With Other Institutions</b>			Coordinate a state system interface with private colleges and universities and Washburn University	<i>Under existing authority, Board of Regents can voluntarily coordinate with other institutions</i>
<b>Institutional Roles and Missions</b>				Determine institutional roles and review institutional missions and goals
<b>Articulation Procedures</b>				Develop articulation procedures so that maximum freedom of transfer among and between postsecondary educational institutions is ensured
<b>Distance Learning Technologies</b>				Develop and implement a comprehensive plan for the utilization of distance learning technologies
<b>Annual Report</b>				Report annually on the performance of its functions and duties to the Governor and the Legislature
<b>Student Financial Aid</b>				<i>Under existing authority, Board of Regents administers a variety of state student assistance programs for students at public and private postsecondary institutions</i>

\* Existing statutes provide for mergers of community colleges with community colleges and for mergers of community colleges with area vocational schools.

### **Proposed Time Line to Implement Performance Funding**

- July 1, 1999, to July 1, 2000—During this period, the Kansas Board of Regents would review performance indicators developed by individual institutions and institutional sectors, and, working with its respective advisory boards and with the active involvement of the institutions, select those indicators that would be implemented, some of which would become the basis for the allocation of state money on the basis of performance. The indicators selected could vary among the institutions and among institutional sectors.
- July 1, 2000, to July 1, 2001—Institutions would have one year to develop institutional improvement plans showing how they would implement the performance indicators applicable to their institution and how they would measure their performance on the basis of each indicator. Institutional improvement plans would have to be revised and submitted to the Board of Regents by each institution at least every three years. The Board of Regents would provide technical assistance to institutions in the development, implementation, and revision of their improvement plans.
- July 1, 2001—Institutional improvement plans would be implemented for each institution under the State Board of Regents. Each institution would begin the data collection, measurement, or other documentation necessary in order for its performance to be evaluated with regard to each indicator.
- July 1, 2002, and annually thereafter—The Legislature would make three specific appropriations for performance funding: One for the Regents institutions and Washburn University, one for community colleges, and one for technical colleges and area vocational schools. The Board of Regents, for each institutional sector and within the amount of money available for each sector, would allocate state funding on the basis of each institution's performance on its indicators, with the award being based on achieving excellence. The amount of money awarded to an individual institution would be a percentage of its appropriation from the State General Fund for the prior fiscal year and in no case could exceed 2.5 percent.

Nothing would prevent the Board of Regents from allocating performance funding on an annual basis to an institution which, pursuant to its improvement plan, implemented a multi-year program or project to achieve excellence. In the case of a multi-year program or project, the institutional improvement plan would identify expected outcomes on an annual basis by which the institution's success in achieving its goals could be measured or documented by the Board of Regents for the purpose of allocating performance funds.

*Senate Education  
Attachment 2  
3-17-99*