

MINUTES OF THE HOUSE HIGHER EDUCATION.

The meeting was called to order by Chairperson Lisa Benlon at 3:30 p.m. on January 22, 2001 in Room 231-N of the Capitol.

All members were present.

Committee staff present: Carol Rampey, Kansas Legislative Research Department
Paul West, Kansas Legislative Research Department
Stuart Little, Kansas Legislative Research Department
Avis Swartzman, Office of the Revisor of Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the Committee:

Representative Jim Morrison
Eric L. Sexton, Director of Governmental Relations, Wichita State University
Dr. Amanda Golbeck, Director of Academic Affairs, Kansas Board of Regents
Dick Carter, Director of External Relations, Kansas Board of Regents (written only)

Others attending:

See attached sheet.

HB 2001 - establishment of the Northwest Kansas Technical College

Chairperson Benlon opened hearings on **HB 2001**, and called the first conferee, Representative Jim Morrison, to present his testimony in support of the bill. Representative Morrison testified that Northwest Kansas Technical School had met all the requirements needed to become a Technical College by North-Central Accreditation, Kansas State Board of Regents, and Colby Community College. (Attachment 1)

Representative Morrison said that the Technical School had enjoyed a great relationship with Colby Community College (CCC) for several years, and CCC provided instruction for selected students so that upon completion of their technical school studies, they were awarded an Associate of Arts degree by CCC. He stated that what this bill does is to have the AA degree conferred by the Northwest Technical College rather than CCC, and there would be no change in the relationship between CCC and the Technical College. Representative Morrison added that one of the members of the Board of Regents recommended an amendment be added to have the act take effect after publication in the Register rather than after publication in the Statute Book so graduates could be conferred this May with a degree from Northwest Technical College rather than CCC. He testified that the members of the Board of Regents and the Director of the Northwest Technical School, Larry Keirns, are in strong support of this legislation and the proposed amendment.

Chairperson Benlon closed the hearings on **HB 2001**.

Representative Tanner made a motion to amend the bill as proposed by Representative Morrison and pass it favorable out of Committee. The motion was seconded by Representative Kuether. The Chair called for discussion and Representative Reardon asked if the Regents chose not to testify on this bill, and Dick Carter, Director of External Relations with the Kansas Board of Regents, said that he had submitted written testimony to the Committee on behalf of the Regents on bills **HB 2001** and **HB 2016**. (Attachment 2) The Chair called for a vote by the Committee, and the motion carried unanimously.

CONTINUATION SHEET

HB 2016 - revision of certain definitions and statutory provisions applicable to Wichita State University.

Chairperson Benlon opened the hearings on HB 2016. Eric L. Sexton, Director of Governmental Relations for Wichita State University, was the first conferee speaking in support of this bill. He explained the bill basically revises certain definitions and statutory provisions applicable to Wichita State University.

Mr. Sexton testified that Section One revises K.S.A. 76-116d which would add Wichita State university to the current list of five universities allowed to dispose of "certain books or art objects" at a private sale without regard to other laws regarding surplus property. He added that this statute was enacted in 1953 and was apparently not revised when the university became a state educational institution. Mr. Sexton explained that Sections Two and Three revise K.S.A. 76-156a and 76-756 to simply change all references in these statutes from the Wichita State University Endowment Association to the Wichita State University Foundation. (Attachment 3)

Following questions by the Committee, Chairperson Benlon closed the hearings on **HB 2016**.

Representative Sloan made a motion to pass this bill out favorably and have placed on the Consent Calendar, seconded by Representative Lane. Discussion followed with Representative Wells making a substitute motion that someone carry the bill instead of it going on the Consent Calendar. The motion was seconded by Representative Reardon. The Chair asked for a vote on the substitute motion, and the motion failed. Division was requested and the motion failed on a 6 to 7 vote.

Chairperson Benlon referred the Committee back to the original motion for it to be put on the Consent Calendar, and she asked for Discussion. There being none, vote was taken and the motion carried.

HB 2018 - qualifications of students for admission to state educational institutions

Chairperson Benlon opened the hearings on **HB 2018**. Dr. Amanda Golbeck, Director of Academic Affairs for the Kansas Board of Regents, testified in support of the bill. She explained that several errors and omissions in the original statute, K.S.A. 76-717, had been brought to their attention. She said the Board of Regents had approved several changes at their November meeting, and forwarded them the Legislative Educational Planning Committee (LEPC) who drafted **HB 2018**. Dr. Golbeck outlined the requested changes as shown in her written testimony (Attachment 4). She said the intention of the original qualified admissions legislation was to raise the standard above the minimum for admission to universities. She stated that the change of language in the bill regarding the earning of a general educational development (GED) certificate differs from that proposed by the Board of Regents. Dr. Golbeck's written testimony on page contained a table which summarized the minimum passing GED.

Dr. Golbeck testified that the Board of Regents continues to feel that nonresident students with less than 24 hours of transferable course work be admitted to state universities with GED scores, and would like an amendment to **HB 2018** permitting them to do so. She then introduced two individuals, both of who are Associate Directors for Academic Affairs at the Kansas Board of Regent, Dr. Kathy Rupp, who is the Board's qualified admissions expert, and Dr. Patricia Anderson, who is the Board's GED testing expert. She said Dr. rupp also is responsible for coordinating the standards and implementation of the Qualified Admissions Program and approves courses. She also stated that Dr. Anderson holds the title of State Administrator for Kansas GED testing. Dr. Golbeck said the three of them would stand for questions from the Committee.

General discussion followed with questions directed to Dr. Golbeck regarding inconsistency of test scores between high school graduates and GED students for admission's qualifications, further clarification on the table on page 4 of Dr. Golbeck's written testimony regarding the minimum passing GED score and the changes requested by the Board of Regents compared to what wording was suggested by the LEPC, whether there is still a provision within the statute that allows an adult of 21 years of age or older to be admitted without reference to any other criteria if they are a resident of Kansas, questions concerning whether the State of Kansas' standards are too low for admission qualifications, and the problem of non-resident students coming into the state because it is easier for them to get admitted in Kansas and the

CONTINUATION SHEET

tuition is usually less too. Dr. Golbeck explained that the problem with the non-resident student who does not have the number of credit hours in transferrable course work is that person who has a GED and cannot enter a university at all with his/her GED, and whether that person should have a higher GED standard than a resident student was another question. She said what they were concerned with was that the student has no avenue whatsoever to be admitted.

Representative McLeland stated that his understanding was that a person with a GED may not have to meet as high a standard as a regular high school graduate. He asked if there was a reason why we don't require a person with a GED to pass an ACT or SAT test to show they have met the standards. Dr. Anderson responded she would support him totally on that, and added the American Council on Education states in all their manuals that colleges really are not encouraged to use the GED as a sole means for admittance and encourage the use of the ACT and SAT. Dr. Ruff stated that as the law reads right now a student can enter with a GED score if they passed the GED. She said at the present time all universities require students to take the ACT after they have been admitted so they will have records of the ACT scores, but it is not part of the admission requirements at this time.

Questions were also raised about remedial training in the early years of college, how many students enter college after getting a GED, and if the success rate of the GED people and the SAT people are tracked in order to see how well these students are doing. Dr. Kim Wilcox, Executive Director of the Kansas Board of Regents, responded to the questions. He said that the purpose of having the GED students take the ACT exam across the board was so they could start to make the analysis that would let them interpret what was the appropriate GED score and what would that equate to, and what number of those students are succeeding and which are failing in order to make better decisions. He expressed his appreciation to the legislature for the extra funding for a unit in the Board of Regents to allow them to do this, because in the past they did not have the legal ability before SB 345 (1999) or certainly not the fiscal resources to create the student system that would allow them to identify those students and track them in the State of Kansas. Representative Tanner stated that there would probably be several amendments offered from Committee members when the bill was worked.

Chairperson Benlon said that this bill would be held for further discussion and working at another meeting, and asked if there were any bill requests. Dr. Wilcox requested three bills be introduced to the Committee and drafted. He said the requested bills related to: (1) code compliance review of Community colleges, AVS, AVTS, and TC building plans, (2) Community College student fees and scholarships, and (3) a technical amendment regarding education benefits for dependents of deceased public safety officers. (Attachment 5) The Chair asked if there were any objections to the drafting of these bills, and there was none.

Chairperson Benlon adjourned the meeting at 4:25 p.m. The next meeting of the House Higher Education Committee will be Wednesday, January 24, Room 231-N at the Capitol.

HOUSE HIGHER EDUCATION COMMITTEE GUEST LIST

DATE 1-22-01

NAME	REPRESENTING
DICK CARTER, JR	KBOR
Amanda Golbeck	KBOR
Kathy Rupp	KBOR
Patricia M. Anderson	KBOR
Kim Wilcox	KBOR
Bob Vancouver	JCCC college
Janis Scott	ESU
STEVE KEANEY	KATSC
Craig Grant	HNFA
Kala Sullivan	Constituent Services
J.R. Mill	AP

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TOPEKA

HOUSE OF REPRESENTATIVES

COMMITTEE ASSIGNMENTS
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JOINT COMMITTEE ON
INFORMATION TECHNOLOGY
Chairman:
SELECT COMMITTEE ON
INFORMATION MANAGEMENT
MEMBER:
HEALTH & HUMAN SERVICES
Member:
EDUCATION

TESTIMONY ON HB 2001
Higher Education Committee
State Capitol, Room 231-N
January 22, 2001

Thank you, Mr. Chairman and members of the committee, for the opportunity to appear before you today in support of **HB 2001**. The Northwest Kansas Technical School has been recommended to be a Technical College by North-Central Accreditation, Kansas Board of Regents, and Colby Community College.

The Technical School has enjoyed a great relationship with CCC (Colby Community College) for several years. CCC provided instruction for selected students so that upon completion of their technical school studies, they were also awarded an Associate of Arts degree by CCC.

CCC will continue the same relationship of supplying instruction, but the AA degree will be conferred by the Northwest Kansas Technical College rather than Colby Community College.

One of the members of the Board of Regents recommended that an amendment be added to have the act take effect after publication in the Register rather than after publication in the statute book so graduates this May could be conferred the degree from Northwest Technical College rather than CCC. I have found no one who opposes that change.

The Director of the Northwest Technical School, Mr. Larry Kerns, is unavailable to testify and asked that I mention to this committee his strong support of this legislation and the proposed amendment.

Thank you for your time and favorable consideration of **HB 2001** with the proposed change as to when it may become law.

Representative Jim Morrison
121st District

A handwritten signature in cursive script that reads "Jim Morrison". The signature is written in dark ink and is positioned below the printed name and district information.

House Higher Education
1-22-01
Attachment 1

Statement to the House Committee on Higher Education

House Bills 2001 and 2016

Dick Carter, Jr.
Director for External Relations
Kansas Board of Regents

January 22, 2001

Madam Chairman and members of the Committee, my name is Dick Carter and I am the Director for External Relations for the Kansas Board of Regents. I appear before you today in support of HB 2001 and HB 2016. Dr. Amanda Golbeck will be providing a statement on behalf of the Regents regarding HB 2018.

HB 2001 – In November 2000, the Board of Regents approved the application from the Northwest Kansas Area Vocational-Technical School to become Northwest Kansas Technical College. In doing so, a statutory name change is required by law. This item is one of the Kansas Board of Regents legislative agenda items and I would ask that you support this measure by recommending it favorably to the full House.

HB 2016 – Likewise, the Board of Regents also endorses HB 2016. This bill will give greater flexibility for Wichita State University to dispose of certain books or art objects at a private sale. Additionally, all references in Kansas law would be changed to reflect the new name of the Wichita State University Foundation. This bill is also a product of the Legislative Educational Planning Committee and received a favorable recommendation in the fall of 2000.

The Kansas Board of Regents appreciates your consideration of these legislative requests.

House Higher Education
1-22-01
Attachment 2

**Testimony on House Bill 2016
before
the House Higher Education Committee
by
Eric L. Sexton, Director of Governmental Relations
Wichita State University
on
Monday, January 22, 2001**

Madam Chair and members of the committee, I am Eric L. Sexton, Director of Governmental Relations for Wichita State University, and I am pleased to be here to testify in support of H.B. 2016. H.B. 2016 revises certain definitions and statutory provisions applicable to Wichita State University.

Section one revises K.S.A. 76-116d which would add Wichita State University to the current list of five universities allowed to dispose of "certain books or art objects" at a private sale without regard to other laws regarding surplus property. This statute was enacted in 1953 and was apparently not revised when the university became a state educational institution.

Section two and three revise K.S.A. 76-156a and 76-756 to simply change all references in these statutes from the Wichita State University Endowment Association to the Wichita State University Foundation. This action is necessary to recognize corporate actions taken earlier this year by the Wichita State University Endowment Association to change its entity name to the Wichita State University Foundation.

I appreciate your consideration on these technical amendments. I would be happy to stand for questions.

**House Higher Education
1-22-01
Attachment 3**

Testimony to the House Higher Education Committee

House Bill No. 2018 Concerning Qualified Admissions

Amanda L. Golbeck, Ph.D.
Director of Academic Affairs
Kansas Board of Regents

January 22, 2001

Board of Regents staff has now had over three years of experience working with high school counselors and principals, as well as university admissions officers, to implement the Qualified Admissions legislation (K.S.A. 76-717). In the course of this experience, several errors and omissions in the original statute have been brought to our attention.

Experts on our staff in the areas of qualified admissions and GED testing carefully reviewed the qualified admissions legislation in light of these errors and omissions. As a result of this review, staff recommended to the Board of Regents that several changes be made to the original statute.

The Board of Regents approved these changes at their November meeting and forwarded them to the Legislative Educational Planning Committee (LEPC). The LEPC prepared the draft House Bill No. 2018, which is under consideration today. We would like to walk you through the changes that our Board endorsed and point out their relationship to the changes that the LEPC has incorporated into this Bill.

Regarding a change in K.S.A. 76-717(a)(1):

The Bill adds language regarding students who 'will graduate'. The proposed change is exactly as was requested by the Board of Regents. The rationale for this change is that students are often admitted to universities before they graduate.

Regarding changes in K.S.A. 76-717(a)(1)(B) and (a)(6)(B):

The Bill adds language regarding a 'SAT-I re-centered score of not less than 990 points'. The proposed change is exactly as was requested by the Board of Regents. The SAT score that is in the proposed language is one that is considered to be equivalent to the ACT score required by the qualified admissions legislation. The rationale for this change is that students are often admitted to universities on the basis of a SAT score, rather than an ACT score.

Regarding changes in K.S.A. 76-717(a)(2) and K.S.A. 76-717(a)(3)(B):

The general educational development (GED) test has five subtests. The Kansas requirement for passing the GED test is a 'minimum score of 40 on each test in the battery' [i.e., each subtest] 'and a minimum total score of 225'.

The language in the original legislation calls for admittance of individuals who have earned the GED certificate 'with an overall score of not less than 50 points'. Comparing the 225 in the requirement with the 50 in the qualified admissions legislation, the statute is clearly in error.

It is our understanding, the intention of the original qualified admissions legislation was to raise the standard above the minimum for admission to universities. As a result, the Board of Regents interpreted the intent of the 50 point score in the original legislation to be a score on each subtest. Accordingly, they recommended a change in language from 'an overall score of 50 points' to 'a total score of not less than 250 points and a score of not less than 50 points on each subtest.'

The change of language in the Bill regarding the earning of a general educational development (GED) certificate differs from that proposed by the Board of Regents. The Bill strikes the language that specifies the passing score on the GED. This implies that the passing score for the GED will be identical to that specified in the Kansas requirement, which is a total score of 225, and that the standard will not be raised above the minimum for university admission for students applying with a GED score.

The table below summarizes the minimum passing GED scores according to Kansas requirement, the original qualified admissions legislation, the changes proposed to that legislation by the Board of Regents, and the changes proposed to that legislation by the LEPC. While the LEPC proposal does not raise the standard for university admission, it

does correct the error in the original legislation, which makes this an acceptable change to the Board of Regents.

Minimum Passing GED Score	Subtest	Total
Kansas requirement	40	225
K.S.A. 76-717	Not Specified	50
Board of Regents	50	250
House Bill No. 2018	Not specified	Not specified

Regarding changes in K.S.A. 76-717(a)(4):

These changes originated with LEPC. The Board of Regents finds these to be acceptable changes.

Regarding the need for an additional change:

Neither the original statute nor the amended statute in the Bill contain language that applies to persons who are not residents of Kansas and who have earned the GED certificate. The Board interprets this to be an error of omission.

Language in K.S.A. 76-717 regarding students with less than 24 credit hours of transferable course work	Kansas resident	Not a resident of Kansas
Not a graduate of an accredited high school	76-717 (a)(2) 76-717 (a)(3)(B)	None
Graduate of an accredited high school	76-717 (a)(3)(A) 76-717 (a)(1)(A) 76-717 (a)(1)(B) 76-717 (a)(1)(C)	76-717 (a)(6)(A) 76-717 (a)(6)(B) 76-717 (a)(6)(C)

Thus, if the Bill is passed as written, a nonresident with a GED and less than 24 hours of transferable course work may not be admitted to a state university.

Consider a student from Web City, Missouri who wants to attend Pittsburg State University to earn a BS in Education with a major in Technical Education. Web City is only about 30 miles from PSU. The student did not complete high school due to a family crisis. The student has since completed his GED. Attending PSU would allow him to fulfill his academic aspirations and remain close to home. He cannot under current statute enter PSU because he did not graduate from a high school.

The Board of Regents continues to feel that students such as the one from Web City should be permitted to apply for admission to our state universities. The Board would appreciate it if this committee would consider an amendment to House Bill No. 2018 that would permit nonresident students with less than 24 hours of transferable course work to be admitted with GED scores.

I would like to introduce two individuals at this time, both of who are Associate Directors for Academic Affairs at the Kansas Board of Regents. Dr. Kathy Rupp is our qualified admissions expert. She is responsible for coordinating the standards and implementation of the Qualified Admissions Program and approves courses. Dr. Patricia Anderson is our GED Testing expert. She holds the title of State Administrator for Kansas GED Testing. Dr. Rupp, Dr. Anderson and I will be happy to answer any questions that you would like to address to us.

Code Compliance Review of Community College, AVS, AVTS, and TC Building Plans

Proposal: To discontinue the practice of the review of building plans of the community colleges, area vocational schools, area vocational technical schools and technical colleges by the state board of education.

In order to clarify that the state board of education is no longer responsible for this function, we recommend amending K.S.A. 31-150(e) as follows:

The provisions of subsections (c) and (d) of this section shall not apply to any building or structure operated or used for any purpose by, or located upon the land of any community college district, area vocational school, area vocational-technical school, technical college, or institution under the control and supervision governance of the state board of regents.

In addition, K.S.A. 58-1304 should be amended to read:

(a) The responsibility for enforcement of this act shall be as follows:
(1) For all existing Title II school facilities, and the design and construction of all new, additions to and alterations of Title II school facilities, the state board of education, by plan approval as required by K.S.A. 31-150, and amendments thereto. ~~School facilities under the control~~ Any building or structure operated or used for any purpose by, or located upon the land of any community college district, area vocational school, area vocational-technical school, technical college, or institution under the governance of the state board of regents shall not be subject to the provisions of this subsection.

Background: K.S.A 31-150 generally addresses construction requirements applicable to school buildings. "School buildings" are defined for purposes of this statute, by K.S.A. 31-144, as: "any building or structure operated or used for any purpose by, or located upon the land of, any school district, community college district, area vocational school, area vocational-technical school, institution under the state board of regents or any private or nonpublic school, college or university, whether or not operated for profit." K.S.A. 31-150(c) requires that all school buildings be constructed in accordance with K.S.A. 58-1301 through 58-1311, which incorporates the federal Americans with Disabilities Act accessibility requirements. K.S.A. 31-150(d) ensures compliance with these provisions by requiring that no construction contract for any school building shall be let until the construction plans have been approved for compliance by the state board of education. Regents institutions are specifically exempted from the provisions of subsections (c) and (d) by K.S.A. 31-150(e) which covers buildings upon the lands of "any institution under the control and supervision of the state board of regents." Further, "school facilities under the control of the state board of regents" are specifically exempted from the application of K.S.A. 58-1301 through 58-1311 by K.S.A. 58-1304.

Since the enactment of 1999 Senate Bill 345, school facilities of the community colleges, area vocational-technical schools, and area technical schools and colleges have continued to submit their plans to the state board of education for code compliance review under these provisions which were not amended in SB 345. School facilities of the community colleges, area vocational schools, area vocational technical schools and technical colleges would continue to be reviewed for code compliance by local building officials. (The public universities building plans are reviewed by the State Architect.)

Community College Student Fees and Scholarships

Proposal: Amend K.S.A. 71-301 to read as follows:

The board of trustees shall charge to and collect from each student tuition at rates per credit hour enrolled, and may charge to and collect from each student fees, which shall be established by the board of trustees.

Background: Community colleges currently collect student fees under a statutory provision giving the trustees general authority to do those things reasonably necessary or incidental to the operation of the college, not otherwise inconsistent with law, rules or regulations. K.S.A. 1999 Supp. 71-201(13) and (14). State universities and school districts (for area technical schools and colleges) have explicit statutory authority to collect student fees. Adding such explicit authority for the community colleges avoids an argument, by negative implication, that they are not authorized to collect fees. The proposed change is intended only to codify existing practice.

Proposal:

Amend K.S.A. 71-203 to read as follows:

No board of trustees of any community college shall authorize or permit the expenditure of any public funds, either directly or indirectly, for scholarships for students who reside outside of the community college district. No public funds shall be expended for athletic scholarships ~~either within or without any community college district~~. For the purpose of this section, moneys received from sale of admission to activities which community college sponsors, student fees, and moneys received from private persons or organizations shall not be deemed to be public funds. ~~Athletic scholarships shall not be granted to non-residents of the state of Kansas.~~

Background: The first change suggested to this section merely deletes unnecessary language and is not intended to change the meaning of the sentence amended. The other changes specify that student fees and money received from private donors are not to be considered public funds, and, therefore, may be used for athletic scholarships and that athletic scholarships may be granted to non-residents of the state.

Technical Amendment Re Education Benefits for Dependents of Deceased Public Safety Officers

Proposal: Staff recommends amending K.S.A. 75-4364, as follows:

(a) ~~(6) "State board" means, in the case of the state educational institutions and the municipal university, the state board of regents, in the case of area vocational schools, area vocational technical schools, community colleges and technical colleges, the state board of education.~~

(c) Subject to appropriations therefore, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of the dependent of a deceased public safety officer is provided for under subsection (b), may file a claim with the ~~appropriate~~ state board for reimbursement of the amount of such tuition and fees.

(d) ~~Each~~ The state board shall adopt rules and regulations, as appropriate, for administration of the ~~applicable~~ provisions of this section and shall determine the qualification of persons as dependents of public safety officers and the eligibility of such persons for the benefits provided for under this section.

Background

Enacted in 1996, K.S.A. 75-4364 provides that Kansas public postsecondary institutions shall waive tuition and fees for dependents of Kansas public safety officers who died as the result of injury sustained in the line of duty. The institution may file a claim with the applicable state board for reimbursement of the tuition and fees waived. The current statute divides responsibility for administration of this statute between the state board of regents and the state board of education, depending on the type of institution. With the passage of the Kansas Higher Education Coordination Act, all responsibility should be shifted to the state board of regents, which would be accomplished by the above amendments.