

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:35 p.m. on February 28, 2001 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Avis Swartzman, Revisor of Statutes
 Ben Barrett, Legislative Research Department
 Carolyn Rampey, Legislative Research Department
 Judy Steinlicht, Secretary

Conferees appearing before the committee: Mary Prewitt, General Council, KS Board of Regents
 Sheila Frahm, Executive Director, KACCT
 Terry Malone, Trustee, Dodge City Community College

Others attending: See attached sheet

HB2188—Community colleges, scholarships, student fees

Mary Prewitt, General Council, Kansas Board of Regents, gave testimony in support of **HB2188**. (Attachment 1) Currently, community colleges collect student fees under a statutory provision giving trustees general authority to do certain things reasonably necessary or incidental to the operation of the college. This bill will add explicit authority for the community colleges to collect fees.

Sheila Frahm, Executive Director, Kansas Association of Community College Trustees, introduced several members of community college leadership in attendance today. Sheila gave testimony in support of **HB2188**. (Attachment 2)

During discussion, it was determined that each community college charges fees, either per student or on a credit hour basis, and designates the use of those fees for a number of purposes, such as cultural and sporting events, technology, student publications, paying off bonds, and a portion is used for scholarships in district, in county resident scholarships and this is authorized by statute. Students do not have to consent to having a part of their fees used for scholarships; some students probably know and some probably do not pay attention to it. Fees collected are used for the personal benefit of students, but not all students choose to take advantage of all of the things offered. There are no statutory limits on fees or tuition. Tuition and fees are set by board of trustees. It is a concern that most students probably do not know that a portion of their fees are used for scholarships.

Terry Malone, Trustee, Dodge City Community College offered his testimony as an opponent to **HB2188**. (Attachment 3) Terry opposes the amendments to the bill on the grounds of basic fairness as he believes that no student should be required to pay another student's tuition. He believes community colleges are wasting large amounts of money on athletic scholarships to out-of-state students and some of this money is coming from other student's tuition. These scholarships take away from the educational budgets.

Senator Teichman made a motion to accept the minutes for February 19, 2001 and February 20, 2001. Seconded by Senator Vratil. Motion passed.

Chairman Umbarger stated that there will possibly be further hearings on **HB2188** at a later date.

Meeting adjourned at 2:35 p.m. The next meeting is scheduled for March 1, 2001.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 2/28/01

NAME	REPRESENTING
J.B. Webster	Barton Co. Comm. Coll. & Kansas Association of Community Colleges
Alonna J Avery	Cowley County Community College & KACCT
Mary Ann Stuedes	KACCT - KCCO
Gayle Krause	KACCT - Butler CCC
Pat McAta	Cowley
Ed Berger	Hutchinson Com. Coll.
Shield Fisk	KACCT
Jim Allen	KACCT
George Knaf	KACCT - Cloud County
Jackie Vietti	KACCT - Butler County
MARK DEBETTI	KNEA
Craig Grant	KNEA
Bob Vancouver	USD 229 Blue Valley
DICK CARTER	KROK
Mary Preyer	KROK
Gayle Shan	KACCT

Testimony to the Senate Committee on Education

House Bill 2188

Mary Prewitt
General Counsel
Kansas Board of Regents

February 28, 2001

Mr. Chairman and members of the Committee, my name is Mary Prewitt and I serve as the General Counsel for the Kansas Board of Regents. I appear before you today in support of HB 2188. I will introduce the proposed amendments presented by the bill and then ask that you hear testimony from Sheila Frahm, Executive Director of the Kansas Association of Community College Trustees on the bill. There are also several conferees from the community college sector available to answer any questions you might have. For the moment, I would like to give you a brief background and summary of what this bill will do, if enacted.

There are basically two changes that are being proposed in the bill. The changes to K.S.A. 71-203 in Section 1 of the bill are intended to codify the existing practice that non-public funds, including some of the funds collected as student fees, may be used to fund scholarships. The changes on lines 15 and 19 of the bill are grammatical, delete unnecessary language and are not intended to change the meaning of the sentences amended. The changes reflected in lines 21 and 22 specify that student fees and money received from private donors are not to be considered public funds for the purposes of this section, and therefore, may be used for scholarships. The final change in that section permits athletic scholarships to be granted to non-residents of the state. Again, the changes in this section codify existing practice.

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Section 2: Community colleges currently collect student fees under a statutory provision giving the trustees general authority to do certain things reasonably necessary or incidental to the operation of the college. In contrast, state universities and school districts (with control over area technical schools and colleges) have explicit statutory authority to collect student fees. Adding explicit authority for the community colleges avoids any argument based upon statutory construction that they are not authorized to collect fees. Again, the language added to K.S.A. 71-301 in Section 2 of the bill is intended only to codify existing practice.

House Bill 2188 has been reviewed and approved by the Board of Regents and is included in the Kansas Board of Regents 2001 request for legislation to the Kansas Legislature. The Kansas Board of Regents requests that you support this measure by passing it favorably out of committee.



KANSAS ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

700 SW Jackson, Suite 401 • Topeka, KS 66603-3757 • 785-357-5156 • FAX 785-357-5157
Sheila Frahm, Executive Director • E-mail: frahm kacct@cjnetworks.com

TO: Senator Dwayne Umbarger, Chair
Senate Education Committee Members
FROM: Sheila Frahm, Executive Director
DATE: February 28, 2001

Thank you Mr. Chairman, members of the committee. The 19 Kansas Community Colleges appreciate this opportunity to bring our support for HB 2188 to your attention. We appear to request your ongoing understanding, assistance and support for nearly 118,000 students served on and off our campuses. Each college continues to serve local community and students' needs statewide. The Community and Junior College Act of 1965 served as the catalyst for the local junior colleges to join their colleagues across the nation to become the comprehensive community colleges of today.

A community college education is, by tradition, provided using innovative methods, a willingness to take risks and meet the demands of students, community and statewide industry quickly, where and when needed. This education is provided statewide and is supported by local property tax commitment that averages nearly 50% from the 18 community college counties, with student tuition and state government covering an additional 45% of the costs. Percentages will vary from college to college depending on the student mix and service area.

Community Colleges, most which began nearly 40 ago because local community leaders saw the need and responded, have moved from being extensions of the local high school to responding to the demands for higher education and training opportunities statewide. Currently community colleges serve over one-half of the lower division students in Kansas; provide most of the developmental education for students not ready for or re-entering post-secondary education; and promote adult basic education at sites across the state. Traditional community college students transfer to private and public colleges and universities, and complete their education as successfully as the native institution (4-year) students. Our non-traditional students (single-parent mother, 24+ years old, under or not employed, place bound, financially challenged, apprehensive but committed to getting an education) join these traditional and part-time students as skilled, future employees with associate degrees, certificates, credentials and upgraded skills to become productive workers and taxpayers in Kansas.

Whatever you have experienced personally or been told about community colleges, and how you perceive decisions should be made for the students we serve, we seek your understanding that these colleges were created locally, are largely funded from local property taxes and seek to continue to make the decisions locally for the benefit of our students, communities, and join with you to best meet the needs of the state. Each college has developed a unique mission statement and puts emphasis on assisting students as they seek a top-quality general education, and further support their involvement with fine arts programs (music, drama, speech, art), athletic programs (winning recognition

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nationally with community support), and specialized courses such as allied health programs, computer and communications training, and custom designed programs essential to our business and industry neighbors.

As the Kansas Legislature seeks to make the best use of limited funds, the community colleges will continue to request and appreciate the state funds that are appropriated for the benefit of our students. We must also be very conservative in the request and protective of the use of local dollars raised from 18 counties, and tuition and fees paid by each student. Many of these students qualify for and need federal assistance and local scholarships. Recently gathered data showed 31,571 Kansas students benefited last year from \$52,805,796 federal dollars brought into our state's community colleges to serve them (Pell Grants, Work Study, loans, Carl Perkins, Title III).

Our 19 Kansas Community Colleges have exercised their local authority in meeting their mission by granting scholarships. These scholarships have been utilized to attract and support academic scholars, skilled musicians, artists, farm and ranch managers and athletes. They are used to prepare associate degree nurses to meet the health care needs of our state's hospitals and they have been used to train students to meet the workforce needs for other high demand occupations in information and communications technology, drafting and the aviation industry. These scholarships have been funded by contributions to local endowment groups and a designated portion of student fees, that since the inception of the Community College Act of 1965, each college has treated as nonpublic monies.

To assist the colleges as they continue to provide an education opportunity for students, we request your support of HB 2188. This bill was developed following a review of current practice, local needs and an analysis of the historic development of Kansas Statutes regarding community colleges. The Kansas Board of Regents worked through the possibilities with us and have endorsed this legislative request which essentially codify current practice:

1. Community College board of trustees should be authorized to collect student fees;
2. Community College boards of trustees should be authorized to utilize such fees for scholarships for students regardless of their residency status; and,
3. Public funds should not be used to support athletic scholarships for students, regardless of residency status.

The specific proposed changes as identified in HB 2188 will accomplish:

1. Authorization for boards of trustees to charge and collect student fees;
2. Student fees would not be public funds for purposes of scholarships;
3. Student fees could be used to support scholarships for students of any residency status and for any scholarship program.

These legislative changes will make clear the legislative intent and keep the responsibility on the shoulders of 117 locally elected Trustees, who will continue to represent their local communities and make decisions they believe to be in the best interest of the students and taxpayers. They will be accountable for the use of local, state and federal tax dollars.

With the development of Core Indicators and Performance Funding, they will be accountable to you through the Higher Education Coordination Act via the Kansas Board of Regents. We believe your actions will continue to recognize, acknowledge and assist these local leaders from the 19 community colleges as they educate the students of Kansas (93.2% of our students are from Kansas), and because most of our students stay in Kansas, to help them become productive citizens in our state.

Specifically, with these changes, each of the elected boards of trustees will continue to represent their local communities, listen to recommendations and make decisions they believe best meet the needs of the individual students and the local college. These decisions will be inspired by the same dedication shown by those who initiated the local community colleges and have continued to support their local college through its struggles, growth and changes.

Thank you

Attachments:

1. Testimony
2. Community College Map—designating college and service area
3. Enrollment Data
4. FY 2000-2001 Tuition and Fees Schedule
5. 5-year mill levy information for 19 community colleges (and assessed evaluation)

Joining us today to provide information from an individual campus perspective, and to respond to questions and concerns are:

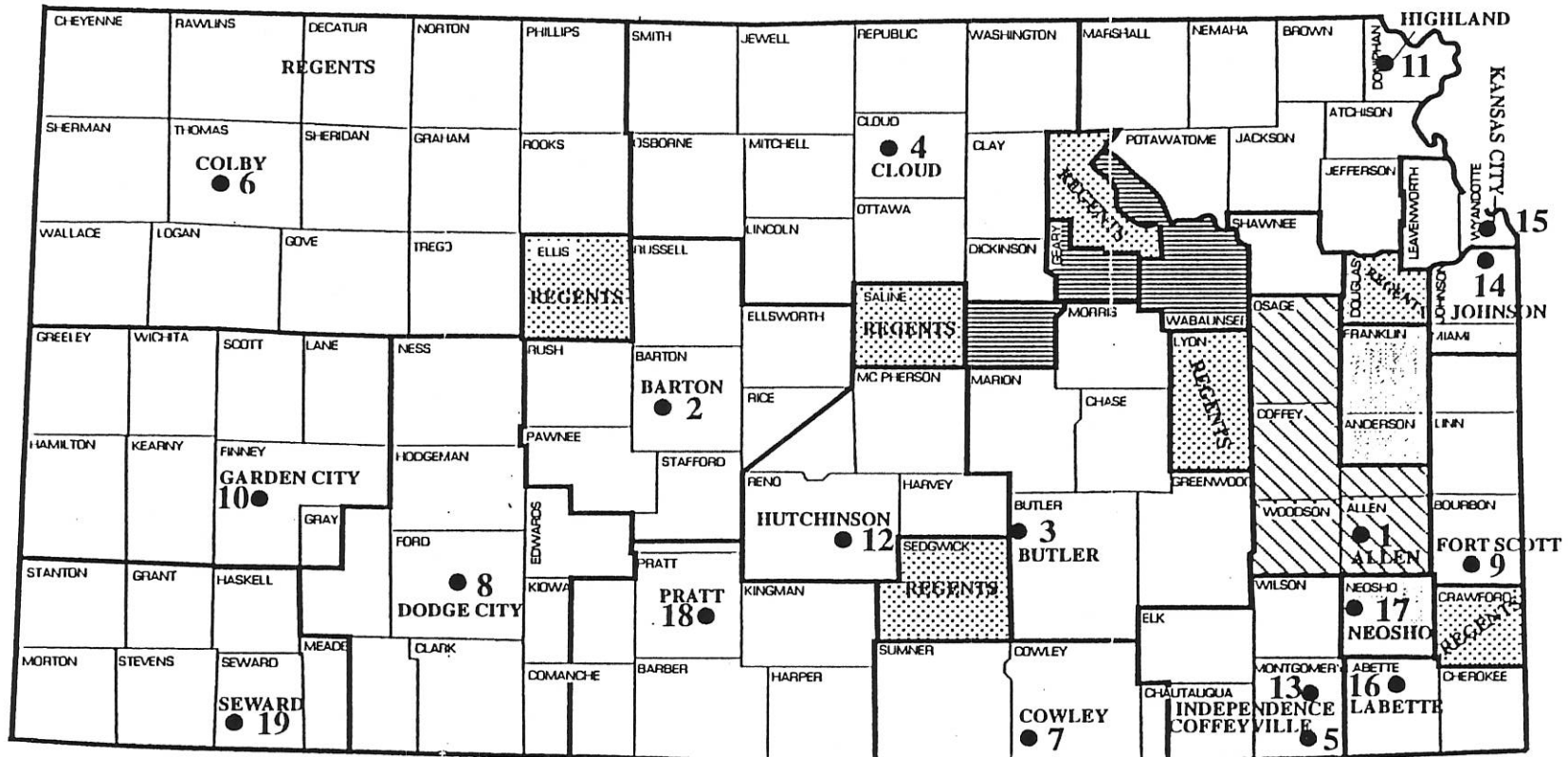
**Trustee J.B. Webster, KACCT Board Chair and Barton Co CC Board Chair

**Dr. Pat McAtee, President Cowley Co CC

**Dr. Jackie Vietti, President Butler Co CC and Council of Presidents Chair

Kansas Community Colleges and Service Areas for Kansas Community Colleges

2-4



- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Allen County Community College, Iola 2. Barton County Community College, Great Bend 3. Butler County Community College, El Dorado 4. Cloud County Community College, Concordia 5. Coffeyville Community College, Coffeyville 6. Colby Community College, Colby 7. Cowley County Community College, Arkansas City 8. Dodge City Community College, Dodge City 9. Fort Scott Community College, Fort Scott 10. Garden City Community College, Garden City | <ol style="list-style-type: none"> 11. Highland Community College, Highland 12. Hutchinson Community College, Hutchinson 13. Independence Community College, Independence 14. Johnson County Community College, Overland Park 15. Kansas City Kansas Community College, Kansas City 16. Labette Community College, Parsons 17. Neosho County Community College, Chanute 18. Pratt Community College, Pratt 19. Seward County Community College, Liberal |
|---|--|

- Service area for Allen County
- Service area for Neosho County
- Regents
- Unassigned Area

Kansas Board of Regents

Fall 1999 Enrollment for Kansas Community Colleges

Institution	Fall 1999 "Traditional" FTE 1)	Fall 1999 "New" Credit Hours 2)	Fall 1999 "New" FTE 2)	FTE Difference 3)	% Difference
Allen County Community College	1,385.4	19,500.0	1,300.0	(85.4)	-6.16%
Barton County Community College	2,721.6	41,043.5	2,736.2	14.6	0.54%
Butler County Community College	5,125.6	67,636.0	4,509.1	(616.5)	-12.03%
Cloud County Community College	1,711.8	24,315.5	1,621.0	(90.8)	-5.30%
Coffeyville Community College	1,079.9	12,747.0	849.8	(230.1)	-21.31%
Colby Community College	1,454.7	18,129.5	1,208.6	(246.1)	-16.92%
Cowley County Community College	2,357.6	33,683.5	2,245.6	(112.0)	-4.75%
Dodge City Community College	1,379.0	16,844.0	1,122.9	(256.1)	-18.57%
Fort Scott Community College	1,456.5	17,594.0	1,172.9	(283.6)	-19.47%
Garden City Community College	1,559.9	23,931.0	1,595.4	35.5	2.28%
Highland Community College	1,647.2	22,661.0	1,510.7	(136.5)	-8.29%
Hutchinson Community College	2,377.5	35,410.5	2,360.7	(16.8)	-0.71%
Independence Community College	946.6	13,132.5	875.5	(71.1)	-7.51%
Johnson County Community College	9,731.7	130,684.0	8,712.3	(1,019.4)	-10.48%
Kansas City Kansas Community College	3,332.4	47,677.0	3,178.5	(153.9)	-4.62%
Labette Community College	1,291.4	18,180.0	1,212.0	(79.4)	-6.15%
Neosho County Community College	980.5	13,484.0	898.9	(81.6)	-8.32%
Pratt Community College	946.9	13,459.0	897.3	(49.6)	-5.24%
Seward County Community College	1,058.2	12,659.0	843.9	(214.3)	-20.25%
TOTAL	42,544.4	582,771.0	38,851.3	(3,693.1)	

NOTES:

1) Fall 1999 "Traditional" FTE is from the 1999-2000 Kansas Community Colleges Statistical and Financial Information Booklet, 1999-2000 Enrollment. Enrollment includes all credit hour enrollments on September 15, plus the total full-time equivalent enrollment for courses taught in the summer term and the full-time equivalent enrollment for courses approved to be conducted as of September 15, the beginning dates of which courses are after September 15, but prior to December 1.

2) Fall, 1999 "New" Credit Hours is the enrollment from June 1 - December 31, 1999, and this period coincides with credit hour state aid. The Fall 1999 "New" FTE is calculated by taking the Fall 1999 "New" Credit Hours and dividing by 15.

3) FTE Difference is the "New" minus the "Traditional".

**KANSAS COMMUNITY COLLEGES
FY 2000-2001 TUITION AND FEES SCHEDULE**

Institutions	Residence	Tuition per credit hour	FEES per credit hour	FEES per student	ROOM CHARGES per year	BOARD CHARGES per year	ROOM AND BOARD CHARGES if combined
ALLEN COUNTY CC	Resident	\$30.00	\$12.00				\$3,000.00
	Non-resident	\$30.00	\$12.00				
BARTON COUNTY CC	Resident	\$28.00	\$18.00				\$2,730.00
	Non-resident (FR)	\$28.00	\$18.00				
	Non-resident (SO)	\$56.00	\$18.00				
BUTLER COUNTY CC	Resident	\$35.00	\$11.50		\$2,335.00	\$1,285.00	
	Non-resident	\$81.00	\$11.50				
CLOUD COUNTY CC	Resident	\$34.00	\$15.00				\$2,480.00
	Geary Co. Campus	\$34.00	\$16.00				
	Non-resident	\$77.00	\$15.00				
	Nebraska Residents	\$52.50	\$15.00				
COFFEYVILLE CC	Resident	\$27.00	\$18.00				\$2,926.00
	Non-resident	\$74.00	\$18.00				
COLBY CC	Resident	\$33.00	\$12.00		\$3,090.00	\$1,725.00	
	Non-resident	\$71.00	\$12.00				
COWLEY COUNTY CC	Resident	\$30.00	\$15.00				\$2,990.00
	Non-resident	\$84.00	\$15.00				
	Oklahoma	\$63.00	\$15.00				
DODGE CITY CC	Resident	\$32.00	\$14.00	\$20.00			\$3,300.00
	Non-resident	\$57.00	\$14.00	\$20.00			
FORT SCOTT CC	Resident	\$31.00	\$14.00				\$2,850.00
	Adjoining States	\$59.00	\$14.00				
	Other States	\$87.00	\$14.00				
GARDEN CITY CC	Resident	\$31.00	\$13.00				\$3,450.00
	Non-resident	\$65.00	\$13.00				
HIGHLAND CC	Resident	\$29.00	\$12.00		\$1,756.00	\$1,380.00	
	Non-resident	\$87.00	\$12.00				
HUTCHINSON CC	Resident	\$36.00	\$11.00			\$1,564.00	\$3,510.00
	Non-resident	\$87.00	\$11.00				
INDEPENDENCE CC	Resident	\$27.00	\$13.50				\$3,200.00
	Non-resident	\$52.00	\$13.50				
JOHNSON COUNTY CC	Jo Co Resident	\$48.00	Fees Included	Fees Included	NA	NA	NA
	In-State Resident	\$53.00	In Tuition	In Tuition			
	Non-resident	\$124.00					
KANSAS CITY KS CC	Resident	\$36.00	\$7.00		NA	NA	NA
	Non-resident	\$108.00	\$7.00				
LABETTE CC	Resident	\$33.00	\$12.00				\$2,500.00
	Non-resident	\$88.00	\$12.00				
NEOSHO COUNTY CC	NO County Resident	\$30.00	\$15.00			New Dorm	\$3250
	Out-Dist KS Residen	\$30.00	\$20.00			Old Dorm	\$3000
	Non-resident	\$45.00	\$15.00			Private Rm	\$4000
	International	100.00	\$15.00				
PRATT CC	Resident	\$29.00	\$17.00				\$2,985.00
	Non-resident	\$44.00	\$17.00				
	International	\$71.00	\$17.00				
SEWARD COUNTY CC	Resident	\$32.00	\$12.00				\$2,900.00
	Border Counties-	\$42.00	\$12.00				
	Non-resident	\$55.00	\$12.00				
	International	\$86.00	\$12.00				

5 Year History of Total Mill Levies

	1995	+/-	1996	+/-	1997	+/-	1998	+/-	1999	+/-	2000
Allen County	22.19	-0.05%	22.18	-4.33%	21.22	4.52%	22.18	3.65%	22.99	-15.13%	19.511
Barton County	30.68	-2.15%	30.02	6.03%	31.83	4.02%	33.11	5.08%	34.792	-11.61%	30.752
Butler County	20.48	3.81%	21.26	-0.85%	21.08	-3.61%	20.32	-2.41%	19.83	-13.61%	17.132
Cloud County	31.05	-0.32%	30.95	-3.20%	29.96	-5.54%	28.3	0.78%	28.52	-4.50%	27.238
Coffeyville	39.76	-6.46%	37.19	-2.64%	36.21	4.39%	37.8	2.65%	38.8	-3.28%	37.528
Colby	23.35	0.13%	23.38	0.17%	23.42	6.15%	24.86	11.83%	27.8	-9.95%	25.034
Cowley County	19.31	-0.41%	19.23	-1.35%	18.97	15.23%	21.86	4.53%	22.85	-12.62%	19.967
Dodge City	25.54	-0.12%	25.51	0.16%	25.55	0.04%	25.56	0.00%	25.56	1.68%	25.989
Fort Scott	22.47	-5.74%	21.18	-3.49%	20.44	-0.24%	20.39	8.68%	22.16	-11.37%	19.64
Garden City	16.42	8.34%	17.79	-5.34%	16.84	-0.59%	16.74	18.88%	19.9	-6.89%	18.528
Highland	25.06	-3.43%	24.2	-1.65%	23.8	-20.80%	18.85	-8.44%	17.26	-14.02%	14.84
Hutchinson	20.09	-3.58%	19.37	-0.31%	19.31	11.86%	21.6	8.66%	23.47	-8.44%	21.488
Independence	38.91	-3.50%	37.55	-11.32%	33.3	4.23%	34.71	13.60%	39.43	-6.63%	36.817
Johnson County	9.31	-3.87%	8.95	-4.58%	8.54	-9.25%	7.75	-7.23%	7.19	6.34%	7.646
Kansas City	16.59	-1.51%	16.34	5.08%	17.17	-1.81%	16.86	8.66%	18.32	0.16%	18.35
Labette	25.74	-3.54%	24.83	-4.11%	23.81	-2.77%	23.15	8.64%	25.15	-2.70%	24.47
Neosho County	30.71	0.16%	30.76	5.04%	32.31	-5.94%	30.39	-1.41%	29.96	-7.08%	27.84
Pratt	38.86	-0.21%	38.78	0.21%	38.86	-6.46%	36.35	9.66%	39.86	0.00%	39.86
Seward County	25.92	9.68%	28.43	-9.81%	25.64	5.23%	26.98	1.56%	27.4	-1.76%	26.917
LOW	9.31	-3.87%	8.95	-4.58%	8.54	-9.25%	7.75	-7.23%	7.19	6.70%	7.672
MEDIAN	25.06	-3.43%	24.2	-1.65%	23.8	-2.73%	23.15	8.64%	25.15	-3.83%	24.19
HIGH	39.76	-2.46%	38.78	0.21%	38.86	-2.73%	37.8	5.45%	39.86	0.00%	39.86

Final Valuation/Mill Levy's			
Kansas Community Colleges	11/16/2000		
Fiscal Year 2001			
	Assessed	Mill	
COLLEGES	Valuation	Levy	
Allen County	67,207,233	19.511	
Barton County	155,824,756	30.752	
Butler County	333,953,071	17.132	
Cloud County	57,638,016	27.238	
Coffeyville	104,956,920	37.528	
Colby	68,253,874	25.034	
Cowley County	175,594,895	19.967	
Dodge City	185,666,703	25.989	
Fort Scott	66,774,837	19.640	
Garden City	357,488,391	18.528	
Highland	54,517,125	14.840	
Hutchinson	398,435,188	21.488	
Independence	88,037,006	36.817	
Johnson County	5,472,074,811	7.646	
Kansas City Kansas	758,855,352	18.350	
Labette	98,418,540	24.470	
Neosho County	71,597,036	27.840	
Pratt	74,800,000	39.860	
Seward County	197,106,855	26.917	
TOTALS	\$8,787,200,609	459.547	

Statement to Senate Education Committee
in Opposition of Proposed Amendments
to K.S.A. 71-203 and 71-301
(House Bill No. 2188)

Dear Chairman Umbarger and Education Committee Members:

Thank you for the opportunity to speak in opposition to House Bill 2188.

I oppose the amendments to K.S.A. 71-203 on the grounds of basic fairness as I believe no student should be required to pay another student's tuition as the price of admission to enrollment in a Kansas community college.

I also believe the community colleges of Kansas are wasting large amounts of precious educational dollars because they have bought into the concept that "big time" athletics are good for community colleges. The 1969 Kansas Legislature was wise enough to foresee what would happen if community colleges were given permission to use public funds to scholarship athletes from Kansas and what would happen if given permission to grant athletic scholarships to out-of-state and foreign students.

However since the community colleges collectively made the decision to ignore the restrictions on scholarships to athletes as enacted in K.S.A. 71-203, we all can now see what those wise lawmakers feared:

- 1) Million dollar athletic budgets which take away from the educational budgets.
- 2) Athletic teams made up of out-of-state and foreign players.

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- 3) The burden of paying for athletic scholarships falling on the backs of students, regardless of financial circumstances, thereby raising the costs of attending college for all students.

Make no mistake about it. The reason for enacting K.S.A. 71-203 in 1969 was to rein in the costs of community college athletic programs.

Also make no mistake about it. The motivation behind House Bill 2188 is to expand the costs of athletic programs and to include even more out-of-state and foreign athletes on scholarships paid for by Kansas residents.

If you enact House Bill 2188 into law, hundreds of thousands of dollars at each community college will become available to fund athletic scholarships. The Legislature will have also bought into the concept of "big time" athletics being a good thing for community colleges. Having bought into that concept, all community colleges will soon be wanting to give "full ride" scholarships to their athletes – you can get **better** athletes if your scholarship includes room and board, in addition to tuition and books.

After all, "big time" athletics requires the best athletes available and that requires more scholarship money. Of course the additional scholarship money can easily be provided by the students by just increasing their "fees".

Maybe this expansion of athletic programs and their costs would make some sense, if there were a way to produce meaningful revenue from athletic programs. Unfortunately, community college athletics do not create revenue from television contracts or corporate sponsors. The NJCAA is not super wealthy like the NCAA. When Oklahoma University wins the NCCA football championship the team brings home \$13 million.

When Garden City brings home a NJCAA football championship, the team brings home expenses from motels, gas stations and restaurants.

All community colleges have fallen into a trap caused by the need to win athletic competitions, not only within the state, but also at the national level. It is a costly endeavor and it is taking money away from educational and training pursuits.

Why should the burden of funding athletic scholarships be borne by the students? K.S.A. 71-203 was enacted into law to prevent this from happening.

Will Kansas community colleges and their Kansas students actually be better served by House Bill 2188?

Perhaps we should review the mission and purpose of community colleges. It is my belief the mission and purpose of community colleges is to provide the residents of the community vocational and educational opportunities at a reasonable cost. 19 community colleges came into existence because the people in their respective districts were willing to take on an additional tax burden to benefit their own communities. I am here to suggest community colleges have, in large part, forgotten their mission and purpose.

When the community colleges were in their infancy, the Kansas Legislature recognized potential for abuse in the use of public funds by community colleges in three different areas:

- 1) Recruitment of students residing outside the community college district through publicly-funded scholarships;
- 2) Recruitment of athletes through publicly-funded scholarships;
- 3) Recruitment of athletes who were nonresidents of Kansas.

In order to ensure that community colleges used their public funds to accomplish their mission and purpose, the 1969 Legislature enacted K.S.A. 71-203, which clearly sets forth the public policy of this state by:

- 1) Prohibiting the use of public funds to grant a scholarship to any student who was not a resident of the community college district;
- 2) Prohibiting the use of public funds for athletic scholarships, even if the students were residents of the community college district;
- 3) Prohibiting athletic scholarships to out-of-state or foreign students, even through the use of private funds.

It was deemed to be good public policy to permit the use of public funds to grant scholarships to residents of the community college district. Why? What were the considerations underlying that policy which was passed into law?

The legislature allowed, and perhaps even encouraged, this policy because of the substantial financial contributions made by residents of the community college district. It makes perfect sense to lighten the financial burden of district residents, since they support the college through taxes.

In the same view, it does not make any sense to increase the financial burden on the residents of the community colleges by using part of their tax money to make it less expensive for a nonresident of the community college district to attend a community college through a scholarship paid for by the residents of the community college district.

The students who reside outside the community college districts do not pay one dime to operate or maintain the community colleges, so why

should they receive scholarships funded by tax money or other public funds? They should not. It would not be good public policy.

What were the considerations underlying the policy to prohibit the use of public funds to grant athletic scholarships to any student?

One could conclude the Kansas Legislature just did not like the idea of athletics at community colleges very much, or one could conclude the legislature saw potential for abuse in attempting to circumvent the intent of the law.

It is my belief the legislature prohibited the granting of publicly-funded athletic scholarships, even to residents of the community college district, because of the potential that all out-district athletes would attempt to change their residency from their home county to the community college district. If they became residents of the community college district, then they would be eligible for publicly-funded athletic scholarships. The legislature closed that loophole to keep the overly-zealous from circumventing the intent of the law. It was good public policy to do so.

What were the considerations underlying the policy to completely ban the granting of athletic scholarships to out-of-state and foreign athletes?

I believe there were several considerations underlying the policy to completely ban athletic scholarships to out-of-state and foreign athletes:

- 1) The legislature looked to other states which permitted this and did not like what they found;
- 2) Since publicly-funded athletic scholarships were not allowed, the only source of funds for athletic scholarships were private donations or gate receipts. The legislators realized it would be difficult enough to fund scholarships for Kansas residents,

without trying to raise funds for out-of-state or foreign students.

In that same light, legislators did not want the private donations to be given to nonresidents, while the Kansas students would be left out in the cold.

I also believe the legislators' vision of community college athletes was that of an extension of high school athletes -- giving the local residents an opportunity to continue playing sports in their local communities.

The legislators structured a law which was designed to keep community colleges from over-emphasizing athletics and devoting unreasonable amounts of money to an extra-curricular activity. It would have achieved that goal, had the community colleges obeyed the law. Unfortunately, they did not.

As a result, "the monster is out of the cage". It is a monster that gets hungrier and bigger every year. It is time to put it back in the cage and put it on a diet.

The average cost of educating a student at Dodge City Community College was reported to be \$5,994 in 1998. The present athletic budget at Dodge City Community College is \$1,065,994 for 170 athletes. The cost to maintain and operate the athletic department is an average of \$6,270 per athlete. That is \$6,270 in additional expense over and above the \$5,994 to educate the student.

You may wonder where Dodge City Community College and the other colleges get their money to fund so many scholarships. Simple. By circumventing the intent of the law. We charge the students a per-credit-hour fee of \$14 which raises approximately \$440,000 per year, which is really tuition disguised as a student fee.

The money collected from the student fees/tuition are then used to pay the in-state athletic scholarships. They also fund other scholarships which are paid to students who reside outside the community college district or who are residents of other states or foreign countries.

At Dodge City Community College last year, Ford County resident-students were forced to pay \$270,000 in student fees which were then paid as scholarships to nonresidents of Ford County. Let that sink in for a minute. A student fee, or "scholarship tax", is imposed on the resident-students of Ford County, which makes it more expensive to attend their own community college, in order to make it less expensive for nonresidents to attend our community college. This is not good public policy and a direct violation of K.S.A. 71-203. which prohibits the use of public funds to fund scholarships for nonresidents of the community college district.

When I expressed my concerns to the Kansas Association of Community College Trustees at a meeting last May, the association hired Mr. Charles Henson, a private attorney to review the law, at a cost of several thousand dollars to the community colleges. The association could have obtained an opinion from Attorney General Stovall without cost, but apparently wanted to avoid an opinion that would have become public record.

As a result you now have before you proposed amendments which would make legal which is now illegal—the use of public money to fund scholarships awarded to nonresidents. However, the community colleges want to leave the impression with the public that prohibiting the use of public funds to scholarship nonresidents is still good public policy, by

leaving the language prohibiting such in the statute; but identifying huge sums of money collected as student fees to be “nonpublic” money.

It is either good public policy to prohibit such use of public funds or it is not. We cannot have it both ways. We should not create a sham to make people think we are doing the right thing when we are not. The proposed amendment to identify student fees as nonpublic funds is nothing but a sham. There is absolutely no difference between student fees and tuition. K.S.A. 71-701(h) defines student tuition as follows:

“Student tuition” means the charge made to and paid by students for the privilege of attending a community college and participating in the institutional program.

If a student does not pay the required tuition, the student is denied admission to the college. The same is true for the nonpayment of student fees. If a student does not pay the per-credit-hour student fee, the student is denied admission to the college. Student fees and tuition are the same thing. It is a distinction without a difference. The proposed amendments make a mockery of the public policy of this state.

Perhaps the most disturbing aspect of the proposed policy changes is that the “poorest of poor students” can actually end up funding scholarships for the “richest of the rich students”. We take the fee money from every student, even from those who have to borrow money to attend school, and even from those who have to rely on Pell grants to attend school. We then distribute it to nonresidents who may not be in any need of financial assistance to attend our community colleges.

It is not good public policy to make it more expensive for all students to attend a community college, in order to make it less expensive for a few to attend. It is not good policy to require, as a condition of admittance to a

publicly-owned community college, the payment of money by one student to another student, regardless of the financial status of either student.

Let us make it less expensive for all students to attend a community college by dropping the requirement to pay the student fees which are used to fund scholarships. At Dodge City Community College, dropping the \$14 per credit hour fee would reduce the tuition expenses by 30%, and save the average student \$420, which is not a bad scholarship in itself.

Those who support the proposed amendments believe the "scholarship tax" is beneficial to community colleges. Three members of the Board of Trustees of Dodge City Community College disagree.

The use of student fees/tuition as scholarships for nonresident athletes is actually harmful to the community colleges' ability to achieve their mission and purpose.

If the proposed amendments are adopted, the new law would have the following detrimental effects:

- 1) It would place a greater financial burden on the residents of the community college district, while lessening the financial burden on nonresidents;
- 2) It would force all students to pay another student's educational expenses, regardless of the financial condition of either the paying student or the receiving student;
- 3) It would divert unreasonable amounts of money from educational and training programs to athletic programs;
- 4) It would encourage the recruitment of nonresidents to Kansas, which will result in Kansans subsidizing the educational costs of out-of-state and foreign students;

- 5) It would discourage Kansas students from attending community colleges if they want to play sports, as the recruited out-of-state and foreign athletes take their places on the athletic teams;
- 6) It would create compliance problems with Title IX which prohibits discrimination based on gender;
- 7) It would encourage colleges and nonresidents to falsely claim the nonresidents of Kansas to have suddenly become residents of Kansas;

If indeed the board of regents believe the proposed changes in the law would reflect good public policy, I would question why anyone would not want to repeal the language in K.S.A. 71-203, which states:

"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."

The student fees are obviously public funds, even though the new law would say they are not. If it is good policy to take \$500,000 from the students attending Dodge City Community College to be used to fund scholarships for students who reside outside the community college district (although I do not know what has changed in the community college mission and purpose since 1969), why don't we just drop the charade and repeal the entire statute? Because if the legislature does adopt the new amendments to the law, the prohibition against the use of public funds for scholarships for students who reside outside the community college district has become absolutely meaningless.

At least if we repealed the law, the financial burden to fund scholarships for nonresidents would be spread somewhat among all

Kansans instead of being borne solely by the students who attend the community colleges.

If the board of regents believe this is good public policy for the community colleges, can we expect the same policy to be applied to K-State and KU? Or will the burden of one student paying for another student's education be borne only by those who attend community colleges? Are the community college students really children of a lesser god?

When making your decision on HB 2188, please remember that this money belongs to each individual student and is not used by the college to pay faculty, maintain classrooms, purchase books or improve the education of any student. Instead it requires all students to help pay someone else's tuition, regardless of financial circumstances.

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