

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Dwayne Umbarger at 8:35 a.m. on April 2, 2002 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research  
Carolyn Rampey, Legislative Research  
Paul West, Legislative Research  
Theresa Kiernan, Revisor of Statutes  
Judy Steinlicht, Secretary

Conferees appearing before the Committee: Bill Docking, Member, Kansas Board of Regents

Others attending: See Attached List

Senator Teichman made a motion to approve the minutes for March 25, the second meeting of March 25 and March 26, 2002. Seconded by Senator Schodorf. Motion carried.

**SB647--Kansas higher education coordination act amendments**

Bill Docking, Kansas Board of Regents addressed the Committee on the compromise amendments for **SB647**. The Board believes the Legislature provided them with **SB345** and the opportunity to create a coordinated system. They believe they have done everything possible to create that system, develop new relationships and shape a new vision and direction for Kansas higher education. The Board believes that the amendments proposed are necessary to continue to carry the new system forward. (Attachment 1)

The Committee discussed **SB647** at length and questions were answered by members of the Board of Regents and Washburn University.

Senator Hensley made a motion to adopt the proposed amendments including the deletion of Section 10 of SB647. Seconded by Senator Emler. Senator Vratil requested that each amendment be handled individually. Senator Hensley and Emler were in agreement. The first amendment on page 1, Line 26 would be to reinstate the specific mention of Washburn University in the definition of municipal university. Motion carried. The second amendment on page 2, changing the calculation of new state funds received pursuant to performance agreements to prevent compounding the effect of any reduction resulting from failure to fulfill a performance agreement. Motion carried. The third amendment on page 5, limiting the Board's authority to coordinate contracted program offerings. Motion carried with two no votes. The fourth proposed amendment is to remove section 10. Motion carried with three no votes.

In discussion regarding the performance funding amendment, Senator Schodorf proposed a compromise that if a university did not meet the performance goals for one year and, therefore, lost the money, they would receive that money in the subsequent year, as well as the money from the current year, only if they did meet the goals, giving them the incentive to meet the goals and continue improving. Senator Vratil concurred that this would be the perfect compromise, but noted that the bill is not written that way. Senator Vratil pointed out that the bill as written did not provide much incentive to achieve performance goals since, once out of compliance for one year, there was, effectively, no incentive to come back into compliance because the institution would automatically receive lost funds in the subsequent and all future years. Other Committee members believed that since the parties involved worked out an agreement that the Committee should adopt the amendments as written. If these provisions do not provide the Board of Regents with the tools necessary to coordinate the system, the Legislature could add their amendments later.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION at on April 2, 2002 in Room 123-S of the Capitol.

Senator Hensley made a motion to recommend favorably SB647 as amended. Seconded by Senator Jenkins. Motion carried.

Meeting adjourned 9:35 a.m.

**SENATE EDUCATION COMMITTEE GUEST LIST**

DATE - 4-2-02

| <u>NAME</u>     | <u>REPRESENTING</u> |
|-----------------|---------------------|
| Cory Blum       | KBOR                |
| Janie DeBouge   | KBOR                |
| Kim Wiley       | KBOR                |
| Sheila Lechner  | KACCT               |
| Dick Conrath    | KBOR                |
| Mary Krewitt    | KBOR                |
| Michael White   | Kerney Lew / KACTE  |
| Candy Deaton    | Budget              |
| David & Monical | Washburn University |
| John Pinegar    | Washburn University |
| Bob Kelly       | KICA                |
| Ben Klein       | Washburn University |
| Chuck Engel     | " "                 |
| Denise Axt      | USA / USD. 500 -    |
| Jim Allen       | KACCT               |
| Mark Tallman    | KASTB               |
|                 |                     |
|                 |                     |
|                 |                     |
|                 |                     |
|                 |                     |
|                 |                     |
|                 |                     |



# KANSAS BOARD OF REGENTS

1000 SW JACKSON • SUITE 520 • TOPEKA, KS 66612-1368

TELEPHONE – 785-296-3421  
FAX – 785-296-0983  
www.kansasregents.org

**Statement to the  
Senate Education Committee  
by Bill Docking,  
Member, Kansas Board of Regents**

**April 2, 2002**

**SB 647**

- Good morning, Chairman Umbarger, and members of the Committee. I am Bill Docking, a member of the Kansas Board of Regents.
- I have had the privilege of serving on the Board of Regents since 1995, including the privilege of serving as the Chair of the Board for two consecutive years. Those years included the last year of the old Board and the first year of the reconstituted Board of Regents under Senate Bill 345.
- My tenure has given me the opportunity to observe the significant changes that have occurred in Kansas higher education as a result of Senate Bill 345.
  - A sea change in the culture of higher education: from division and divisiveness to cohesion and cooperation.
  - The laying of the foundations for a truly coordinated system of higher education for Kansas.
  - The building of relationships that not only did not, but could not have existed before.
- My tenure has also allowed me to be a part of the enormous efforts extended by the members of the Board to bring about these changes. You gave us Senate Bill 345 and the opportunity to create a coordinated system. We believe we have done everything we could to create that system, develop new relationships and shape a new vision and direction for Kansas higher education.
- As members of the new Board of Regents, with nearly three years' work behind us, we are heavily invested in the continued progress of this new system. We truly want to see it succeed. That is why we have advanced the bill before you, Senate Bill 647.
- We believe that the heart of these amendments is necessary to continue to carry the new system forward. We believe that without the fundamental authority represented by these

*Senate Education  
4-2-02  
Attachment 1*

**Testimony of Bill Docking**  
**Senate Education Committee**  
**April 2, 2002**  
**Senate Bill 647**

amendments, the system will stall, our hard efforts will go to waste, and the legislative vision embodied in Senate Bill 345 will never be realized. So it is with a continuing sense of urgency that I come before you today, eager to see that what is important in this bill is preserved and enacted.

- At the same time, we are sensitive to the criticisms that have been directed at the bill. We don't claim perfection; rather, we claim only to have given it our best effort, but our experience thus far has taught us what a powerful tool collaboration can be. So it is in that spirit that we offer to be responsive to the critics, to compromise on what we have drafted, so that what is important in this bill may, indeed, be preserved and enacted.
  - We understand the concerns raised by our request to amend the statute on rules and regulations and we offer to withdraw those amendments, section 10 of the bill, altogether. The Board will act through the regulatory process whenever the statutes, as now written, require that process to be followed.
  - In addition, we have crafted three amendments with Washburn University that we have distributed to you in the form of balloon amendments. These three changes are:
    - Reinstating the specific mention of Washburn University in the definition of municipal university.
    - Changing the calculation of new state funds received pursuant to performance agreements to prevent compounding the effect of any reduction resulting from failure to fulfill a performance agreement.
    - Limiting the Board's authority to coordinate contracted program offerings.
- We are sincere in our desire to reach a compromise that will carry this bill to the full Senate. Hopefully, the amendments I have outlined demonstrate that. We are equally sincere in our belief that the performance agreements created by the bill further the best interests of all Kansans in a coordinated system of higher education characterized by excellence. We are confident that the members of this Committee share our dedication to that goal and that, together, we can craft a bill that will achieve our mutual vision.
- Thank you for the opportunity to appear before you today. We will stand for your questions.

SENATE BILL No. 647

By Committee on Ways and Means

3-14

9 AN ACT concerning the Kansas higher education coordination act; re-  
10 relating to the financing of postsecondary educational institutions and  
11 the powers, duties and functions of the state board of regents; amend-  
12 ing K.S.A. 77-415 and K.S.A. 2001 Supp. 71-620, 72-6503, 74-3201b,  
13 74-3202c, 74-3202d, 74-3205a, 74-3205b, 74-3205c and 74-3205d and  
14 repealing the existing sections.

15

16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 2001 Supp. 74-3201b is hereby amended to read  
18 as follows: 74-3201b. As used in the Kansas higher education coordination  
19 act:

20 (a) "State board of regents" or "state board" means the state board  
21 of regents provided for in the constitution of this state and established by  
22 K.S.A. 2001 Supp. 74-3202a, and amendments thereto, except as other-  
23 wise specifically provided in this act.

24 (b) "State educational institution" means any state educational insti-  
25 tution, as defined in K.S.A. 76-711, and amendments thereto.

26 (c) "Municipal university" means ~~Washburn university of Topeka any~~  
27 *municipal university established under the laws of this state.*

28 (d) "Community college" means any community college established  
29 under the laws of this state.

30 (e) "Technical college" means any technical college established under  
31 ~~K.S.A. 72-4468, and amendments thereto~~ *the laws of this state.*

32 (f) "Vocational education school" means any area vocational school  
33 or area vocational-technical school established under the laws of this state.

34 (g) "Public university" means any state educational institution.

35 (h) "Postsecondary educational institution" means any public univer-  
36 sity, municipal university, community college, technical college and vo-  
37 cational education school, and includes any entity resulting from the con-  
38 solidation or affiliation of any two or more of such postsecondary  
39 educational institutions.

40 (i) "Proprietary school" means any proprietary school as defined in  
41 K.S.A. 72-4919, and amendments thereto. The term proprietary school  
42 does not include within its meaning any school or educational institution  
43 specifically exempted from the definition of proprietary school by the

1-3  
Washburn University of Topeka or

1-4

1 provisions of K.S.A. 72-4920, and amendments thereto.

2 (j) "Adult basic education program" and "adult supplementary edu-  
3 cation program" have the meanings respectively ascribed thereto in  
4 K.S.A. 72-4517, and amendments thereto.

5 (k) "Representative of a postsecondary educational institution"  
6 means any person who is the holder of an associate degree, a bachelor's  
7 degree, or a certificate of completion awarded by a postsecondary edu-  
8 cational institution.

9 Sec. 2. K.S.A. 2001 Supp. 74-3202c is hereby amended to read as  
10 follows: 74-3202c. (a) In the exercise of its leadership role, the state board  
11 of regents shall be an advocate for the provision of adequate resources  
12 and sufficient authority for all postsecondary educational institutions so  
13 that each postsecondary educational institution can realize, within its pre-  
14 scribed mission, role and scope, its full potential to the benefit of the  
15 students who attend such postsecondary educational institution and to  
16 the benefit of all Kansas residents in terms of receiving the benefits of a  
17 highly educated and vocationally trained populace.

18 (b) In addition to other duties and functions prescribed by law, the  
19 state board of regents shall:

20 (1) *Serve as the representative of the public postsecondary educa-*  
21 *tional system before the governor and the Kansas legislature;*

22 (2) *provide statewide planning for higher education and adopt, from*  
23 *time to time amend, revise or modify, and administer a comprehensive*  
24 *plan for coordination of higher education within this state;*

25 ~~(2)~~ (3) *determine institutional roles and review institutional missions*  
26 *and goals for each postsecondary educational institution taking into ac-*  
27 *count both institutional needs and the needs of the state's system of higher*  
28 *education as a whole;*

29 ~~(3)~~ (4) *develop articulation procedures so that maximum freedom of*  
30 *transfer among and between postsecondary educational institutions is*  
31 *ensured;*

32 ~~(4)~~ *approve or disapprove for state funding purposes existing and pro-*  
33 *posed educational programs, courses of instruction and out-district pro-*  
34 *gram and course locations*

35 (5) *develop and implement, in conjunction with the postsecondary*  
36 *educational institutions, a comprehensive plan for coordinating all pro-*  
37 *gram offerings by postsecondary educational institutions;*

38 ~~(5)~~ *review budget requests and requests for state funding of postse-*  
39 *condary educational institutions and present*

40 (6) *develop a unified budget for higher education state funding of*  
41 *postsecondary educational institutions and present such budget to the*  
42 *governor and the legislature each year and receive and allocate the state*  
43 *funds appropriated for funding of postsecondary educational institutions*

, except that the state board shall not coordinate program offerings that are specifically developed and entirely paid for by an entity which limits enrollment to a class of individuals who are employees, members, or business customers of the entity.



2 for the purposes of determining new state funds for the postsecondary  
 3 educational institution pursuant to a performance agreement for the en-  
 4 suing fiscal year. ~~The failure of a postsecondary educational institution to~~  
 5 ~~enter a performance agreement with the state board shall prevent that~~  
 6 ~~postsecondary educational institution from receiving any new state funds.~~  
 7 ~~Any funds designated by the legislature for a specific postsecondary ed-~~  
 8 ~~ucational institution or purpose shall be exempt from the provisions of~~  
 9 ~~this section.~~

10 Sec. 4. K.S.A. 2001 Supp. 74-3205a is hereby amended to read as  
 11 follows: 74-3205a. (a) For the purpose of expediting the exercise of pow-  
 12 ers and the performance of functions and duties of the state board of  
 13 regents, there is derived from the state board a commission for com-  
 14 munity colleges and vocational/technical education, a commission for  
 15 public universities, and a commission for higher education coordination.  
 16 Each commission shall be composed of three members who are members  
 17 of the state board. At the time a member is appointed to the state board,  
 18 the governor shall designate the commission on which the member shall  
 19 serve so that each member of the state board is designated for service on  
 20 one of the commissions. At no time after July 1, 2002, shall there be more  
 21 than one representative of any one postsecondary educational institution  
 22 designated for service on a commission. The members of each commis-  
 23 sion shall organize annually by electing one member of their respective  
 24 commissions as chairperson. The chairperson of the state board may not  
 25 serve as the chairperson of a commission.

26 (b) *The provisions of this section shall expire on June 30, 2003.*

27 Sec. 5. K.S.A. 2001 Supp. 74-3205b is hereby amended to read as  
 28 follows: 74-3205b. (a) The commission for community colleges and vo-  
 29 cational/technical education shall meet at Topeka at least quarterly in each  
 30 year on dates fixed by the commission. Special meetings may be held  
 31 upon the call of the chairperson of the commission or upon petition to  
 32 the chairperson by the other two members of the commission. The date  
 33 and place of all special meetings shall be designated in the call. Two  
 34 members of the commission shall constitute a quorum for the transaction  
 35 of business but one member may adjourn any regular or special meeting  
 36 to a definite time and place.

37 (b) The commission for community colleges and vocational/technical  
 38 education shall:

39 (1) Propose for adoption by the state board rules and regulations for  
 40 supervision of the community colleges, technical colleges and vocational  
 41 education schools;

(2) provide state wide planning for community colleges, technical col-  
 leges and vocational education schools.

(3) initiate plans for institutional advancement and new educational

5-1  
 In the event a postsecondary educational institution is not  
 allocated any portion of new state funds in a fiscal year, the new  
 state funds which the institution was eligible to be allocated by  
 the state board in such fiscal year shall be deemed part of the  
 state funds received by such institution in such fiscal year for  
 determining such institution's base budget and any new state  
 funds for the ensuing fiscal year.