

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 1:36 p.m. on March 2, 2004 in Room 123-S of the Capitol.

All members were present except:

Senator Christine Downey (excused)  
Senator David Corbin (excused)

Committee staff present:

Carolyn Rampy, Legislative Research  
Debra Hollon, Legislative Research  
Theresa Kiernan, Office of the Revisor of Statutes  
Judy Steinlicht, Committee Secretary

Conferees appearing before the committee:

Theresa Kiernan, Office of the Revisor  
Debra Hollon, Legislative Research  
Dr. Robert Masters, Kansas Board of Regents  
Senator Barbara Allen  
Mary Pruitt, Kansas Board of Regents

Others attending:

See Attached List

### **SB293—School safety and security act; weapon, defined**

Chairman Umbarger explained that he had asked for **SB293** to be blessed prior to “turn around”. Subsequently, the committee passed the bill, but the Chairman failed to let the Senate know that the bill no longer needed to be blessed. The bill was re-referred and must be worked again.

Theresa Kiernan, Revisor of Statute’s office, briefed the committee on the amendments to the bill. Senator Emler made a motion to recommend **SB293** as amended favorably for passage. Seconded by Senator Buntin. Motion carried.

### **Sub HB 2493—Education; concerning private and foreign postsecondary schools**

Debra Hollon, Legislative Research, gave the committee an overview of **Sub HB2493**. This bill would enact the “Kansas Private and Foreign Postsecondary Institutions Act” by consolidating existing statutory provisions governing proprietary schools and private postsecondary institutions and extending provisions that currently apply only to proprietary schools to certain private and foreign institutions. The bill would also enact new enforcement provisions as applied to foreign and private schools and create new categories of fees that would be charged for issuance of certain certificates required under the Act. Debra gave details of which entities the bill would apply to, what the bill prohibits, policy changes that would be enacted and explained new maximum fees that would be established for certification of degree granting institutions.

Dr. Robert Masters, Kansas Board of Regents testified in favor of **Sub HB2493**. Dr. Masters explained that currently Kansas has two laws governing private schools; the Proprietary School Law and the Private and Foreign Degree-Granting Law. Schools awarding degrees that are bachelors and above must adhere to the degree-granting law and schools awarding associate degrees must adhere to both degree-granting and proprietary school law. Dr. Masters explained that there are many similarities between the two laws and a few differences. It has been confusing at times to determine which law to follow and still be in compliance. Since the Kansas Board of Regents has oversight of both proprietary and degree-granting schools, it seems appropriate to make the oversight of these schools a part of one law. **HB2493** would grant the Kansas Board of Regents the authority to better monitor private postsecondary education. (Attachment 1)

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE at 1:36 p.m. on March 2, 2004 in Room 123-S of the Capitol.

**SB540—Prohibiting the use of social security numbers on student and employee identification cards at postsecondary educational levels**

Senator Barbara Allen testified in favor of **SB540**. Senator Allen explained that this bill would prohibit postsecondary educational institutions from printing a student or employee's social security number (SSN) on their ID card, after July 1, 2005. The SSN is the most widely used identifier of a person's identity in this country. With your SSN, a thief can obtain all kinds of information about you, steal your identity, access your financial information, and obtain a driver's licence in your name. Some schools print the SSN on the student identification card, other have it imprinted on a magnetic strip on the card and some schools are in the process of removing it from the card. This bill would require that this process be completed in 16 months. Senator Allen advised that this bill is for the safety and security of students and faculty on the campus of our postsecondary educational institutions. (Attachment 2)

Mary Pruitt, Kansas Board of Regents gave neutral testimony on **SB540**. Mary advised the committee that the Kansas Board of Regents recently surveyed the public institutions, either directly or through organizations that represent them. The responses indicated that **SB540** would have little or no impact. Some responses indicated that conversions are already underway. Mary advised the Kansas Board of Regents have concerns about two provisions of **SB540**. First, the language stating that no postsecondary educational institution shall print any part of the student's or employee's SSN on the card. The language could present an issue for randomly generated numbers. Second, the current deadline of July 1, 2005 could present a problem for some. Mary advised that Kansas' postsecondary educational institutions understand the importance of protecting the identity of students, faculty and staff. Most institutions have either already taken the necessary steps or are moving in that direction. Kansas Board of Regents would appreciate the committee addressing their two concerns. (Attachment 3)

The committee discussed the concerns of Kansas Board of Regents and offered amendments addressing these concerns.

Senator Vratil made a motion to amend **SB540**, changing the effective date from July 1, 2005 to January 1, 2006. Seconded by Senator Teichman. Motion carried.

Senator Vratil made a motion to further amend **SB540** in Section 1, line 16, changing the word "student" to "student's" and also in Section 1, to insert wording to clarify the number of digits from the individual's social security number allowed to appear in the new identification number. Seconded by Senator Emler. Motion carried.

Senator Teichman made a motion to recommend **SB540** as amended favorably for passage. Seconded by Senator Emler. Motion carried.

Senator Schodorf made a motion to approve the minutes for February 18 and February 19. Seconded by Senator Emler. Motion carried.

The meeting adjourned at 2:18 p.m. The next meeting is scheduled March 3, 2004.





# KANSAS BOARD OF REGENTS

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## Testimony on Substitute HB 2493 Senate Education Committee

March 2, 2004

**Dr. Robert Masters**  
**Interim Vice President of Academic Affairs**

Good afternoon Mister Chairman and members of the committee. My name is Robert Masters and I am the Interim Vice President of Academic Affairs for the Kansas Board of Regents. I am here on behalf of the Kansas Board of Regents to comment on Substitute HB 2493.

### General Overview

Kansas now has two laws governing private schools, K.S.A. 72-4916 is the Proprietary School Law and K.S.A. 74-3249 is the Private and Foreign Degree-Granting Law. Schools only awarding degrees that are bachelors or above must adhere to the degree-granting law and schools awarding associate degrees must adhere to both degree granting and proprietary school law. The degree-granting law applies to all private institutions and those foreign institutions (organized under the laws of any jurisdiction other than this state) conferring degrees in Kansas. However, there are eighteen private, independent postsecondary institutions that are exempt from K.S.A. 74-3249.

A review of the proprietary law and regulations and the degree-granting law and regulations reveals many similarities between the two laws and some differences. These two separate laws have caused confusion and duplication. There have been many confusing moments in trying to determine which law to follow and how to be in compliance with both at the same time.

Senate Education  
3-2-04  
Attachment 1

<b>COMPARISON BETWEEN LAWS</b>	
<b>PROPRIETARY</b>	<b>DEGREE GRANTING LAW</b>
<p><b>Originally established under KSBE for programs through the Associates degree</b></p> <p><b>No Associate Degree Standards</b></p>	<p><b>Originally established under KBOR</b></p> <p><b>Establishes that board will create rules and regulations</b></p> <p><b>Standards for approval are in regulation</b></p>
<p><b>Consumer protection</b></p> <p><b>Minimum standards for approval Specific injunctions and civil penalties listed</b></p> <p><b>Law requires annual renewal</b></p>	<p><b>Law does not contain consumer protection</b></p>
<p><b>Bond has specific purpose of obtaining and maintaining records after school closes</b></p>	<p><b>Law does not require bond</b></p> <p><b>Bond requirement is in regulation</b></p>
<p><b>Requires an annual fee</b></p>	<p><b>Law does not require a fee</b></p>
<p><b>Formal-Certificate of Approval described</b></p>	<p><b>No formal recognition given</b></p>

Since KBOR now has oversight of both proprietary schools and degree-granting schools in a climate where there is a strong movement in private education throughout the country, it seems an appropriate time to make the oversight of these schools a part of one law. The present degree-granting law has no consumer protection. Under the consumer protection of the proprietary law, citizens have some assurance that they will receive the education for which they paid. The Kansas Board of Regents is very aware of public concern about private degree granting and wishes to be proactive in protecting the excellent reputation of the current postsecondary education system in Kansas. Private degree-granting institutions should be held to the same standards as the public institutions in providing education and training to our citizens. Substitute HB 2493 would grant the Kansas Board of Regents the authority to better monitor private postsecondary education.

Substitute HB 2493 would grant the Kansas Board of Regents the authority to collect fees from private degree granting institutions. For many years, the Kansas Board of Regents has born the cost of regulating private degree-granting institutions through its publicly supplied budget. The connection between proprietary schools and degree-granting schools is made in many states under a private postsecondary or non-public postsecondary title where fees are charged. In a recent unscientific nationwide survey, fourteen (14) states responding indicated a single law for all private postsecondary institutions.



This bill has been reviewed by and has the full support of the nine-member proprietary school commission that includes one member from an institution with both proprietary and degree-granting programs, a private school awarding bachelor degrees, and the Executive Director of the Kansas Association of Independent Colleges.

Thank you for the opportunity to comment. With me today is Dr. Patricia Anderson, Director of Proprietary Schools for the Kansas Board of Regents. Dr. Anderson and I will be happy to answer any questions you may have.

BARBARA P. ALLEN  
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TOPEKA

SENATE CHAMBER March 2, 2004

COMMITTEE ASSIGNMENTS  
CHAIR: ELECTIONS AND LOCAL GOVERNMENT  
MEMBER: ASSESSMENT AND TAXATION  
JUDICIARY

Re: SB 540

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify today on SB 540. This bill is about providing for the safety and security of students and faculty on the campus of our postsecondary educational institutions. It would prohibit a postsecondary educational institution from printing a student or employee's social security number (SSN) on their ID card, or from making a student or employee's SSN available by reading the magnetic strip or other encoded information on their ID card, after July 1, 2005.

The reason for this legislation is clear. The SSN is the most widely used identifier of a person's identity in this country. If your SSN is obtained by a less than honorable individual, the thief can obtain all kinds of personal information about you, steal your identity, access your financial information, and obtain a driver's license in your name.

My office recently attempted to survey postsecondary educational institutions in Kansas to determine whether students' SSN's are being used today on student ID cards. While most schools in Kansas do not use the SSN in this manner, some do.

I have attached to my testimony a copy of K-State's general policy, with regard to the Campus ID card, which we obtained off the internet. The Wildcat Card is the official Kansas State University Identification Card, and bears the holder's name, ID and account numbers, photo and signature. The SSN is used by K-State as the holder's ID number.

Note that we obtained this information off of the internet, and that students are required to carry their ID at all times while on campus. This is public information that anyone who has access to a

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Attachment 2

computer can obtain. The student's SSN is printed on the ID card. If a student's wallet or purse falls into the wrong hands, the student's identity can easily be stolen.

At K-State, a student who is not on financial aid, who chooses not to use his/her SSN as a student ID number, is assigned a unique 9 digit number. However, students receiving financial aid, and employees of KSU, are required to use their SSN as their ID number.

I understand K-State is putting a new student computer system into place, and that within the next 18-24 months, KSU ID numbers will no longer be SSN's. This bill would require a change in policy within 16 months.

I have also attached to my testimony a copy of a memo describing Emporia State's policy regarding the use of SSN's on student and faculty University ID cards. Emporia State does not display student or staff SSN's on University ID cards. However, the SSN, or an alternate identification number, is embedded in the magnetic strip on the back of the ID card.

Kansas City Community College prints the SSN on student ID cards.

I am aware the federal government requires students to have an SSN on file in order to receive financial aid. However, I refer you to a similar requirement found in federal law relating to Child Support Enforcement, drivers' license (DL) applications, and SSN's. Title IV-D of the social security act requires the state to have laws requiring any applicant for a driver's license to provide the applicant's SSN on the driver's license application. As of July 1, 2003, Kansas law requires an applicant to provide an SSN on the DL application, or swear by affidavit that the applicant has no SSN. However, under Kansas law, the SSN may NOT be placed on the DL itself, unless the applicant so requests, in writing.

Similarly, under SB 540, a student's SSN could still be provided on the financial aid application as required by federal law, but with the passage of this legislation, the student's SSN could not be printed on the student ID card itself, nor could the SSN be made available by



reading the magnetic strip or other encoded information on the university ID card.

Finally, I have attached for your review research obtained from NCSL. Nine states – Arizona, Arkansas, Colorado, Georgia, Hawaii, North Dakota, Utah, Virginia, and West Virginia - have passed laws restricting the use of SSN's as identification numbers on DL's, health cards, or as student numbers.

Thank you for the opportunity to testify today on SB 540. I would appreciate your support, and would be happy to answer questions!

A handwritten signature in black ink that reads "Barbara P. Allen". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Barbara P. Allen  
Senator, District 8

## General Policy, Campus ID Card

The Wildcat Card is the official Kansas State University Identification Card. It bears the holder's name, ID and account numbers, photo and signature. The Wildcat Card is the identification card to be used while attending or employed by Kansas State University. It must be carried at all times while on campus. It is for the holder's personal use only. Services covered by this card are not transferable to other individuals. The holder's Wildcat Card must be presented upon request by any officer or employee of Kansas State University when asked for identification.

The Wildcat Card is valid for students while enrolled at Kansas State University and for current, retired and emeritus employees of the University. The social security number is used by Kansas State University as the holder's identification number. If the holder does not have or chooses not to use their social security number, a unique 9-digit number will be assigned. However, persons receiving financial aid or employed by KSU are required to use their social security number as their ID number.

The Wildcat Card serves not only as general identification but identification for class exams, use of KSU Libraries, access to recreational facilities, access to dining services, security access to residence halls, obtaining medical records and use of Lafene Health Center. Other uses for the Wildcat Card include many banking and purchasing functions, use of K-State Student Union services, student elections, and admission to selected Kansas State University athletic events.

Card Issue Guidelines: The Wildcat Card is issued to students and current, retired or emeritus faculty and staff of Kansas State University. New students will be charged \$15 for the Wildcat Card. Persons attending conferences and other campus visitors are not issued a Wildcat Card. The K-State ID Center may issue special use cards for conferences utilizing Kansas State campus and/or K-State Student Union facilities.

Safeguard of Wildcat Card: Protect your card from damage caused by rubbing or scratching. Do not punch holes in the card. Keep the magnetic strip unobstructed and use card only for its intended functions. Protect card from access by others at all times. Defective or damaged cards will be replaced at the K-State ID Center in the K-State Student Union. (Defective and/or damaged cards are determined by the K-State ID Center.)

Lost/Stolen Wildcat Cards: Lost or stolen cards should be reported immediately to the K-State ID Center, located on the first floor of the K-State Student Union. Their hours are Monday - Friday, 8:00 a.m. - 5:00 p.m. The K-State ID Center phone number is (785) 532-6399. After hours and weekends call the 24-hr. message line at above number.

Commerce Bank: For Wildcat Checking and other banking issues, contact Commerce Bank campus branch, first floor, K-State Student Union. Their hours are Monday - Friday, 8:00 a.m. - 4:30 p.m.; the phone number is (785) 532-3500. After hours call toll free (800) 292-7977.

Cards which have been replaced due to loss or theft are de-activated and cannot be re-activated. Balances remaining on Union Debit account and Wildcat Checking accounts may be accessed by replacement card. Important Note: Financial balances on Smart Chip are non-refundable if card is lost or stolen.

A \$15 non-refundable replacement fee does apply for replacement cards issued.

Misplaced/Forgotten Cards: Card holders are responsible for the use of their Wildcat Card. All transactions performed prior to report of loss/theft are the responsibility of cardholder. All transactions

# EMPORIA STATE UNIVERSITY

## Governmental Relations

Box 4044 Plumb Hall 211D  
Phone 620-341-5741 / Fax 620-341-6014  
dougherj@emporia.edu

10 February 2004

To: Emily Watson, Intern for Senator Barbara Allen

From: John Dougherty, Director of Governmental Relations

Re: Use of Social Security Numbers (SSNs)

In response to your request, neither student nor staff member's SSNs are displayed on Emporia State University ID cards. However, the SSN, or an alternate identification number, is embedded in the magnetic strip on the back of the ID card. The following formal policy regarding the use of SSNs for students is quoted from ESU's 2004-2005 Undergraduate Catalog.

### **"Social Security Number**

"Each entering student is asked to provide the university with a social security number. While students may choose not to provide this information, **no student may receive financial aid from any federal funded program or state payroll unless the social security number is on file. The university may be required to provide a student's social security number to the Kansas Division of Accounts and Reports for use in detection of fraudulent or illegal claims against state monies in accordance with the general authority of K.S.A. 75-3728b.**

"If the above highlighted information does not apply, the student may request (from the Registrar in writing) to have a number assigned rather than use the social security number."

Please note that ESU has had plans to phase out the use of SSNs as the primary student ID; however, those plans have been delayed in implementation due to lack of funds.

Please let us know if we can provide any additional information.

cc: President Schallenkamp



Nine states-Arizona, Arkansas, Colorado, Georgia, Hawaii, North Dakota, Utah, Virginia and West Virginia-passed laws restricting their use as identification numbers on driver's licenses, health cards or as student numbers.

**Arizona**

H.B. 2429

Signed by governor 5/1/03, Chapter 137

[http://www.azleg.state.az.us/FormatDocument.asp?](http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/46leg/1r/laws/0137.htm)

[inDoc=/legtext/46leg/1r/laws/0137.htm](http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/46leg/1r/laws/0137.htm)

States that beginning on January 1, 2005 a person or entity may not do the following:

- 1) Communicate an individual's Social Security number and make it available to the general public.
- 2) Print an individual's Social Security number on any card required for the individual to receive products or services provided by the person or entity.
- 3) Require an individual's Social Security number over the Internet unless the connection is secure or the Social Security number is encrypted.
- 4) Require the transmission of an individual's Social Security number to access an Internet Web site, unless a password or unique identification is also required to access the Internet site.
- 5) Print an individual's Social Security number on any materials that are mailed to the individual, unless state or federal law requires the social security number to be on the document.

**Arkansas**

H.B. 1034

Signed by governor 2/14/03, Act 108

<http://www.arkleg.state.ar.us/ftp/root/acts/2003/public/act108.pdf>

Prohibits institutions of higher education from using students' or employees' Social Security numbers on identification cards.

student  
i.d.'s

H.B. 2234

Signed by governor 3/27/03, Act 836

<http://www.arkleg.state.ar.us/ftp/root/acts/2003/public/act836.pdf>

Eliminates the provisions that allow the use of a person's Social Security number as a driver's license number.

DL

**Colorado**

H.B. 1175

Signed by governor 4/17/03, Chapter 148

[http://www.state.co.us/gov\\_dir/leg\\_dir/olls/sl2003a/sl\\_148.htm](http://www.state.co.us/gov_dir/leg_dir/olls/sl2003a/sl_148.htm)

Requires each institution of higher education to assign a unique identifying number to each student enrolled at the institution starting July 1, 2003. Prohibits the use of a student's Social Security number as the unique identifying number.

student  
i.d.

**Georgia**

H.B. 721

Signed by governor 5/31/03, Act 188

[http://www.legis.state.ga.us/legis/2003\\_04/fulltext/hb721.htm](http://www.legis.state.ga.us/legis/2003_04/fulltext/hb721.htm)

Prohibits insurers from using an insured's Social Security number for any purpose or in any manner on health insurance identification card.

HEALTH  
INSURANCE  
CARD

**Hawaii**

S.B. 1406

Signed by governor 4/16/03, Act 15

[http://www.capitol.hawaii.gov/sessioncurrent/bills/sb1406\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/sb1406_.htm)

Deletes the requirement that commercial driver's licenses include the licensee's Social Security number on the license.

**SENATE BILL No. 540**

By Committee on Ways and Means

2-20

Proposed amendment  
Senator Allen  
March 2, 2004

1-2

9 AN ACT concerning postsecondary educational institutions; relating to  
10 student or employee's social security numbers.

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) On and after July 1, 2005, no postsecondary educa-  
14 tional institution shall:

15 (1) Print a student or employee's social security number, or any part sequential  
16 of the number, on the student or employee's identification card.

17 (2) Make a student or employee's social security number available by  
18 reading the magnetic strip or other encoded information on the student  
19 or employee's identification card.

20 (b) As used in this section, "postsecondary educational institution"  
21 means and includes area vocational schools, area vocational-technical  
22 schools, community colleges, the municipal university, state educational  
23 institutions, technical colleges and private institutions of postsecondary  
24 education.

25 Sec. 2. This act shall take effect and be in force from and after its  
26 publication in the statute book.





# KANSAS BOARD OF REGENTS

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## Testimony Regarding Senate Bill 540 Senate Education Committee

March 2, 2004

Mary D. Prewitt  
General Counsel, Kansas Board of Regents

Chairman Umbarger and members of the Committee, I appreciate this opportunity to appear before you to offer views on behalf of the Kansas Board of Regents regarding SB 540.

As you know, this legislation provides that after July 1, 2005, no postsecondary educational institution shall use a student's or employee's social security number on an identification card or make the social security number available by reading the magnetic strip or other encoded information on the ID card.

The Kansas Board of Regents recently surveyed the public institutions, either directly or through organizations that represent them. For the most part, the responses indicated that passage of SB 540 would have either no or minimal impact. Some responses indicated that conversions are either already underway or would be required if the bill passed.

### *Kansas Postsecondary Educational Institutions*

#### Emporia State University

Social security numbers do not appear on the face of ESU's ID cards, but because of information contained in the magnetic strip, ESU would have to replace all existing ID cards – approximately 7,000 ID cards for students, faculty and staff. Using the standard ID replacement charge, total replacement would cost approximately \$70,000.

#### Fort Hays State University

SB 540 would not impact FHSU – already in compliance.

#### Kansas Community Colleges

Eighteen of the nineteen Kansas community colleges already comply with SB 540. The remaining institution does have a plan in place to replace its current computer software and to develop a system that does not use social security numbers.

*Senate Education  
3-2-04  
Attachment 3*

### Kansas State University

KSU still uses social security numbers as student identifiers, however students can currently opt for a computer-generated ID number if they wish. KSU is in the process of updating its computer system and the conversion will be complete by March 2006. The new system will provide computer-generated ID numbers. The July 1, 2005, compliance deadline included in SB 540 would impact KSU.

### Kansas Technical Colleges and Schools

The majority of the five technical colleges and six technical schools already comply with SB 540. The others are taking steps to change their current practices.

### Pittsburg State University

SB 540 would not impact PSU – already in compliance.

### University of Kansas

KU no longer uses social security numbers on university ID's. However, some older ID cards, still being used by long-term employees, contain social security number information in the magnetic strips. These cards are currently being phased out.

### Washburn University

SB 540 would not impact WU – already in compliance.

### Wichita State University

SB 540 would not impact WSU – already in compliance.

We have concerns about two provisions contained in SB 540. First, Section 1 (1) states that no postsecondary educational institution shall print any part of a student's or employee's social security number on the ID card. This language could present an issue for randomly generated ID numbers. Second, we would ask that SB 540's compliance deadline be amended to accommodate institutions who already have a plan in place and who would experience difficulties meeting the July 1, 2005, deadline currently contained in this legislation.

In conclusion, Kansas' postsecondary educational institutions understand the importance of protecting the identity of students, faculty and staff. Our institutions have either already taken the necessary steps or are currently moving in that direction. We would only ask for your assistance in addressing the two issues previously outlined.

Thank you for the opportunity to appear before you today. I am happy to address any questions members of the Committee have at this time.