

MINUTES OF THE HOUSE HIGHER EDUCATION COMMITTEE

The meeting was called to order by Chairman Tom Sloan at 3:30 P.M. on February 6, 2006 in Room 231-N of the Capitol.

All members were present except:

Representative Eber Phelps- excused

Committee staff present:

Mary Galligan, Kansas Legislative Research Department

Deb Hollon, Kansas Legislative Research Department

Art Griggs, Office of the Revisor

Haley DaVee, Committee Secretary

Conferees appearing before the committee:

Representative Dennis McKinney

Representative Richard Kelsey

Dr. Herb Frasier, President, Barclay College

Zane Raber, Barclay College Student

Sarah Raber, Barclay College Student

Jessica Windorski, Barclay College Student

Jake Stahlman, Barclay College Student

Sean Gatewood

Mary Prewitt, General Counsel, Kansas Board of Regents

Others attending:

See attached list.

Chairman Sloan reminded the committee that the Senate Ways and Means Committee is going to hold an informational discussion on February 14th at 10:30 a.m. on the crumbling classroom issue.

Chairman Sloan opened the hearing on **HB 2695 - Kansas comprehensive grant program; students attending institutions accredited by the American Association of Bible Colleges, eligibility of.**

Chairman Sloan welcomed Representative Dennis McKinney to the committee as a proponent to **HB 2695**. The bill would allow colleges accredited by the American Association of Bible Colleges to be eligible for tuition assistance under the Kansas comprehensive grant program. He noted that high academic standards are maintained and that the budget impact on the comprehensive grant program is extremely reasonable. (Attachment 1)

Representative Kelsey appeared before the committee as a proponent for **HB 2695**. Representative Kelsey, a member of the board of trustees at Barclay College, suggested that because the Association for Biblical Higher Education is recognized by the federal department of education, they should also be recognized as an eligible accrediting body for the purposes of the state comprehensive grant program. (Attachment 2)

Dr. Herb Frasier, President of Barclay College, was welcomed to the committee as a proponent for **HB 2695**. He provided information on the history of the college as well as some of their achievements. Frasier illustrated how the comprehensive grant has been an important part of helping their students finance their education. (Attachment 3)

Chairman Sloan welcomed Zane and Sarah Raber, Jessica Windorski, and Jake Stahlman, students from Barclay College to the committee. (Attachment 4) They each provided information on their background and what they are studying. In addition, they thanked the committee for providing them with the Kansas Comprehensive Grant.

Chairman Sloan called the committee's attention to written testimony submitted by Doug Penner, Kansas Independent College Association (Attachment 5) and the Kansas Board of Regents. (Attachment 6)

Chairman Sloan opened the floor for questions. Representatives Sloan, Storm, Horst, Carlin, and Sharp asked

CONTINUATION SHEET

Minutes of the House Higher Education Committee at 3:30 P.M. on February 6, 2006 in Room 231-N of the Capitol.

questions regarding accreditation and financing higher education. Because of the fact that the Legislature has for the last couple of the years, through provisos, provided access to this financial aid and because of the issues that were raised by the Independent College Association and the Kansas Board of Regents, the committee leadership decided to appoint a subcommittee to examine this. They appointed Representative Horst as the chairman, and Representatives Kelsey and Winn to serve on the subcommittee.

Chairman Sloan closed the hearing on **HB 2695** and opened the hearing on **HB 2694 - Residency determinations at regents universities.**

Sean Gatewood was welcomed to the committee to testify as a proponent to **HB 2694**. He spoke on the difficulty his wife had in appealing her residency determination and argued that a better tool is needed to solve residency disputes. (Attachment 7)

Chairman Sloan welcomed Mary Prewitt, General Counsel for the Kansas Board of Regents, to testify as an opponent to **HB 2694**. She argued that creating a panel to deal with residency determinations would only add expense, delay, and another layer of bureaucracy to the system. (Attachment 8)

Representative Vaughn Flora spoke as a proponent on **HB 2694** and noted that something should be done to make the process more accessible and fair for the students.

The floor was opened for questions. Representative Krehbiel asked for any statistics that show that the system currently in place does not act as a "rubber stamp" for the registrar's office. Prewitt provided the following statistics from one state university: 18,969 residency determinations, 1,374 were sent on behalf of the university to the registrar's office for review, 649 were sent by students to the registrar's office for review; 74 students appealed the registrars decision to the appeals committee; 65 of these were denied; 7 of these appealed to the district court; and in 5 cases the district court upheld the decision of the registrar's office. Additional questions were asked by Representatives Huff, Kuether, Horst, and Pottorf.

Chairman Sloan closed the hearing on **HB 2694** and adjourned the meeting at 4:20 p.m. The next meeting is scheduled for February 8, 2006 at 3:30 in Rm. 231-N.

HOUSE HIGHER EDUCATION COMMITTEE GUEST LIST

DATE 2/6/06

NAME	REPRESENTING
HOWARD SMITH	D277584 RG STATE UNIVERSITY
Jamie Rae	KACCT
Mary Pruitt	KBOR
Roxanne Kelly	KBOR
Aimee Zentler	KBOR
Kip Peterson	KBOR
Kerth Kehl	KU
RUSSELL MILLS	GACHES BRADEN
Nick Franzen	Barclay College
Shelley Franzen	Barclay College
Sarah Raker	Barclay College
Zoe Raker	Barclay College
Jake Stahlman	Barclay College
Jessica Ann Windsorski	Barclay college, Harvard MS
Sean Entwistle	
David Monical	Washburn Univ.
Claydia Weaver	Bob Vancouver / Scc
Michael White	KATSC
Algebra Frickaux	ATBA

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TOPEKA

MINORITY LEADER'S OFFICE

February 6, 2006

Testimony to the House Higher Education Committee

House Bill 2695

Thank you for allowing me to testify in favor of House Bill 2695.

HB 2695 allows students at colleges accredited by the American Association of Bible Colleges to be eligible for tuition assistance under the Kansas comprehensive grant program. As a side note, that association has changed names and the bill should probably be changed to reflect the new name of American Association for Biblical Higher Education.

Institutions accredited by the ABHE must meet high academic standards. The ABHE is recognized by the United States Department of Education as an approved accrediting agency. Students at institutions accredited by the ABHE are eligible for federal financial aid, including Pell grants.

My information is that this bill affects at least one college in Kansas. Currently \$27,000 per year is allocated for students at Barclay College in Haviland, the only four year college headquartered in Southwest Kansas.

Therefore, under HB2695 high academic standards will be maintained and the budget impact on the comprehensive grant program is extremely reasonable. HB2695 will assist Kansas students attending a Kansas college meet the costs of their higher education. This will occur in a rural community working hard to preserve higher education opportunity in Southwest Kansas.

Thank you again for the opportunity to testify in favor of HB2695.

House Higher Education Committee
2-6-06
Attachment 1

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HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
EDUCATION
FEDERAL & STATE AFFAIRS
HIGHER EDUCATION
INSURANCE

Dear Members of the Higher Education Committee:

I would like to rise in support of HB 2695. I am a member of the board of trustees of Barclay College. Barclay has been providing a quality education for students preparing for the ministry since 1917. They are accredited by the Association for Biblical Higher Education which is recognized by the federal department of education. These students should be able to receive the student aid available to other students of Kansas.

House Higher Education Committee
2-6-06
Attachment 2



BARCLAY COLLEGE



Barclay College was founded in 1917 at Haviland Kansas and has been a viable part of higher education in the State of Kansas ever since. It is authorized by the State of Kansas to award Associate and Bachelors degrees. The forerunner of the college was Friends Haviland Academy, which was the first high school in Kiowa County. The academy was started by Quakers, who founded the city of Haviland. They migrated here from the state of Indiana. The Academy opened its doors on October 31, 1892. Its first graduating class was in 1897. In 1917, the board started a two-year college program. In 1968 the college was expanded to a four-year institution and the academy was closed. It is the only four-year college in southwest Kansas. Barclay College is located on a seventeen-acre campus and has 6 major buildings.

The college has always maintained a strong academic program. While I was academic dean in the early 70s, I worked with Emporia State University on a joint degree program. Students could attend Barclay College for three years and Emporia State University for two years and receive their degree from both institutions with a major in the field of their choice and the other in Bible. While working with a committee at Emporia, I presented the grade point average, which our students had earned at both schools. During a meeting with the acting Dean of the Graduate School at ESU, he said, "I am amazed that your students can come here from your small college and earn the grades they do." In November the director of admissions of the graduate school at Friends University asked to visit our campus. She said that the Barclay students were some of the best students they get in their graduate program. She wanted to see the place from where they were coming and to encourage other of our graduates to apply to their program. Our on campus professors and adjunct professors are quality teachers who have doctorates and masters degrees in the areas of their expertise. Barclay College is accredited by the Association for Biblical Higher Education which is an agency recognized by the US government.

Our students serve in various vocations around the world. The college has prepared 105 missionaries who have left Barclay College and served in 33 different nations. The number of ministers we have prepared is more than I want to take time to count. Our teacher education program has quality people serving as teachers and administrators in schools in this country as well as one who is teaching in Singapore. The college's influence throughout the world is more than would be expected from a school of its size.

Our mission is to "Prepare students in a Bible centered environment for effective Christian Life, service and leadership." Our students are serious about their preparation for service. We allow no drugs, tobacco or alcohol on campus. The crime report we have to complete each year for the federal government does not take much time to prepare.

Your gift to us through the Kansas Comprehensive Grant has been very helpful to our Kansas students. We appreciate what you have done for us the past two years. I hope you feel that Barclay College is worthy of your continued support.

House Higher Education Committee

2-6-06

Attachment 3

TESTIMONY TO HOUSE HIGHER EDUCATION COMMITTEE

February 6, 2006

My name is Zane Raber. I was born in Coldwater, Kansas, and graduated from Haviland High School. I am a sophomore at Barclay College and am majoring in pastoral ministry. My father is employed by Panhandle Eastern Pipeline Company and my mother is employed by Iroquois Center for Human Development. I have a part time job with Northern Natural Gas during the school year and full time in the summer.

Thank you for providing me with the Kansas Comprehensive Grant. It means a lot to my wife and me to have help with our financial obligations while attending Barclay College.

TESTIMONY TO HOUSE HIGHER EDUCATION COMMITTEE

February 6, 2006

My name is Sarah Raber. I am Zane's wife. I graduated from Hugoton High School. My father works as a mechanic for John Deere and my mother is a dietary aid at the Stevens County Hospital. I am a sophomore at Barclay College majoring in Psychology and Family Studies. I work part time at Maurices to help supplement our income.

Zane and I were married last summer and this Kansas Comprehensive Grant is helpful to us as we are on our own and paying our college expenses.

TESTIMONY TO HOUSE HIGHER EDUCATION COMMITTEE

February 6, 2006

My name is Jessica Windorski. I was born in Wichita KS, and graduated from Douglass High School in 2004. I am a junior at Barclay College majoring in business administration. My father is a human resources manager at Spirit Aerosystems in Wichita and my mother is also employed in Wichita at The Breakthrough Club of Sedgwick County.

The Kansas Comprehensive Grant means a lot to me because of the higher tuition I pay at Barclay College. I am responsible for paying for my own education and work at the college's Welcome Center to help with expenses.

TESTIMONY TO HOUSE HIGHER EDUCATION COMMITTEE

February 6, 2006

My name is Jake Stahlman. I am a sophomore at Barclay College; my major is Music Ministry. I was born in Wichita, KS and graduated from Wichita South High School. I come from a single parent home. My mother works at Southwestern Bell/ AT&T. I work for the college in the maintenance department to help with my college expenses.

Thank you for providing me with the Kansas Comprehensive Grant. It means a lot to my mother and me by helping me attend a private college.

Kansas Independent College Association Testimony on HB 2695
February 6, 2006

Mr. Chairman and House Higher Education Committee members:

I appreciate the opportunity to provide brief written testimony on behalf of the 18 member colleges of the Kansas Independent College Association regarding HB 2695. HB 2695 would change the institutional accreditation standards used to qualify students for the Kansas Comprehensive Grant, the state's need-based college financial aid program. The bill would add to the existing criterion of accreditation by the **North Central Association, Higher Learning Commission** (NCA/HLC) an alternative of accreditation by the **American Association of Bible Colleges** (AABC), or its current name, the **Association for Biblical Higher Education** (ABHE).

Our membership notes four important points that should be considered in deliberations about this bill and urges the committee not to revise eligibility standards as reflected in HB 2695:

1. The current statute's use of accreditation by the North Central Association Higher Learning Commission as the criterion for institutional eligibility for students to receive comprehensive grants has reflected the state's clear and long-standing commitment to maintaining a nationally recognized standard of program quality. While AABC/ABHE accreditation standards and the standards of many other accrediting agencies address some of the significant issues involved in providing quality education to college students, the breadth and level of expectation for institutional health are not the same as that of NCA/HLC accreditation.
2. Historically institutional eligibility for student participation in the Kansas Comprehensive Grant program has served as a powerful incentive for colleges to strengthen their programs to achieve NCA/HLC accreditation. Over the years KICA member colleges accredited by AABC devoted significant institutional priority and resources to successfully achieving NCA/HLC accreditation.
3. The Board of Regents in its responsibility to approve post-secondary educational programs provided in Kansas by public out-of-state institutions has consistently used NCA/HLC accreditation as the standard required for program approval. The level of expectation for colleges and universities within the state should be no less than that for out of state institutions.
4. This year, based on the current statutory definitions of institutional eligibility and the current level of state funding, of 4,445 Kansas private college students who were eligible for the grant, 1,927, or 43.35%, remain unfunded. Broadening institutional eligibility for the program would increase the percentage of eligible students not funded.

Doug Penner, President

House Higher Education Committee
2-6-06
Attachment 5



KANSAS BOARD OF REGENTS

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February 6, 2006

Representative Tom Sloan
Chairman
House Higher Education Committee
Statehouse, Room 446-N
Topeka, KS 66612

Representative Sydney Carlin
Ranking Member
House Higher Education Committee
DSOB
Topeka, KS 66612

Dear Chairman Sloan and Ranking Member Carlin:

On behalf of the Board of Regents, I write to you regarding House Bill 2695, legislation that pertains to the Kansas Comprehensive Grant Program.

The Board views the administration of the Comprehensive Grant Program as one of our most important roles. Working to ensure that Kansans with financial need have access to higher education is of paramount importance to the Board. So, we particularly appreciate the opportunity to share our thoughts on this legislative proposal.

Historically, the Board has consistently used North Central Association/Higher Learning Commission accreditation as a standard measure in two critical respects. First, the Board has adopted policy that requires all of the state's public, degree-granting institutions to pursue and obtain NCA/HLC accreditation. Second, as it carries out its responsibility to determine which institutions may offer postsecondary degrees in Kansas, the Board's assessment of whether an institution satisfies its standards has been heavily informed by whether that institution satisfies NCA/HLC standards. The Board is currently developing regulations regarding that approval process. As a result of the Board's confidence in the NCA/HLC approach, institutions seeking to issue degrees in our state have generally been held to that standard. But, there are some institutions which the Legislature authorized to grant degrees that are not required to obtain Board of Regents approval – these institutions were "grandfathered" when the legislation giving the Regents this approval authority was enacted. These "grandfathered" institutions all have the authority to issue degrees in Kansas – some of them are NCA/HLC accredited; others are not.

Regarding House Bill 2695, the Board would be interested in working with Members of this Committee, as well as others, such as representatives of the Kansas Independent College Association, to explore the development of amendments that might make this bill more universally acceptable. In particular, we would like to discuss whether the key language in the Comprehensive Grant statute ought to be changed in a different way. Rather than adding language that adds another accrediting body to the mix, we would like to explore whether it

House Higher Education Committee
2-6-06
Attachment 6

makes more sense to delete from the statute any references to any specific accrediting body at all. Instead, the language could state, in this connection, that the students of any not-for-profit independent college authorized to issue postsecondary degrees in Kansas are eligible to participate in the Comprehensive Grant Program.

We understand that given the inadequate level of dollars appropriated for the Comprehensive Grant Program, any move to increase the number of students eligible to participate in the Program has the corollary effect of reducing the percentage of eligible students who are not funded. However, we find it difficult to justify why students in some institutions authorized to issue postsecondary degrees in Kansas are eligible to participate in this program, while students in other institutions with the same authority are not.

We look forward to working with the Committee and others who have strong interests in these issues to develop amendment language that might provide a basis for a productive compromise and agreement.

Thank you for your consideration.

Sincerely,



Reginald L. Robinson
President and CEO

Testimony on bill # 2694
Presented by G. Sean Gatewood

- Graduated High School in Mt. Vernon, MO. 5/97
 - Attended Missouri Southern State University Joplin, MO. 8/97-5/00
 - Transferred to Pittsburg State University. 8/00
 - Applied for Contiguous County and was accepted. 8/00
 - Moved to Pittsburg, KS. 3/01
 - Applied to University of Kansas. 10/02
 - Applied to KU School of Pharmacy. 1/03
 - Entered a contract to Purchase Home in Topeka. 2/03
 - Notified by KU admissions and scholarships that initial decision of residency was out of state and to contact the registrars office. 2/13/03

 - Applied for in state tuition through KU registrars office. 2/03
 - Decision was made by the Registrars office to deny in state tuition 2/20/03 citing:
 1. Failure to demonstrate intent to make Kansas a permanent home indefinitely.
 2. Failure to demonstrate that she is residing in the state for purposes other than educational.
- Assistant to the Registrar – **Renee Wiesner**
-
-
- The decision was appealed through the university. 3/03
 - Accepted to the KU School of Pharmacy. 4/03
 - Notified the appeals committee denied appeal for instate tuition for Spring/03. 4/03

- Closed on house in Topeka. 4/22/03
- Applied for instate status at Pittsburg State and was granted residency status. 4/03
Registrar --- **Lee Christensen**
- Received a letter that stated an Error was made by KU, on their previous residency decision, documentation was not reviewed and they needed more documentation. 5/1/03
- Denied residency status again from KU registrar. 5/12/03
- Appealed the decision through the University. 5/03
- Notified by the Appeals committee that they had denied residency status due to the same above cited reasons. Secured an attorney to file a judicial review but due to cost and fees the petition was never filed. 5/23/03
Attorney – **John Solbach**
- Meet with Registrar at KU to discuss how to obtain instate residency status. 8/03
Registrar – **Richard Morell**
- Applied for residency status for the spring semester of 2004. 11/03
- Received denial letter. 12/2/03
- Met with Vice Provost for Student Success to discuss the disision. 12/03
Vice Provost --- **Marlesa Roney**
- Received E-mail from the Vice Provost siding with the original decision. 12/19/03
- Appealed the decision and are now awaiting a decision form the appeals committee. 1/03



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House Higher Education Committee February 6, 2006

Testimony Regarding HB 2694

**Mary Prewitt, General Counsel
Kansas Board of Regents**

Chairman Sloan and members of the Committee, thank you for allowing me to speak to you this afternoon on House Bill 2694.

This bill would establish a hearing panel comprised of one individual from each of the six state educational institutions selected by the chief executive officer of the Board of Regents. The panel would hear appeals from residency determinations made at each of the six institutions. Hearings would be conducted pursuant to the Kansas Administrative Procedures Act.

Currently, residency determinations are made by the registrar's office of each institution. Regents' regulations provide that students who are dissatisfied with the determination may appeal to an appellate board that consists of three members, one of whom is generally a student. Experience has established that these panels are not merely rubber stamps of the registrar's decision. In addition, a student dissatisfied with the decision of this appellate body has the right to appeal to the district court for further review, a step that would continue to be available if this bill were to pass. Again, experience has established that district courts rarely, if ever, reverse the decision made by the registrar and upheld by the institutional appellate boards. This bill would merely add a fourth layer of review with little if any reason to expect that it would change the outcome for the student. It would, however, add expense (both for the student, the state institutions and the Board of Regents), delay, and a layer of bureaucracy on top of a system that, although not well understood, actually functions quite well.

The Board and the six state institutions would be pleased to present a complete review of the residency system to this Committee and to answer any questions and provide any information you need for a complete understanding of how the system works.

House Bill 2694, although well-intentioned, is unlikely to affect at all the outcome of residency inquiries. The Board respectfully requests this Committee to reject House Bill 2694.