

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on March 16, 2006, in Room 123-S of the Capitol.

Committee members absent: Chris Steineger- excused  
Pat Apple- excused

Committee staff present: Deb Hollon, Kansas Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Dr. Robert Masters, Vice President of Academic Affairs,  
Kansas Board of Regents  
Kathy Jones, Kansas Association for the Gifted, Talented,  
and Creative (KGTC)

**HB 2572—Private and out-of-state postsecondary educational institutions; clean-up amendments**

Deb Hollon, Kansas Legislative Research Department, explained that **HB 2572** would amend several statutes to change the phrase “proprietary school” to the phrase “private and out-of-state postsecondary educational institution” to make the terminology consistent with the the Kansas Private and Out-of-State Postsecondary Educational Institutional Act which became law in 2004. In addition, the bill would amend the statute that created the Kansas Training Information Program to require that all members of the program’s advisory committee work or reside in Kansas.

Dr. Robert Masters, Vice President of Academic Affairs, Kansas Board of Regents, testified in support of **HB 2572**. He noted that the House approved the bill on a 122-0 vote on February 6. He reminded the Committee that, in 1999, the Higher Education Coordination Act was passed, and this act transferred proprietary school oversight from the Kansas State Department of Education to the Kansas Board of Regents. In 2004, the Legislature did away with the Proprietary School Act and merged the regulation of these schools with the regulation of private and out-of-state degree granting schools in a new act, the Kansas Private and Out-of-State Postsecondary Educational Institution Act. This act no longer uses the term “proprietary school” but instead uses the term “private or out-of-state postsecondary educational institution.” Yet, the Higher Education Coordination Act and other related statutes refer to the Board’s regulation of “proprietary schools.” The bill simply cleans up references to the Board’s authority by making the language consistent with the new legislation and establishing a more accurate reflection of the Board’s authority. (Attachment 1)

There being no others wishing to testify, the hearing on **HB 2572** was closed.

**HB 2575—Kansas challenge to secondary school pupils; concurrent enrollment; gifted children; technical changes**

Ms. Hollon explained that **HB 2575** changes some definitions in the Kansas Challenge to Secondary Pupils Act. The definition of “concurrent enrollment pupil” would be expanded to include gifted children in grades 9 and 10. Currently the definition includes only grades 11 and 12. The bill would include technical colleges among the postsecondary educational institutions in which secondary students may enroll under the Act. The bill would also incorporate in the Act the definition of “gifted child” used elsewhere in Kansas education law.

Dr. Masters testified in support of **HB 2575**. He noted that **HB 2575** passed the House by a 122-0 vote on February 2. He explained that the bill amends the concurrent enrollment statute which was passed in 1993 to allow high school students to enroll in postsecondary education. The statute is restricted to 11<sup>th</sup> and 12<sup>th</sup> grade students. The Board requested that the statute be amended to allow gifted high school students in grades nine through twelve to become concurrent enrollment pupils. Since the current statute was developed prior to the creation of technical colleges, the Board requested that the statute be amended to include technical colleges as institutions eligible to offer concurrent enrollment. (Attachment 2)

## CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on March 16, 2006, in Room 123-S of the Capitol.

Kathy Jones, Kansas Association for Gifted, Talented, and Creative, testified in support of **HB 2575** with an amendment. She pointed out that the bill excludes any gifted student under the 9<sup>th</sup> grade who may otherwise be eligible. She noted that, although few students below the 9<sup>th</sup> grade level may need to utilize this option, the unintended consequence may stifle the learning options for those students. She requested that the bill be amended to remove the restriction that a gifted student must be enrolled in grades 9 through 12 to take advantage of concurrent classes, thus allowing concurrent enrollment for any gifted student. (Attachment 3)

There being no others wishing to testify, the hearing on **HB 2575** was closed.

Senator Vratil moved to recommend **HB 2572** favorably for passage, seconded by Senator Goodwin. The motion carried.

Senator Allen moved that **HB 2572** be placed on the Consent Calendar, seconded by Senator Vratil. The motion carried.

Senator Schodorf opened a discussion concerning the suggestion that **HB 2575** be amended to allow gifted students below the 9<sup>th</sup> grade level to take advantage of concurrent classes. Senator Goodwin asked Dr. Masters why the bill was limited to 9<sup>th</sup> through 12<sup>th</sup> graders. Dr. Masters responded, "Maturity level, the courses that are taken at certain levels – are we setting the student up later on for developmental education. We have that with the regular students that take certain courses before the 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grade. Those were the kinds of discussions that came up with the chief academic officers of the universities and the community colleges. Was there a 100 percent across the board on this. No. But the majority felt this way." Senator Vratil commented, "My only thought is, these chief academic officers studied this, looked at it for two years. This is their recommendation, and I'm inclined to go along with their recommendation. I'm sure we don't know all the factors that they considered."

Senator Vratil moved to recommend **HB 2575** favorably for passage, seconded by Senator Pine. The motion carried.

Senator Schodorf opened a discussion on a previously heard bill, **HB 2722** concerning a pilot program providing state matching of contributions by low-income participants in postsecondary savings accounts. Senator Vratil distributed copies of his proposed balloon amendment. (Attachment 4) He explained that, when he read through balloon proposed by the Treasurer's Office, he had a great deal of difficulty following it. Therefore, he requested that Theresa Kiernan, Revisor of Statutes Office, essentially rewrite it into a more understandable form. He noted that the amendment would accomplish the same thing as was intended by the Treasurer's Office.

Senator Vratil moved to amend **HB 2722** in accordance with his suggested balloon amendment, seconded by Senator Allen.

Senator Pine commented, "If we do that and for some reason a participant decides to withdraw for some other reason other than for use for educating the children, what happens to the money that we contributed?" Scott Gates, State Treasurer's Office, responded, "The bill doesn't specifically address that situation. What would happen is, that money would stay in the postsecondary education savings trust fund, which is a trust fund in the State Treasury. We have a mechanism that says that Treasurer shall ensure that those funds are used for college. What we don't have is a mechanism for what happens if it would just stay in that account. I suppose we could create a mechanism to have the Treasurer to transfer that to the general fund. They could be used for the benefit of the program somewhere. There are certainly a myriad of possibilities." Senator Pine confirmed that participants in the postsecondary savings account pilot program would have a right to take their funds out but not the matching funds. Mr. Gates noted that the funds left in an account belong to the owner of the account, but they could never spend them without the Treasurer's approval unless they spend it on college. He suggested that perhaps the bill would need an amendment to give the Treasurer's Office the authority to recapture the money after a certain period of time, if it had not been expended, and either put it back in the trust fund or back in the general fund.

Senator Vratil withdrew his motion to amend **HB 2722**, and Senator Allen withdrew her second.

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on March 16, 2006, in Room 123-S of the Capitol.

Senator Vratil commented, "I see real problems. I don't know how the Treasurer can prohibit the owner of a fund from spending money in that fund. You may have that written the bill, but you've got all kinds of federal law and federal regulations to deal with too. I can see really big time problems with this bill, and it hasn't been thought through thoroughly in order to accomplish what the sponsors are trying to accomplish."

In order to give the Treasurer's Office and the sponsors of the bill time to work out the problems, Senator Vratil moved to table **HB 2722**.

Senator Allen commented, "I wouldn't want to table the bill at this point because we're still meeting next week. One solution would probably be to go back to the way it was drafted in the bill. As I understand Scott, the payment was originally going to be made directly to the institution. I guess what I'm thinking is, let's let Representative O'Malley see if he can come up some proposal."

Senator Vratil withdrew his motion to table **HB 2722**.

Senator Vratil suggested that Mr. Gates and Representative O'Malley confer with a tax attorney who practices in this area. Senators McGinn and Allen suggested that the issue of the cost to market the program also be addressed. Senator Allen agreed to contact Representative O'Malley regarding the concerns expressed about the bill.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for March 20, 2006.





# KANSAS BOARD OF REGENTS

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

TELEPHONE – 785-296-3421

FAX – 785-296-0983

[www.kansasregents.org](http://www.kansasregents.org)

## Senate Education Committee

March 16, 2006

### TESTIMONY IN SUPPORT OF HOUSE BILL 2572

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

Good afternoon Madam Chair and Members of the Committee. My name is Robert Masters and I am the Vice President of Academic Affairs for the Kansas Board of Regents. I am here on behalf of the Board to testify in support of HB 2572, legislation that simply cleans up current private and out-of-state postsecondary educational institution statutes. The House approved this legislation in a 122-0 vote on February 6.

In 1999, the Higher Education Coordination Act was passed by the Kansas Legislature. Among the many purposes of the Act was the transfer of proprietary school oversight from the Kansas State Department of Education to the Kansas Board of Regents. Proprietary schools are those private schools that offer training in a career or profession and offer non-degree diplomas or certificates to their graduates.

In 2004, the Legislature did away with the Proprietary School Act and merged the regulation of these schools with the regulation of private and out-of-state degree-granting schools in a new act entitled the "Kansas Private and Out-of-State Postsecondary Educational Institution Act." This new act no longer uses the term "proprietary school", and instead uses "private or out-of-state postsecondary educational institution." Yet, the Higher Education Coordination Act and other related statutes still refer to the Board's regulation of "proprietary schools."

HB 2572 simply cleans up references to the Board's authority by substituting the term "private or out-of-state postsecondary educational institution" for references to "proprietary schools," making the language consistent with the new legislation and establishing a more accurate reflection of the Board's authority.

Thank you for your consideration of HB 2572. I appreciate the opportunity to comment and would be happy to answer any questions that you might have.

*Senate Education Committee  
3-16-06  
Attachment 1*



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

**Senate Education Committee  
March 16, 2006**

## **TESTIMONY IN SUPPORT OF HOUSE BILL 2575**

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

Good afternoon Madam Chair and Members of the Committee. My name is Robert Masters and I am the Vice President of Academic Affairs for the Kansas Board of Regents. I am here on behalf of the Board to testify in support of HB 2575, legislation that amends the concurrent enrollment statute. The House approved HB 2575 in a 122-0 vote on February 2.

Concurrent enrollment, in general terms, allows a high school student to enroll in a postsecondary course and to receive postsecondary credit for that course. Concurrent enrollment takes many forms. In some cases, the concurrent course is offered at the high school by high school teachers. In other cases, the concurrent course is offered at the postsecondary institution by postsecondary teachers. In some cases, the high school student may receive both secondary and postsecondary credit for the same course.

HB 2575 would amend the statute authorizing concurrent enrollment in two important ways. First, the statute would be amended to allow gifted high school students in grades nine through twelve to become concurrent enrollment pupils. Currently, concurrent enrollment is limited to eleventh and twelfth graders.

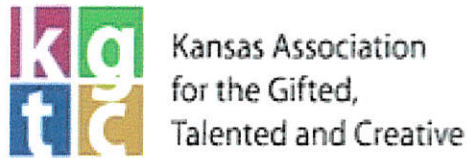
Second, the statute would be amended to allow technical colleges to offer concurrent enrollment. The current statute was developed prior to the creation of technical colleges, and therefore did not include technical colleges as institutions eligible to offer concurrent enrollment.

These two changes are requested after the Board conducted a comprehensive review of national concurrent enrollment issues. Extensive discussions among faculty, chief academic officers, chancellors/presidents/directors, and Board staff resulted in several revisions to the Board's concurrent enrollment policy. The Board's new policy becomes effective with the fall 2006 semester. The new policy emphasizes the importance of exposing as many qualified high school students as possible to a college-level experience, and the importance of expanding the amount, level, and diversity of learning in high school beyond that of a traditional secondary curriculum.

In summary, HB 2575 would support the Board's efforts to provide increased concurrent enrollment opportunities for qualified students in Kansas.

Thank you for your consideration of HB 2575. I appreciate the opportunity to comment and would be happy to answer any questions that you might have.

*Senate Education Committee  
3-16-06  
Attachment 2*



**Testimony on HB 2575**  
**Presented to The Kansas Senate Education Committee**  
**By Kathy Jones, KGTC Communications Coordinator**  
**on behalf of:**  
**The Kansas Association for the Gifted, Talented, and Creative (KGTC)**  
**and the students we support**  
**March 16, 2006**

### **Action Request**

KGTC requests an amendment to HB 2575 that would remove the restriction for a gifted student to be enrolled as a 9<sup>th</sup>-12<sup>th</sup> grader to take advantage of concurrent classes. Thus allowing concurrent enrollment to be an option for any gifted student.

### **Points for consideration regarding HB 2575**

KGTC's Position Statement on Acceleration: *KGTC believes acceleration motivates many highly capable individuals by promoting more challenging options across the curriculum, enhancing their involvement with extracurricular activities, and by better preparing them to contribute to society. Educational research supports the positive benefits of acceleration for gifted learners. Multiple acceleration opportunities should be available each year including early entrance and exit options, whole grade acceleration, and subject acceleration. A continuum of services should be provided to increase the pace of challenging instruction to match learners' abilities and interests.*

#### **Who would be affected?**

- Technically all gifted students in grades K-8. But most typically this would apply to middle school gifted students, and then only a small number of that population.

#### **Why make this change?**

- As written the bill excludes any gifted student under 9<sup>th</sup> grade who may otherwise be eligible. Though few students under 9<sup>th</sup> grade may need to utilize this option, the *unintended* consequence may stifle the learning options for those students.
- Currently students prior to their 9th grade year already take high school courses for credit.
- Middle school students have taken college level courses successfully.
- KGTC has heard from at least one institution of higher education that if this bill passes they will no longer allow any student prior to 9<sup>th</sup> grade to enroll in classes whether they are for concurrent credit or not.
- IEP teams make recommendations based on student needs. KGTC does not believe lifting the restriction will create hardships for high schools or colleges.



Senate Education Committee  
3-16-06  
Attachment # 3

**Background information:**

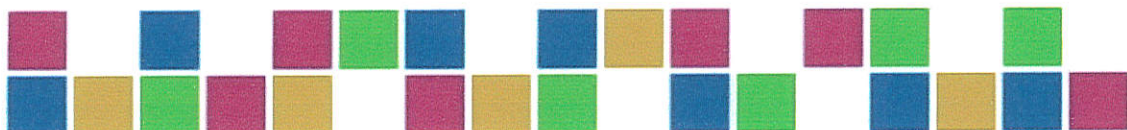
- KGTC supports all forms of acceleration as recommended in the nationally acclaimed Templeton Report *A Nation Deceived: How Schools Hold Back America's Brightest Students*. This would include subject acceleration and early entrance to college (as deemed appropriate on a case-by-case basis after a comprehensive assessment of the student's readiness.)
- All forms of acceleration are designed to match the level, complexity and pace of the curriculum to the readiness and motivation of the student.
- Some Americans that were accelerated:
  - Martin Luther King, Jr. (graduated HS at age 15)
  - Sandra Day O'Connor (graduated HS at age 16)
  - Condoleezza Rice (entered the university at age 15)
  - W.E.B. DuBois (graduated HS at age 16)
  - T.S. Eliot, Eudora Welty, James Watson, Charles Townes are among many others.
- *America's school system keeps bright students in line by forcing them to learn in a lock-step manner with their classmates. Teachers and principals disregard students' desires to learn more—much more—that they are being taught.* (The Templeton Report on Acceleration)

Thank you for considering our request. We would appreciate knowing how the committee responds.

Kathy Jones, KGTC Communications Coordinator  
1008 Windsor Road  
Chanute, KS 66720  
620.431.2417  
[kathyjones@cableone.net](mailto:kathyjones@cableone.net)

or

Ginger Lewman, KGTC Legislative Liaison  
742 Garfield  
Emporia, KS 66801  
620.481.6047  
[glewman@usd253.org](mailto:glewman@usd253.org)





1 to the treasurer in the manner and form required by the treasurer. Ap-  
2 plications shall be accompanied by any information deemed necessary by  
3 the treasurer.

4 (e) During fiscal year 2007, the treasurer may approve no more than  
5 400 applications. Each fiscal year thereafter, the treasurer may approve  
6 up to 400 applications in addition to those approved in the previous fiscal  
7 year. In each fiscal year, the treasurer shall approve no more than 100  
8 applications from residents of a single district. If 100 applications from  
9 residents of a district are not approved in any fiscal year, the treasurer  
10 may approve additional applications submitted by residents of the re-  
11 maining districts. The treasurer shall provide written notice, to an appli-  
12 cant, of the approval or nonapproval of such person's application. No  
13 application shall be approved after June 30, 2009.

14 (f) ~~The provisions of this subsection shall be subject to the limitations~~  
15 ~~of appropriations.~~ The amount of contributions made to an account by a  
16 participant who establishes a family postsecondary savings account pur-  
17 suant to K.S.A. 75-640 et seq., and amendments thereto, shall be matched  
18 by the state on a dollar-for-dollar basis if the participant contributes at  
19 least \$100 in each calendar year in which the account is open. The ag-  
20 gregate of all matching amounts for any participant shall not exceed \$600  
21 in any calendar year.

22 (g) ~~Between January 1 and January 31 of each calendar year, the~~  
23 ~~treasurer shall transfer the amount determined by the treasurer to meet~~  
24 ~~the matching obligations under subsection (f) for the preceding calendar~~  
25 ~~year to the family postsecondary savings account for each participant.~~

26 (h) ~~All withdrawals shall be used to pay the cost of qualified higher~~  
27 ~~education expenses. Withdrawals of matching funds shall be paid directly~~  
28 ~~to the institution of postsecondary education in the same manner pro-~~  
29 ~~vided for qualified withdrawals under K.S.A. 75-640 et seq., and amend-~~  
30 ~~ments thereto.~~

31 (i) On or before January 15, 2009, the treasurer shall prepare and  
32 submit to the governor and legislature a report on the program. Such  
33 report shall include the number of accounts opened under the program, the  
34 amount of moneys contributed to such accounts by participants, the  
35 amount of matching moneys transferred by the treasurer pursuant to  
36 subsection (g), the average income of the participants, an analysis of the  
37 success of the program in meeting the purpose of the program and any  
38 other information deemed appropriate by the treasurer.

39 (j) The provisions of this section shall be part of and supplemental to  
40 the Kansas postsecondary education savings program.

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

(g) Between January 1 and January 31 of each year, *the*  
*director of accounts and reports shall transfer from the state*  
*general fund to the Kansas postsecondary education savings*  
*program trust fund the amount, as certified by the treasurer,*  
*necessary to meet the matching obligations under subsection*  
*(f) for the preceding calendar year. On or before January 31*  
*of each year, the treasurer shall transfer from the Kansas*  
*postsecondary education savings program trust fund to the*  
*account of each participant the amount determined by the*  
*treasurer to meet the matching obligation due to such*  
*participant under subsection (f) for the preceding calendar*  
*year.*

(h) *The treasurer shall ensure that all withdrawals of*  
*matching funds are used for qualified withdrawals under KSA*  
*75-640 et seq., and amendments thereto.*

Senate Education Committee  
3-14-09  
Attachment 4

Sen. Vratil