

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:40 A.M. on February 21, 2007, in Room 123-S of the Capitol.

All members were present except:  
Senator Jay Emler- excused

Committee staff present:  
Norman Furse, Revisor Emeritus  
Jill Wolters, Senior Assistant, Revisor of Statutes  
Alan Conroy, Director, Kansas Legislative Research Department  
J. G. Scott, Kansas Legislative Research Department  
Amy Deckard, Kansas Legislative Research Department  
Audrey Dunkel, Kansas Legislative Research Department  
Susan Kannarr, Kansas Legislative Research Department  
Michael Steiner, Kansas Legislative Research Department  
Melinda Gaul, Chief of Staff, Senate Ways & Means  
Mary Shaw, Committee Assistant

Conferees appearing before the committee:  
Erik Sartorius, City of Overland Park  
Candace Shively, Deputy Secretary, Integrated Service Delivery, Kansas Department of Social and Rehabilitation Services  
Gina McDonald, Kansas Children's Service League  
Matt Hudson, Consumer  
Diane Duffy, Vice President for Finance, Kansas Board of Regents

Others attending:  
See attached list.

Chairman Umbarger turned the Committee's attention to discussion of the following bill:

**SB 232--Municipalities; postemployment benefits other than retirement; authorization**

The Chairman welcomed Erik Sartorius, on behalf of the City of Overland Park, who explained a balloon amendment, which included some technical amendments, which was offered by the Kansas Department of Administration (Attachment 1). Senator Steineger moved, with a second by Senator Wysong, to adopt the balloon amendment on SB 232. Motion carried on a voice vote.

Senator Wysong moved, with a second by Senator Steineger, to recommend SB 232 favorable for passage as amended. Motion carried on a roll call vote.

Chairman Umbarger opened the public hearing on:

**SB 355--Repealing sunset on Kansas foster child educational assistance act**

Staff briefed the committee on the bill.

The Chairman welcomed Candace Shively, Deputy Secretary, Kansas Department of Social and Rehabilitation Services, who testified in support of **SB 355** (Attachment 2). Ms. Shively explained that extending the act beyond the June 30, 2008, sunset would facilitate educational planning for students and continue this valuable support for youth. Copies of the cover letter for the report regarding the Kansas Foster Child Educational Assistance Act that was sent to the Kansas Legislature addressed to the Kansas Senate and the Kansas House of Representatives from Secretary Don Jordan of the Kansas Department of Social and Rehabilitation were distributed to the Committee (Attachment 3). Copies of this report are available with the Secretary of the Senate and the Chief Clerk of the House.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:40 A.M. on February 21, 2007, in Room 123-S of the Capitol.

Chairman Umbarger welcomed Gina McDonald, Kansas Children's Service League, who testified in favor of **SB 355** (Attachment 4). Ms. McDonald mentioned that the Kansas Children's Service League requests continuation of the option for children in foster care to waive tuition in state universities.

The Chairman welcomed Matthew Hudson, consumer, who testified in support of the bill and provided information regarding his experiences being in foster care and the help that was given to him through the Kansas Foster Child Educational Assistance Act (Attachment 5).

Chairman Umbarger welcomed Diane Duffy, Vice President of Finance and Administration, Kansas Board of Regents, who presented testimony with one amendment to the Foster Care Educational Assistance Act of 2006 (Attachment 6). Ms. Duffy explained that amendment is to include a funding mechanism that will reimburse the postsecondary institutions for the tuition and fees that the institutions waived for students in the program.

Written testimony was submitted by Bruce Linhos, Executive Director, The Children's Alliance of Kansas (Attachment 7) and Melissa Ness on behalf of St. Francis Academy (Attachment 8).

There being no further conferees to come before the committee, the Chairman closed the public hearing on **SB 355**.

Senator Betts moved, with a second by Senator Steineger, to amend SB 355 to request that the Subcommittee on Higher Education review including the tuition and fees. Following discussion, Senator Betts withdrew his motion, with acceptance by Senator Steineger.

Senator Steineger moved, with a second by Senator Betts, to amend SB 355 to include both tuition and required fees as the educational costs to be waived by educational institutions. Motion carried on a voice vote.

Senator Schodorf moved, with a second by Senator Betts, to recommend SB 355 favorable for passage as amended. Motion carried on a roll call vote.

The meeting adjourned at 11:50 a.m. The next meeting is scheduled for February 22, 2007.

**SENATE WAYS AND MEANS COMMITTEE  
GUEST LIST**

Date February 21, 2007

Name	Representing
Diane Lindeman	KBOR
Diane Duffy	Kansas Board of Regents
Candy Shively	SRS
Deanne Dinkel	SRS
Matt Hudson	KYAC
Daniel Martin	KYAC
Tiffany Marr	KYAC
ROGER BASINGED	DofA
MARK HANDSAY	DofA
Katie Gilman	Kearney & Associates
Juni Rose	KCSL
Blairann Rose	SRS
Cindy Gregersen	ESU Student
Linda McDonald	KCSL
R. L. May	LGA
ERIK SARTORIUS	City of Overland Park

SENATE BILL No. 232

By Committee on Ways and Means

1-31

9 AN ACT concerning taxing subdivisions; relating to pensions and other  
10 postemployment benefits; amending K.S.A. 12-16,102 and repealing  
11 the existing Section.

10-1116 and

sections

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

14 Section 1. K.S.A. 12-16,102 is hereby amended to read as follows:  
15 12-16,102. (a) Except as provided in this section, "taxing subdivision"  
16 means any city, county, township or other political subdivision of the state  
17 of Kansas having authority to levy taxes on taxable tangible property. A  
18 community college district shall not be considered a taxing subdivision  
19 for the purpose of this section. A school district shall not be considered  
20 a taxing subdivision for the purpose of this section except that any school  
21 district operating a public library pursuant to K.S.A. 72-1623, and amend-  
22 ments thereto, for that purpose, shall be considered a taxing subdivision  
23 for the purpose of this section.

24 (b) For purposes of this section, "other postemployment benefits"  
25 means any postemployment healthcare, life insurance and other benefits  
26 provided by a taxing subdivision, other than pension benefits, so long as  
27 such benefits are provided separately from a pension plan.

28 (b)(c) Any taxing subdivision may create and establish employee ben-  
29 efits contribution funds, including pension, retirement or other postem-  
30 ployment benefits funds, for (1) the taxing subdivision or (2) any political  
31 subdivision for which a tax is levied by such taxing subdivision for the  
32 purpose of paying the employer's share of any employee benefits, includ-  
33 ing pensions, retirement or other postemployment benefits, exclusive of  
34 any salaries, wages or other direct payments to such employees, as may  
35 be prescribed in the ordinance or resolution of the governing body cre-  
36 ating such funds. The taxing subdivision may receive and place in such  
37 funds any moneys from any source whatsoever which may be lawfully  
38 utilized for the purposes stated in the ordinance or resolution creating  
39 such funds, including the proceeds of tax levies authorized by law for such  
40 purposes: ~~Such funds shall not be subject to the provisions of K.S.A. 79-~~  
41 ~~2025 through 79-2027, and amendments thereto.~~

42 (d) ~~Notwithstanding the provisions of any statute, any taxing subdivi-~~  
43 ~~sion may, by ordinance or resolution: (1) Establish one or more trusts;~~

Senate Ways and Means  
2-21-07  
Attachment 1

or determine to participate in a multiemployer trust, to hold and invest the assets of other postemployment benefits funds; (2) provide for the management and investment of such funds and any such trust, including the establishment of a board or commission or the designation of an existing board or commission for such purposes; or (3) provide for the organization of and the manner of election or appointment of the members of such board or commission. Notwithstanding any limitations on the investment of municipal funds set forth in K.S.A. 12-1675, and amendments thereto, funds held in any such trust may be invested in accordance with the terms of such other postemployment benefits plans, as such terms may be amended from time to time. The investment and management of the assets of any such trust shall be in compliance with the prudent investor rule as set forth in K.S.A. 58-25a01 to 58-25a10, inclusive, and amendments thereto. The limitations on expenditures imposed by K.S.A. 10-1101 to 10-1122, inclusive, and amendments thereto, shall not apply to any indebtedness or expenditures associated with any trust established pursuant to this section.

~~[(e) (e)].~~ The governing body of any taxing subdivision having established employee benefits funds, including pension, retirement or other postemployment benefits funds under subsection (b) (c) is hereby authorized to levy an annual tax upon all taxable tangible property within the taxing subdivision in an amount determined by the governing body to be necessary for the purposes for which such funds were created and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.

~~[(f)]~~ The provisions of subsections (c) and ~~[(d)]~~ of this section shall not operate to invalidate the establishment by any municipality or subdivision thereof, pursuant to the provisions of any statute, ordinance or resolution, of any other postemployment benefit system duly established prior to effective date of this act or of any trust duly established or board or commission duly established or designated prior to the effective date of this act with respect to other postemployment benefit systems.

Sec. 2. K.S.A. 12-16,102 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(e)(1) For the purpose of holding and investing the assets of other postemployment benefits funds, and notwithstanding the provisions of any statute, any taxing subdivision may, by ordinance or resolution, either establish one or more trust funds or determine to participate in a multiemployer trust fund.

(2) Each taxing subdivision establishing or participating in such a trust fund shall provide for the management and investment of such funds and any such trust. The taxing subdivision may establish a board or commission or designate an existing board or commission to manage the trust and invest the trust funds. Each taxing subdivision that chooses to establish or designate such a board or commission shall provide for the organization of and the manner of election or appointment of the members of such board or commission.

(3) Notwithstanding any limitations on the investment of municipal funds set forth in K.S.A. 12-1675, and amendments thereto, funds held in any such trust may be invested in accordance with the terms of such other postemployment benefit plans, as such terms may be amended from time to time. The investment and management of the assets of any such trust shall be in compliance with the prudent investor rule as set forth in K.S.A. 58-24a01 to 58-24a19, inclusive, and amendments thereto.

(f) The trust funds created pursuant to subsection (e) or in which money from other postemployment benefit funds is held and invested pursuant to subsection (e) shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. The taxing subdivision may receive and place in such trust funds any moneys from any source that may be lawfully utilized for the purposes stated in the ordinance or resolution creating such trust funds, including transfers from employee benefit funds established for other postemployment benefits.

(g)

(e)

are

4.

K.S.A. 10-1116 is hereby amended to read as follows: 10-1116. (a) The limits of indebtedness prescribed under the provisions of article 11 of chapter 10 of Kansas Statutes Annotated may be exceeded when: (1) Payment has been authorized by a vote of the electors of the municipality; (2) provision has been made for payment by the issuance of bonds or temporary notes as provided by law; (3) provision has been made for payment by the issuance of no-fund warrants authorized by law and in the manner, and limited in amount as prescribed by law; (4) provision has been made for a revolving fund for the operation of any municipal airport financed and sustained partially or wholly by fees, rentals, proceeds from the sale of merchandise or charges for rendering services, received from the users of such airport; or (5) provision has been made for payment pursuant to a service agreement entered into pursuant to K.S.A. 12-553; or (6) the indebtedness is created by a municipality in establishing a post-employment benefits trust fund in accordance with K.S.A. 12-16,102.

(b) Notwithstanding any other limits of indebtedness prescribed under the provisions of article 11 of chapter 10



of Kansas Statutes Annotated, the following funds shall have as a limit of indebtedness an amount equal to 100% of the accrued revenue of the current fiscal year plus any balances carried forward, cash reserves, intergovernmental grants, and sums advanced to qualify for intergovernmental grants: (1) Special recreation facilities reserve funds set up by any board of park commissioners or any municipality for a revolving fund for the repair, replacement or addition to recreational facilities; (2) enterprise funds set up in any municipality to account for the financing of self-supporting activities of governmental units which render services on a user charge basis to the general public, such as municipal utilities engaged in the provision of water, electricity and natural gas and sanitary sewer systems which are financed by user charges; or (3) intragovernmental service funds or working capital funds established in any municipality to finance and account for services and commodities furnished by a designated agency of a governmental unit to other departments of the same governmental unit such as funds established for central garages and motor pools, central printing and duplicating services and central purchasing and stores departments.

The board of education of any school district, the board of regents of any municipal university or the board of trustees of any community college may enter into contracts for teachers and other necessary employees and for continuing operating expenses in excess of the amount of funds actually on hand for that purpose. The limit of indebtedness provided by this section shall never exceed 100% of the amount actually expended for school purposes for the last preceding fiscal year during which school was conducted.

(c) It shall be unlawful for any member of the governing body of any municipality, as defined in K.S.A. 10-1101, and amendments thereto, to knowingly vote for or in any manner aid or promote the entering into of any contract or the creation of any other indebtedness in violation of the provisions of this section.

Sec. 3. K.S.A. 10-1116 and

Kansas Department of

# Social and Rehabilitation Services

Don Jordan, Secretary

**Senate Ways and Means**  
February 21, 2007

**SB 355 - Foster Child Educational Assistance Act**

**ISD/CFS**

Candy Shively, Deputy Secretary  
785/296-3271

For additional information contact:  
Public and Governmental Services Division  
Kyle Kessler, Deputy Secretary  
Docking State Office Building  
915 SW Harrison, 6<sup>th</sup> Floor North  
Topeka, Kansas 66612-1570  
phone: 785.296.0141  
fax: 785.296.4685  
[www.srskansas.org](http://www.srskansas.org)

Senate Ways and Means  
2-21-07  
Attachment 2

**Kansas Department of Social and Rehabilitation Services  
Don Jordan, Secretary**

Senate Ways and Means  
February 21, 2007

**Foster Child Educational Assistance Act**

Chairman Umbarger and members of the Committee, I am Candy Shively, Deputy Secretary of Social and Rehabilitation Services (SRS). I thank you for the opportunity to appear before you today in support of SB 355.

Since the Foster Child Educational Assistance Act went into effect on July 1, 2006, 89 students are known to have enrolled for the Fall 06 semester. Their tuition was waived by 27 educational institutions. Only students enrolled in a Kansas educational institution on or after July 1, 2006 are eligible. Students receiving assistance on or before June 30, 2006, remain eligible under the previous program. For these students, the tuition is not waived but paid from federal Education and Training Voucher (ETV) funds.

ETV funds may be used to supplement the waiver of tuition by the school by paying for room and board, technical equipment, course required fees, books, and other post secondary education related costs. From July 1 through November 30<sup>th</sup>, 2006, \$178,732 of additional assistance from ETV paid by the Department of Social and Rehabilitation Services.

Young people benefitting from tuition waiver and ETV are primarily youth who have aged out of care without the family or connections to assist them in their efforts to continue in school. These young people are intent upon becoming teachers, social workers, lawyers. These young adults have often had a rough start in life but are excited about the opportunity provided by this program and committed to giving back.

Extending the Act beyond the June 30, 2008 sunset would facilitate educational planning for students and continue this valuable support for youth.

I'm happy to answer any questions.



February 14, 2007

Pat Saville, Secretary  
Kansas Senate  
Kansas Statehouse, 374-E  
Topeka, Kansas 66612

Janet Jones, Chief Clerk  
Kansas House of Representatives  
Kansas Statehouse, 477-W  
Topeka, Kansas 66612

This report is being provided to the Kansas Legislature as required in K.S.A 75-53,118 related to the Kansas Foster Child Educational Assistance Act. K.S.A 75-53,118 requires the Department of Social and Rehabilitation to provide this annual report to account for how the Act was carried out.

**Kansas Foster Child Educational Assistance Act**

Efforts to inform educational institutions, child welfare staff and youth in foster care about the Kansas Foster Child Educational Act began immediately and on July 1, 2006 Social and Rehabilitation Services (SRS) began accepting applications for youth who met eligibility criteria.

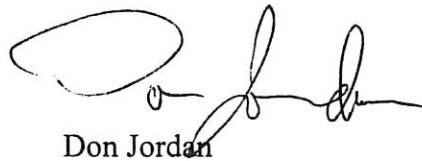
Eighty-nine students are known to have benefited from the Kansas Foster Child Educational Assistance Act for the Fall 06 semester with twenty-seven educational institutions waiving tuition. Neither the students nor the schools are required to report to SRS so there may be additional participants unknown to SRS. Only students enrolled in a Kansas educational institution on or after July 1, 2006 are eligible. Students receiving assistance on or before June 30, 2006, remain eligible under the previous program.

In addition to the waiver of tuition by the school, the participating students may receive additional assistance for room and board, technical equipment, course required fees, books, and other post secondary education related costs. From July 1 through November 30<sup>th</sup>, 2006, \$178,732 of additional assistance from the Department of Social and Rehabilitation Services through use of Chafee and Education & Training Voucher Funds was provided to these eighty-nine youth.

The cost allocation formula set out at K.S.A. 75-53,114 requires the student to be responsible for some fees and authorizes SRS to pay some fees. Since some schools include fees as part of tuition, there is a concern about successfully distinguishing fees from tuition. Meeting this challenge is a small price to pay for helping youth leaving the foster care system to receive post secondary educations.

Extending the Act beyond the June 30, 2008 sunset would facilitate educational planning for students and continue this valuable support for youth.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Jordan". The signature is fluid and cursive, with a large loop at the beginning and a horizontal line extending to the right.

Don Jordan  
Secretary

cc: Susan Kannar, KLRD



Toll-free  
877-530-5275  
www.kcsl.org

**Testimony before the Senate Ways and Means Committee**  
**Chair Person: Senator Dwayne Umbarger**  
**Re: SB 355**  
**Date: 2-21-07**

Mr. Chairman, members of the committee. Thank you for the opportunity to speak in opposition to SB 355. My name is Gina McDonald and I am the Vice President of Education and Awareness for the Kansas Children's Service League (KCSL).

**Locations**

Abilene	Lakin
Andover	Leoti
Cimarron	Liberal
Clay Center	Manhattan
Concordia	Marysville
Council Grove	Olathe
Deerfield	Pittsburg
Garden City	Pratt
Hays	Salina
Hugoton	Satanta
Hutchinson	Scott City
Johnson	Stafford
Junction City	Topeka
Kansas City	Ulysses
Kingman	Wichita

**Kansas Children's Service League** is a not for profit agency serving children and families across the state. In our 114 years, KCSL has provided a range of services driven by community need, spanning the areas of prevention, early intervention, treatment and placement. KCSL also has a long a rich tradition of advocating for the needs of Kansas children and their families as reflected in our mission. Our collective efforts are aimed at keeping children safe, families strong and communities involved.

KCSL is also the state Chapter for Prevent Child Abuse America. (PCAA ) Their mission is to prevent the abuse and neglect of our nation's children.

I stand before you to request that you continue the option for children in foster care to waive tuition in state universities.

There have been many advocates, young people who have completed foster care and others who have been trying to find a better way to transition young adults from foster care to independent living.

The one thing we know works is the ability for young adults who are in state custody to have the opportunity to attend college. Shouldn't all kids who meet the eligibility requirements have the opportunity to attend school to give them a chance at a future?

These are kids in state custody. Will the state give them the opportunity to have a higher education? Is it really worth saving about \$200,000.00? What is a child's future worth?

Kansas Children's Service League is the Kansas Chapter of Prevent Child Abuse America, a member of the Child Welfare League of America and the United Way. Accredited by the Council on Accreditation of Services for Families and Children.



Senate ways and means  
2-21-07  
Attachment 4

Thank you for the opportunity to testify before you today. I will be happy to stand for questions.

Gina McDonald, M.R.A  
Vice President of Education and Awareness  
Kansas Children's Service League  
227 N. Santa Fe Ste 205  
Salina, KS 67401  
785-825-2677 ext.1407  
gmcDonald@kcsL.org

**KANSAS YOUTH ADVISORY COUNCIL**  
Senate Ways and Means Committee  
February 21, 2007  
**SB 355**

Senator Umbarger and members of the committee, I am Matthew Hudson. I appreciate the opportunity to be here this afternoon in support of SB 355 eliminating the sunset on the Foster Child Educational Assistance Act.

My experiences in foster care, in retrospect, were the most valuable experiences of my life. Before foster care I lived with my father as my parents were divorced and I chose to remain with my father. However, In Maine, which is the state that I was in before the divorce of my parents I was also placed in foster care as a result of a confrontation with my mother.

These events are what led me to choose to live with my father, and we then left Maine and eventually ended up in Kansas. Once in Kansas I remained with my father. I loved my father then and still do love him. But our relationship was a distant one and we fought a lot, usually verbally. Yet, one night as we were arguing the event escalated, and he ended up assaulting me physically, and chasing me around our house with a steak knife. Realistically, I knew that he probably never would have hurt me, but at the time I was scared and I called the police on my father. The cops came and asked him if what I had said of the situation was true. He said yes.

The police took my brother and I down to the station and found us an overnight placement. The next morning we went to school as if a normal day, but that night after school we were sent to Topeka. My brother and I spent 3 months in Topeka then we were then separated. I was moved to Altamont, southeast Kansas, and my brother sent to Parsons. My brother and I remained separated for the rest of our respective stays in care. My stay in Altamont was short due to various reasons, I was moved to Pittsburg. This is where my stay in care starts to become valuable.

Up to this point all that I could think of was how bad the system was for taking me away from my home because as I said I love my father, and wanted to return. December of that year my case worker told me that I would never be able to return home, that a judge would not grant either of us permission to return home. At my home in Altamont, one of the things that the foster parents told me was that it was only okay to cry when someone died. Well for the first time in many months, I cried. So far it had been 9 months, and my only goal had been to make my way home, back to my dad, back to my friends. I decided that now my goal was to do whatever I could to exit the foster care system as I just did not want to still be in the system when I was 18, since I was only 14 at this time.

I asked my best friend at the time if he and his mom would take guardianship of me. His mom said yes and they began working on taking the classes to gain their foster care

Senate Ways and Means  
2-21-07  
Attachment 5

license so I could move back home with them. I was and am very grateful, but in what has now been 5 years, that is the second big mistake that I can recall making. I was able to move back to Humboldt, which is where I had been from, but in living with my friend and his mom proved to be too much for her for multiple reasons. She told me that she didn't want me to live there anymore. Once again I was faced with problem of not knowing what was going to happen with my life or where I was going to live. However, I did know that I was going to remain in Humboldt this time even if I had to live on the streets. Luckily there was a foster home with an opening and I have been there ever since. I was a sophomore in high school at that point. I look back at those events and I see what no one else does: that is the change from who I was to what I have become.

When I lived with my father I was a mess in every sense of the word. I did not care about school, I did not care about myself and most importantly I did not care about other people. In turn I did not have good values, I was not happy, even if I thought I was, and I did not have many friends even if I thought I did. By the time I had returned to Humboldt, I had a lot of time to grow up. I was an almost straight A student, and the people that I had considered to be my friends before were actually my friends, and in turn I was actually happy. The teachers at my school told me how they couldn't stand having me in class, when I had last attended, and people had told me that they actually hated me. It is a good thing that they hadn't told me that before because I very likely would not have come back. By the time I was ready to graduate last may, I was 6<sup>th</sup> out of 46 in my class with a 3.9 GPA Suma Cum Laude, president of the student body, was elected to give my class speech and had been accepted to the University of Kansas. I say that the events in foster care were the most valuable of my life because from them, even as bad as they may have seemed at the time, they taught me the lessons that I needed to learn. I look at the person I was then and the person I am now and cannot imagine where I would be or what I would doing without my experience and journey through the foster care system.

Currently I am attending the University of Kansas, still living, when I'm not at the dorm, with my now former foster parents, even though I am not in foster care anymore.

My goals are to graduate with a degree in Psychology and then apply to law school. I want to help as many people as possible so that they can learn what I learned without going through what I went through, whether they are children, adults, foster youth, or "normal" youth.

My experience teaches me that children in foster care are not only no different from any other youth, but have a great opportunity to learn from experiences that normal youth don't have. This doesn't make us any better or worse, but gives us a lot of advantages that can be used to help not only ourselves but those around us.

Passage of this bill would allow youth in care who deserve help, who want to pursue their goals for post secondary education, who don't have the availability of support from parents, and who lack general knowledge and opportunity to surmount these challenges and succeed.

I respectfully request continuation of the Kansas Foster Child Educational Assistance Act and am ready to stand for questions.



# KANSAS BOARD OF REGENTS

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

TELEPHONE – 785-296-3421

FAX – 785-296-0983

www.kansasregents.org

## Senate Ways and Means Committee

February 21, 2007

### *Testimony Regarding Senate Bill 355*

**Diane Duffy**

**Vice-President, Finance & Administration**

Mr. Chairman and Members of the Committee, thank you for the opportunity to provide testimony regarding Senate Bill 355.

The Kansas Board of Regents would wholeheartedly support this legislation with one amendment to the Foster Care Educational Assistance Act of 2006, and that is including a funding mechanism that will reimburse the postsecondary institutions for the tuition and fees that the institutions waived for students in this program.

Our suggestion is to include a provision in this bill that would make an annual state general fund revenue transfer to the Kansas Board of Regents office based on the amount of actual tuition and fees waived by each institution for certified enrollments. In turn, the Kansas Board of Regents office would distribute the reimbursement funding to the individual institutions.

### **Why is a Permanent Funding Mechanism Critical?**

- **Creating a funding mechanism will ensure the continued success of the program.** As the table on the last page indicates for Fall 2006, 119 students are participating in this program which is evidence of the success of the Legislature's policy. By choosing this type of benefit, the Legislature recognized that access to postsecondary education is an important tool to provide to a person transitioning from the "state's care" to independence. Funding the benefit on a permanent and ongoing basis confirms the commitment of the Governor and Legislature to fulfill the promise to these students. Using the revenue transfer as the budget mechanism would indicate the high priority policymakers place on this program. Furthermore, it eliminates squabbling among agencies about who should be paying as well as griping within institutions about "non-tuition payers." Not reimbursing the institutions creates the potential for "stigmatizing" the very students this policy is intended to benefit.
- **Creating a funding mechanism will treat this program like other similar statutory tuition waiver programs.** For example, the statute providing for tuition and fee waivers for dependents of slain public safety officers provides funding and reimbursement, subject to appropriation. In fact, this program, since its inception in FY 2003, included a

Senate Ways and Means  
2-21-07  
Attachment 6



funding and reimbursement mechanism, subject to appropriation, up until the changes made in the statute last session.

- **Creating a funding mechanism will reduce the impact on individual postsecondary institutions.** Although we recognize the estimated \$300,000 cost of this program is miniscule compared to the total resources of the postsecondary system, the impact of this program on an individual institution in any given year could be significant depending on the size of the institution and the number of students enrolled at the institution. For example, Butler County Community College enrolled 20 students this year, and if this is typical, their annual loss of revenue would be \$42,300.

### **Fiscal Impact of the Current Policy**

This academic year, 31 of the 36 postsecondary institutions have students eligible for this benefit. The two-year institutions account for 73 percent of the students and 27 percent of the students attend one of the six state universities or Washburn University.

As the table indicates, 30 students are eligible for the “old program” for which Legislature makes an annual appropriation and institutions are reimbursed, and 89 students are participating under the “new” program for which the Legislature made no provision for state funding and reimbursement to institutions.

The estimated impact of the 89 students for which no funding has been committed in the current year is \$238,010, of which \$121,875 is a revenue loss to two-year institutions and \$116,135 is the impact on the universities. In addition to providing a funding mechanism for future years of this program, we would urge the Legislature to appropriate supplemental funding to cover the actual tuition and fees waived.

Again, the Board fully supports this tuition benefit program with a funding mechanism and would urge the Committee to add the revenue transfer amendment to the bill.

Thank you for the opportunity to comment. I would be glad to address any questions that you may have.

**Foster Child Educational Assistance Act  
Student Attendance by Postsecondary Institution  
Fall, 2006**

Postsecondary Institution	"Old" Program # of Students	"New" program # of students	Total Students
Allen County Community College	0	2	2
Barton County Community College	0	2	2
Butler County Community College	6	14	20
Cloud County Community College	1	0	1
Coffeyville Community College	0	1	1
Colby Community College	0	2	2
Cowley County Community College	5	10	15
Dodge City Community College	0	1	1
Emporia State University	2	2	4
Fort Hays State University	0	5	5
Fort Scott Community College	1	2	3
Garden City Community College	0	1	1
Highland Community College	0	1	1
Hutchinson Community College	0	7	7
Independence Community College	0	1	1
Johnson County Community College	2	7	9
Kansas City Kansas Community College	0	7	7
Kansas State University	3	3	6
North Central Kansas Technical School	0	1	1
Northwest Kansas Technical College	1	0	1
Pittsburg State University	2	1	3
Pratt Community College	0	1	1
Salina Area Technical School	1	1	2
Seward County Community College	0	1	1
University of Kansas	5	4	9
Washburn University	0	3	3
Wichita Area Technical College	1	3	4
Wichita State University	0	6	6
<b>TOTAL</b>	<b>30</b>	<b>89</b>	<b>119</b>

Note: Kaw Area Technical College, Labette County Community College and Neosho County Community College all have students enrolled for Spring.

Source: Kansas Board of Regents and Kansas SRS

**Children's Alliance of Kansas**

**Testimony**

**Senate Ways and Means Committee**

**SB 355**

The Children's Alliance is the state's association of private non profit child welfare agencies. Member agencies provide an array of service for youth in the custody of the Department of Social and Rehabilitation Services.

I ask this committee to support SB 355 which removes the sunset provision on the Kansas Foster Child Educational Assistance Act. The tuition waiver bill has been one of the best pieces of legislation for youth in the foster care system. We recognize that the ultimate goal of any social service program is that clients, in this case youth in the foster care system, become independent and productive members of society. We also know that education is a key factor in preparing individuals for a more productive life experience.

During the past years participation in the tuition waiver has allowed approximately 90 former foster children to share in the promise of post secondary education in 27 schools across the state. The members of the Children's Alliance can think of no program in government that will yield the long term return on investment that this will.

I respectfully request your support of this bill.

Bruce Linhos  
Executive Director  
February 21, 2007

Senate Ways and Means  
2-21-07  
Attachment 7

2007 POLICY AGENDA~

**SERVING A RURAL  
POPULATION**

*The needs, perspectives and culture of our rural and frontier population shall be reflected in decisions and policies that shape services to children and families at all levels.*

**MENTAL HEALTH AND  
BEHAVIORAL SERVICES**

*All children in the child welfare system will have access to quality, and timely mental health and behavioral health services designed to sustain and reunite families.*

**MANAGING POSITIVE SYSTEMS  
CHANGE**

*System changes that impact children and families must be adequately funded, accompanied by plans to build system capacity, and have a process for monitoring and evaluating performance against outcomes.*

For more information contact  
Melissa Ness at [mlness@cox.net](mailto:mlness@cox.net)

**Senate Ways and Means**

**February 21, 2007**

**Support for SB 355**

**St. Francis Academy** has a rich history of serving troubled youth and their families for over 60 years. We provide a range of services including family preservation, foster care, drug and alcohol services, restorative justice programs, and residential services and supports. Important to our mission is ensuring children and youths who have been unable to remain at home but instead are in the care and custody of the state experience the opportunities and support necessary to become productive and healthy adults. As such **we support SB 355 which removes the sunset provision on the Kansas Foster Care Educational Assistance Act.**

St. Francis and many of our partners in the Children's Alliance see this as affirmative public policy that promotes independence and sends a important message to youths about their value. The tuition waiver bill focuses on a key aspect of ensuring success in a youth's life...access to quality education.

We know the benefit of providing opportunities to youths who would have no other means of continuing their education. Over 90 youths formerly in the custody of the state have been given the opportunity to experience education and eventually its benefits because of this waiver. We urge your thoughtful discussion and ultimate passage of this bill.

Thank you for the opportunity to express our concerns.

Respectfully submitted,  
Melissa L. Ness JD, MSW  
St. Francis Academy  
Legislative Coordinator