

CHAPTER 132

HOUSE Substitute for Substitute for SENATE BILL No. 85

AN ACT concerning postsecondary education; relating to certain Kansas educational institutions; requiring the provision of educational benefits for certain students who have been placed in foster care; providing for payment of tuition for such students; relating to interest earnings on certain special revenue funds of state educational institutions under the control and supervision of the state board of regents; amending K.S.A. 76-719 and K.S.A. 2005 Supp. 76-762 and repealing the existing sections.

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

New Section 1. (a) Sections 1 through 10 shall be known and may be cited as the Kansas foster child educational assistance act.

(b) The purpose of the Kansas foster child educational assistance act is to establish an educational assistance program under which payment of the tuition charged to eligible foster children shall be waived.

New Sec. 2. As used in the Kansas foster child educational assistance act:

(a) "Kansas educational institution" means and includes any area vocational school, area vocational-technical school, community college, the municipal university, state educational institution or technical college.

(b) "Eligible foster child" means anyone: (1) Who (A) is in the custody of the secretary and in a foster care placement on the date such child attained 18 years of age, (B) has been released from the custody of the secretary prior to attaining 18 years of age, after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and the custody of the secretary, (C) is adopted from a foster care placement on or after such child's 16th birthday, or (D) left a foster care placement subject to a guardianship under chapter 38 or 59 of the Kansas Statutes Annotated on or after such child's 16th birthday; and

(2) who enrolls in a Kansas educational institution on or after July 1, 2006.

(c) "Kansas foster child educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas foster child educational assistance act which shall provide for undergraduate enrollment of eligible foster children through the semester the eligible foster child attains 23 years of age.

(d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.

(e) "Secretary" means the secretary of social and rehabilitation services.

New Sec. 3. Any eligible applicant who received assistance before June 30, 2006, under the provisions of K.S.A. 74-32,161 and amendments thereto in effect prior to June 30, 2006, and who is deemed by the state board of regents to be eligible pursuant to this section shall be allowed to remain eligible pursuant to this section and in accordance with the provisions of K.S.A. 74-32,161 and amendments thereto in effect prior to June 30, 2006, and shall continue to receive the assistance until such eligible applicant completes such eligible applicant's course of study or becomes ineligible pursuant to the provisions of K.S.A. 74-32,161 and amendments thereto in effect prior to June 30, 2006.

New Sec. 4. (a) No eligible foster child who is enrolled at a Kansas educational institution and who is participating in the program shall be charged the amount of tuition charged by the Kansas educational institution for enrollment in courses necessary to satisfy the requirements of an educational program.

(b) Notwithstanding the provisions of subsection (a) an eligible foster child shall not have waived the amount of tuition waived for any course repeated or taken in excess of the requirements for completion of the educational program in which such foster child is enrolled.

(c) Within the limits of appropriations available therefor, the secretary may make expenditures to reimburse each eligible foster child who is enrolled in a Kansas educational institution and who is participating in the program for room and board, technical equipment, course required fees and books.

(d) Each eligible foster child who is enrolled in a Kansas educational

institution and who is participating in the program shall be responsible for all fees charged by the Kansas educational institution that are not directly related to and required for the courses in the educational program of the eligible foster child.

New Sec. 5. In order to remain eligible for participation in the program, an eligible foster child shall remain in good standing at the Kansas educational institution where the eligible foster child is enrolled and shall make satisfactory progress toward completion of the requirements of the educational program in which the eligible foster child is enrolled.

New Sec. 6. No Kansas educational institution shall delay enrollment of an eligible foster child who is participating in the program because appropriations are not available therefor.

New Sec. 7. The secretary shall adopt rules and regulations for administration of the Kansas foster child educational assistance act.

New Sec. 8. On or before January 15, 2007, and January 15, 2008, the secretary shall publish an annual report on the Kansas foster child educational assistance act and shall present the report to the legislature. The annual report shall specifically account for the ways in which the purpose of this act have been carried out and the recommendations shall specifically note what changes are necessary to better address the purposes described in this act.

New Sec. 9. The provisions of sections 1 through 9 shall expire on June 30, 2008.

New Sec. 10. Any eligible foster child who received a tuition waiver before June 30, 2008, under the provisions of the Kansas foster child educational assistance program in effect prior to June 30, 2008, and is deemed by the state board of regents to be eligible pursuant to this section and the provisions of the Kansas foster child educational assistance program in effect prior to June 30, 2008, shall be allowed to remain eligible and continue to receive the waiver of tuition in accordance with the provisions of the Kansas foster child educational assistance program in effect prior to June 30, 2008, until such eligible foster child completes such eligible foster child's course of study or becomes ineligible pursuant to the provisions of the Kansas foster child educational assistance program in effect prior to June 30, 2008.

Sec. 11. On July 1, 2007, K.S.A. 76-719 is hereby amended to read as follows: 76-719. (a) Subject to K.S.A. 76-742 and amendments thereto, the board of regents shall fix tuition, fees and charges to be collected by each state educational institution. If a state educational institution collects a student-activity fee, the funds so collected shall be set apart and used for the purpose of supporting appropriate student activities.

(b) *All moneys received by a state educational institution for tuition fixed by the state board of regents shall be deposited in the state treasury and credited to the general fees fund of the state educational institution. All moneys received for any student-activity fee or for any other fees or charges fixed by the state board of regents shall be deposited in the state treasury and credited to the appropriate account of the restricted fees fund of the state educational institution or to another appropriate special revenue fund of the state educational institution.*

(c) *On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the general fees fund of each state educational institution interest earnings based on:*

(1) *The average daily balance of moneys in the general fees fund of the state educational institution for the preceding month; and*

(2) *the net earnings rate of the pooled money investment portfolio for the preceding month.*

(d) *On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the restricted fees fund of each state educational institution interest earnings based on:*

(1) *The average daily balance of moneys in the restricted fees fund of the state educational institution for the preceding month; and*

(2) *the net earnings rate of the pooled money investment portfolio for the preceding month.*

Sec. 12. On July 1, 2007, K.S.A. 2005 Supp. 76-762 is hereby amended to read as follows: 76-762. (a) There is hereby created in the custody of the state treasurer the following funds at each state educational institution from which the housing system shall be operated:

(1) A housing system suspense fund;

- (2) a housing system operations fund; and
- (3) a housing system repairs, equipment and improvement fund.

(b) Payments received for rents and boarding fees and other charges in connection with the operation of the housing system shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the housing system suspense fund.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the housing system suspense fund of *each state educational institution* interest earnings based on:

(1) ~~The aggregate of (A) the average daily balance of moneys in each the housing system suspense fund (B) the average daily balance of moneys in the housing system operations fund, and (C) the average daily balance of moneys in the housing system repairs, equipment and improvement fund of the state educational institutions institution~~ for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) The housing system operations fund shall be used to pay the expenses of operation of the housing systems and for the operation and maintenance of the system. The state educational institution shall transfer from the housing system suspense fund to the operations fund amounts needed for the operation and maintenance of the system. Each state educational institution shall establish such accounts within the housing system operations fund as are required for the efficient management of the system. ~~Funds in the housing system operations fund not needed for immediate use may be invested by the state educational institution through the pooled money investment board in accordance with the provisions of K.S.A. 75-4254, and amendments thereto.~~

(e) The housing system repairs, improvements and equipment fund shall be used for repairs, equipment, improvements and expansion of the housing system that cannot be financed from the housing system operations fund. Transfers may be made to this fund from the housing system suspense fund or the housing system operations fund as determined by the state educational institution. ~~All or a portion of the moneys in such fund may be invested by the state educational institution through the pooled money investment board in accordance with the provisions of K.S.A. 75-4254, and amendments thereto.~~ Expenditures from this fund may be made for projects that have been approved by the state board of regents.

Sec. 13. On July 1, 2007, K.S.A. 76-719 and K.S.A. 2005 Supp. 76-762 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 17, 2006.
