

CHAPTER 166  
HOUSE BILL No. 2578°

AN ACT establishing teacher service scholarship programs; providing for the administration thereof.

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

Section 1. (a) Sections 1 through 8, and amendments thereto, shall be known and may be cited as the special education teacher service scholarship program act.

(b) The provisions of the special education teacher service scholarship program act shall expire on June 30, 2011.

Sec. 2. As used in sections 1 through 8, and amendments thereto:

(a) "Executive officer" means the chief executive officer of the state board of regents appointed under K.S.A. 74-3203a, and amendments thereto;

(b) "qualified student" means a person who: (1) Is a resident of the state of Kansas; (2) is licensed as a teacher; (3) has been accepted for admission to or is enrolled in an approved course of instruction leading to licensure and full endorsement as a special education teacher; and (4) has qualified for the award of a scholarship under the special education teacher service scholarship program on the basis of having demonstrated scholastic ability, or who has previously so qualified and remains qualified for renewal of the scholarship on the basis of remaining in good standing and making satisfactory progress toward completion of the requirements of the course of instruction in which enrolled;

(c) "special education teacher" means a person who is licensed and fully-endorsed to provide special education to exceptional children who are children with disabilities;

(d) "special education," "exceptional children" and "children with disabilities" have the meanings ascribed thereto in K.S.A. 72-962, and amendments thereto.

Sec. 3. (a) There is hereby established the special education teacher service scholarship program. The number of new scholarships awarded each year shall not exceed 50. A scholarship may be awarded under such program to any qualified student and may be renewed for each such student who remains qualified for the scholarship. Determination of the students qualified for such scholarships shall be made by the executive officer. Scholastic ability shall be determined on the basis of cumulative college grade point average and any other indicator of scholastic ability which the state board of regents determines to be demonstrative of potential for successful completion of a course of instruction leading to licensure as a teacher.

(b) A scholarship awarded under the program shall provide for payment to a qualified student of \$3,000 each semester or its equivalent for a one-year course of study that qualifies the student for licensure as a special education teacher. If a student is not enrolled on a full-time basis, a student may take up to five years to complete the requisite one-year course of study and shall receive a proportionate amount of the one-year tuition based upon the number of hours enrolled in an academic period, as defined by the student's university or college, and computed as a fraction of the total number of credit hours required for licensure in the one-year course of study at the student's university or college.

Sec. 4. (a) An applicant for designation as a qualified student and for the award of a scholarship under the special education teacher service scholarship program shall provide to the executive officer, on forms supplied by the executive officer, information required by the executive officer.

(b) As a condition to awarding a scholarship under this act, the executive officer and the applicant shall enter into an agreement which shall require the applicant to:

(1) Complete the required course of instruction leading to licensure and full endorsement as a special education teacher;

(2) engage in teaching special education to children with disabilities

in Kansas and comply with such other terms and conditions as may be specified by such agreement;

(3) commence teaching special education of children with disabilities on a full-time basis in Kansas in an accredited public or private school in accordance with the agreement and continue such teaching on a full-time basis for a period of not less than three years or commence teaching special education of children with disabilities on a part-time basis in Kansas in an accredited public or private school in accordance with the agreement and continue such teaching on a part-time basis for a period of time that is equivalent to teaching on a full-time basis for a period of not less than three years, as determined by the state board of regents;

(4) commence teaching special education of children with disabilities in Kansas on a full-time or part-time basis within six months after licensure and continue such teaching for the period of time required by the agreement;

(5) maintain records and make reports to the executive officer as required by the executive officer to document the satisfaction of the obligations under this act and the agreement; and

(6) repay to the state amounts as provided in section 5, and amendments thereto if the person fails to satisfy the obligation under any agreement.

Sec. 5. (a) Except as provided in section 6, and amendments thereto, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to the special education teacher service scholarship program, such person shall pay to the executive officer an amount equal to the total amount of money received by such person pursuant to such agreement plus accrued interest at a rate which is equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such person first entered into an agreement plus five percentage points. Amounts of payment under this section shall be adjusted proportionately for full years of the obligation that have been satisfied. Installment payments of any such amounts may be made in accordance with the provisions of the agreement entered into by the scholarship recipient or if no such provisions exist in such agreement, in accordance with rules and regulations of the state board of regents, except that such installment payments shall commence six months after the date of the action or circumstances that cause the failure of the person to satisfy the obligations of such agreements, as determined by the executive officer based upon the circumstances of each individual case. Amounts paid under this section to the executive officer shall be deposited in the special education teacher service scholarship repayment fund in accordance with section 8, and amendments thereto.

(b) The state board of regents is authorized to turn any repayment account arising under the special education teacher service scholarship program over to a designated loan servicer or collection agency, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this section.

Sec. 6. (a) Except as otherwise specified in the agreement, an obligation under any agreement entered into under the teacher service scholarship program shall be postponed: (1) During any required period of active military service; (2) during any period of service as a part of volunteers in service to America (VISTA); (3) during any period of service in the peace corps; (4) during any period of service commitment to the United States public health service; (5) during any period of religious missionary work conducted by an organization exempt from tax under section 501(c)(3) of the federal internal revenue code as in effect on December 31, 2000; (6) during any period of time the person obligated is unable because of temporary medical disability to teach; (7) during any period of time the person obligated is enrolled and actively engaged on a full-time basis in a course of study leading to a degree in the field of education which is higher than that formerly attained; (8) during any period of time the person obligated is on job-protected leave under the federal family and medical leave act of 1993; or (9) during any period of time the state board of regents determines that the person obligated is unable because of special circumstances to teach. Except for clauses (6), (8) and (9), an obligation under any agreement entered into as provided in the special education teacher service scholarship program shall not be postponed more than five years from the time the obligation was to have been commenced under such agreement. An obligation under any agree-

ment entered into as provided in the special education teacher service scholarship program shall be postponed under clause (6) during the period of time the medical disability exists. An obligation under any agreement entered into as provided in the special education teacher service scholarship program shall be postponed under clause (8) during the period of time the person obligated remains on FMLA leave. An obligation to be fully-endorsed and engage in teaching in accordance with an agreement under the special education teacher service scholarship program shall be postponed under clause (9) during the period of time the state board of regents determines that the special circumstances exist. The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for determination of the existence of special circumstances causing an inability to teach or to be fully-endorsed, and shall determine the documentation required to prove the existence of such circumstances.

(b) An obligation under any agreement entered into as provided in the special education teacher service scholarship program shall be satisfied: (1) If the obligation has been completed in accordance with the agreement; (2) if the person obligated dies; (3) if, because of permanent physical disability, the person obligated is unable to satisfy the obligation; (4) if the person obligated fails to satisfy the requirements for a graduation from a special education teacher education program after making the best effort possible; (5) if the person obligated fails to satisfy all requirements for licensure to teach special education to children with disabilities in Kansas or has been denied licensure after applying for a license to teach special education to children with disabilities and making the best effort possible to obtain such license; or (6) if the person obligated is unable to obtain employment as a special education teacher after making the best effort possible to obtain such employment and the person obligated otherwise completes the terms, conditions and obligations of the agreement.

Sec. 7. The state board of regents shall adopt rules and regulations for administration of the special education teacher service scholarship program and shall establish terms, conditions and obligations which shall be incorporated into the provisions of any agreement entered into between the executive officer and an applicant for the award of a scholarship under the program. The terms, conditions and obligations shall be consistent with the provisions of law relating to the program and shall include, but not be limited to, the circumstances under which eligibility for financial assistance under the program may be terminated, the amount of financial assistance to be provided, the circumstances under which obligations may be discharged or forgiven, the amount of money required to be repaid because of failure to satisfy the obligations under an agreement and the method of repayment.

Sec. 8. (a) There is hereby created in the state treasury the special education teacher service scholarship program fund. The executive officer shall remit all moneys received under such program, which are paid because of nonattendance or discontinuance by scholarship recipients, 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 special education teacher service scholarship program fund. All expenditures from such fund shall be for scholarships awarded under the special education teacher service scholarship program and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person designated by the executive officer.

(b) There is hereby created in the state treasury the special education teacher service scholarship repayment fund. The executive officer shall remit all moneys received under the special education teacher service scholarship program, which are for payment of amounts pursuant to section 4, and amendments thereto, 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 special education teacher service scholarship repayment fund. All expenditures from such fund shall be for scholarships awarded under the special education teacher service scholarship program and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person designated by the executive officer.

Sec. 9. Sections 10 through 16, and amendments thereto, shall be known and may be cited as the teacher education scholarship program act.

Sec. 10. As used in the teacher education scholarship program act:

(a) "Executive officer" means the chief executive officer of the state board of regents appointed under K.S.A. 74-3203a, and amendments thereto.

(b) "Qualified student" means a person who: (1) Is a resident of the state of Kansas; (2) is licensed as a teacher and has been employed as a teacher for at least four years at an accredited school or a person who holds an associate's degree and has been employed at an accredited school for at least four years; (3) (A) has been accepted for admission to, or is enrolled in, a course of instruction leading to a master's degree in the field of education in the case of a person who is licensed as a teacher or (B) holds an associate's degree and has been accepted for admission to, or is enrolled in, a course of instruction leading to licensure as a teacher; and (4) has qualified for the award of a scholarship under the teacher education scholarship program act on the basis of having demonstrated scholastic ability, or who has previously so qualified and remains qualified for renewal of the scholarship on the basis of remaining in good standing and making satisfactory progress toward completion of the requirements of the course of instruction in which enrolled.

(c) "Program" means the teacher education scholarship program.

Sec. 11. (a) There is hereby established the teacher education scholarship program. Such program shall be administered by the state board of regents. Scholarships shall be awarded first to qualified students who are enrolled in a course of instruction which will lead to licensure of full-endorsement as a teacher in a teaching discipline for which the board determines is the greatest need. Subject to the provisions of appropriations therefor, a scholarship may be awarded and renewed under such program to any qualified student.

(b) A scholarship awarded under the program shall provide for payment to a qualified student of (1) an amount not to exceed 100% of the cost of fees and tuition for an academic year at the teacher education school in which the qualified student is enrolled if such teacher education school is maintained by a state educational institution or (2) an amount not to exceed 100% of the average amount of the cost of fees and tuition for an academic year at the teacher education schools maintained by the state educational institutions if the teacher education school in which the qualified student is enrolled is not a state educational institution.

Sec. 12. (a) The executive officer shall determine whether a student is qualified to receive a scholarship under the program. An applicant for designation as a qualified student and for the award of a scholarship under the program shall provide to the executive officer, on forms supplied by the executive officer, information required by the executive officer.

(b) As a condition to awarding a scholarship under this act, the executive director and the applicant shall enter into an agreement which requires the applicant to:

(1) (A) Complete the required course of instruction leading to a master's degree in the case of a qualified student who is licensed as a teacher or (B) leading to licensure as a teacher in the case of a qualified student who holds an associate's degree;

(2) comply with the terms and conditions as may be specified by such agreement;

(3) commence teaching on a full-time basis in Kansas in an accredited public or private elementary or secondary school in accordance with the agreement and continue teaching on a full-time basis for a period of not less than one year for each 15 credit hours of assistance received or commence teaching on a part-time basis in Kansas in an accredited public or private elementary or secondary school in accordance with the agreement and continue teaching on such a part-time basis for a period of time that is equivalent to full-time, as determined by the executive director;

(4) commence teaching in Kansas on a full-time or part-time basis within six months after licensure is obtained and continue teaching for the period of time required by the agreement;

(5) maintain records and make reports to the executive director as required by the executive director to document the satisfaction of the obligations under this act and the agreement; and

(6) repay to the state amounts as provided in section 13, and amend-

ments thereto, if the student fails to satisfy any obligation under any agreement entered into under the program.

Sec. 13. (a) Except as provided in section 14, and amendments thereto, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to the program, such person shall pay to the executive director an amount equal to the total amount of money received by such person pursuant to such agreement plus accrued interest at a rate which is equivalent to the interest rate applicable to scholarships made under the federal PLUS program at the time such person first entered into an agreement plus five percentage points. Amounts of payment under this section shall be adjusted proportionately for full years of the obligation that have been satisfied. Installment payments of any such amounts may be made in accordance with the provisions of the agreement entered into by the scholarship recipient or if no such provisions exist in such agreement, in accordance with rules and regulations of the executive director, except that such installment payments shall commence six months after the date of the action or circumstances that cause the failure of the person to satisfy the obligations of such agreements, as determined by the executive director based upon the circumstances of each individual case. Amounts paid under this section to the executive director shall be deposited in the teacher education scholarship repayment fund in accordance with section 16, and amendments thereto.

(b) The executive director is authorized to turn any repayment account arising under the program over to a designated collection agency with the state not being involved other than to receive payments from the collection agency at the interest rate prescribed under this section.

Sec. 14. (a) Except as otherwise specified in the agreement, an obligation under any agreement entered into under the program shall be postponed: (1) During any required period of active military service; (2) during any period of service as a part of volunteers in service to America (VISTA); (3) during any period of service in the peace corps; (4) during any period of service commitment to the United States public health service; (5) during any period of religious missionary work conducted by an organization exempt from tax under section 501(c)(3) of the federal internal revenue code as in effect on December 31, 2005; (6) during any period of time the person obligated is unable because of temporary medical disability to teach; (7) during any period of time the person obligated is enrolled and actively engaged on a full-time basis in a course of study leading to a degree in the field of education which is higher than that formerly attained; (8) during any period of time the person obligated is on job-protected leave under the federal family and medical leave act of 1993; or (9) during any period of time the executive director determines that the person obligated is unable because of special circumstances to teach. Except for clauses (6), (8) and (9), an obligation under any agreement entered into as provided in the program shall not be postponed more than five years from the time the obligation was to have been commenced under such agreement. An obligation under any agreement entered into as provided in the program shall be postponed under clause (6) during the period of time the medical disability exists. An obligation under any agreement entered into as provided in the program shall be postponed under clause (8) during the period of time the person obligated remains on FMLA leave. An obligation to engage in teaching in accordance with an agreement under the program shall be postponed under clause (9) during the period of time the executive director determines that the special circumstances exist. The executive director shall adopt rules and regulations prescribing criteria or guidelines for determination of the existence of special circumstances causing an inability to teach, and shall determine the documentation required to prove the existence of such circumstances.

(b) An obligation under any agreement entered into as provided in the program shall be satisfied: (1) If the obligation has been completed in accordance with the agreement; (2) if the person obligated dies; (3) if, because of permanent physical disability, the person obligated is unable to satisfy the obligation; (4) if the person obligated fails to satisfy the requirements for a graduation from a teacher education program or post-graduate program after making the best effort possible; (5) if the person obligated fails to satisfy all requirements for licensure, or renewal thereof, to teach in Kansas or has been denied such licensure after applying therefor and making the best effort possible to obtain such license; or (6) if

the person obligated is unable to obtain employment as a teacher after making the best effort possible to obtain such employment and the person obligated otherwise completes the terms, conditions and obligations of the agreement.

Sec. 15. The executive director shall adopt rules and regulations for administration of the program and shall establish terms, conditions and obligations which shall be incorporated into the provisions of any agreement entered into between the executive director and an applicant for the award of a scholarship under the program. The terms, conditions and obligations shall be consistent with the provisions of law relating to the program and shall include, but not be limited to, the circumstances under which eligibility for financial assistance under the program may be terminated, the amount of financial assistance to be provided, the circumstances under which obligations may be discharged or forgiven, the amount of money required to be repaid because of failure to satisfy the obligations under an agreement and the method of repayment.

Sec. 16. (a) There is hereby created in the state treasury the teacher education scholarship program fund. The executive director shall remit all moneys received under the program, which are paid because of non-attendance or discontinuance by scholarship recipients, 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 teacher education scholarship program fund. All expenditures from the fund shall be for scholarships awarded under the program and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person designated by the executive officer.

(b) There is hereby created in the state treasury the teacher education scholarship repayment fund. The executive officer shall remit all moneys received under the program, which are for payment of amounts pursuant to section 13, and amendments thereto, 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 teacher education scholarship repayment fund. All expenditures from such fund shall be for scholarships awarded under the program and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person designated by the executive director.

Sec. 17. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 5, 2006.

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