



## KANSAS BOARD OF REGENTS

### Senate Committee on Education Neutral Testimony on SB 544

March 18, 2024

**Blake Flanders, Ph.D.**  
**President & CEO, Kansas Board of Regents**

Good afternoon, Chair Baumgardner, and Members of the Committee. Thank you for the opportunity to provide written testimony on SB 544.

This legislation would establish the Kansas Academic Excellence Scholarship Program to replace the Kansas Ethnic Minority Scholarship Program.

K.S.A. 74-3284, et seq., enacted in 1989, established the Kansas Ethnic Minority Scholarship Program. As designed by the Legislature, the Program provides scholarships for Kansas students who have financial need, demonstrated educational ability, and are members of statutorily identified ethnic minority groups.

Since the United States Supreme Court's decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* last June regarding race-conscious college admissions practices, national attention has turned to the decision's implications for college scholarships. For example, Ohio University, is temporarily pausing race-based diversity scholarships, Ohio State University is reassessing its scholarships and is currently updating scholarship criteria to ensure compliance with the law, and the University of Missouri has ended its use of race-based criteria for scholarships and grants, *Ohio Colleges Reassess 'Race-Based' Scholarships*.<sup>1</sup>

The existing Ethnic Minority Scholarship Program statutes require that an applicant's race or national origin be used (1) to determine who qualifies for the scholarship, K.S.A. 74-3284(c)(2); and (2) to distribute available funds among qualified applicants, K.S.A. 74-3285(b).

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<sup>1</sup> Inside Higher Ed, Feb. 29, 2024 (<https://www.insidehighered.com/news/quick-takes/2024/02/29/ohio-colleges-reassess-legality-race-based-scholarships>) (last accessed March 15, 2024).

SB 544 would amend the existing Program statutes to eliminate any use of race or national origin and renames the Program as the Kansas Academic Excellence Scholarship Program. The requirements that scholarship recipients be Kansas residents who have established financial need and have demonstrated academic ability would be retained in the new Program.

As drafted, the scholarship would continue to be available to students attending a state educational institution, Washburn University, or an accredited independent institution as defined by K.S.A. 72-3222. We suggest also including public community colleges and public technical colleges, by amending page 2 lines 7-14 to read:

~~(d)(4) "Eligible institution means an institution of postsecondary education which maintains open enrollment, the main campus or principal place of operation of which is located in Kansas, and which qualifies as an eligible institution under the higher education act of 1965 (P.L. 89-329), as amended~~ *a postsecondary educational institution, as defined in K.S.A. 74-3201b(e), and amendments thereto, —state educational institution, as defined in K.S.A. 76-711, and amendments thereto, Washburn university or an accredited independent institution, as defined in K.S.A. 72-322, and amendments thereto.*

Thank you again for the opportunity to provide this testimony.