



KANSAS BOARD OF REGENTS

Joint Committee on Rules and Regulations
Monday, August 10, 2015
Testimony Regarding K.A.R 88-3-8a, 88-26-7, and 88-3-12 Revocation

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Good afternoon Chair Schwartz and Members of the Committee. Thank you for this opportunity to provide background information and a brief summary of the Board of Regents' proposed amendments to regulations that impact instate tuition rates available to active members of the armed forces, specific veterans, and their respective spouses or dependent children.

The proposed amendments to these regulations, both permanent and temporary versions, are necessitated by the enactment of 2015 HB 2154, Sections 3 and 4. This 2015 Legislative action impacts current members of the armed forces, qualified veterans of the armed forces, and the spouses and dependent children of both. Kansas law now allows Kansas universities and colleges to consider such individuals Kansas residents for tuition and fee purposes.¹ Additionally, the Bill repealed existing residency exceptions for military personnel and veterans. These statutory changes became effective July 1, 2015, and effectively void provisions in the Board's regulations that were based on the prior version of the statute.² Thus, the proposed amendments seek to update the regulations in order to reflect current law.

In drafting the proposed amendments, the Board consulted with university attorneys about the language and was also assisted by two attorneys who themselves are or have been members of the armed forces. Thus, we believe that the language in the proposed amendments complies with state law, including the new provisions established by 2015 HB 2154, and correctly utilizes applicable military language and concepts.

¹ The individual in question must still meet applicable admission criteria in order to attend such postsecondary educational institutions; the 2015 enactment impacted residency status and tuition rates, not admission criteria.

² Kansas universities have been made aware of the current conflict and have been advised to comply with the statutory language.

The changes to the three existing regulations are summarized below.

SUMMARY OF AMENDMENTS

K.A.R. 88-3-8a. The proposed amendments are necessitated by and reflect the provisions of 2015 HB 2154. This is the main regulation used by state universities when determining if veterans and current military personnel are to be considered Kansas residents for tuition and fee purposes. The current regulation only addresses current military but as amended it now also includes veterans.

K.A.R. 88-3-12 is being revoked. This regulation concerns veterans eligible for in state tuition rates at the state universities. The amendments being made to K.A.R. 88-3-8a will include and cover veterans and their spouses and dependent children. Thus, having this separate regulation just for veterans becomes unnecessary.

K.A.R. 88-26-7. This regulation addresses residency and tuition decisions made by community and technical colleges. The proposed amendment refers local boards making tuition decisions based upon residency to the newly enacted provisions of 2015 HB 2154, to insure that they consider the provisions that impact the tuition rates that may be charged to active members of the military, veterans and their respective spouses and dependent children.

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