

HOUSE BILL No. 2539

By Committee on Education

Requested by Representative Thomas

1-18

1 AN ACT concerning postsecondary education; relating to the Kansas
2 promise scholarship act; removing the Kansas residency requirement
3 for eligibility for such scholarships; modifying the definition of part-
4 time student; amending K.S.A. 2023 Supp. 74-32,271, 74-32,275 and
5 74-32,276 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2023 Supp. 74-32,271 is hereby amended to read as
9 follows: 74-32,271. (a) K.S.A. 2023 Supp. 74-32,271 et seq., and
10 amendments thereto, shall be known and may be cited as the Kansas
11 promise scholarship act.

12 (b) As used in the Kansas promise scholarship act:

13 (1) "Eligible postsecondary educational institution" means:

14 (A) Any community college or technical college established under
15 the laws of this state and with a recognized service area;

16 (B) the Washburn institute of technology; or

17 (C) any not-for-profit institution of postsecondary education with its
18 main campus or principal place of operation in Kansas that offers a
19 promise eligible program, is operated independently and not controlled or
20 administered by any state agency or subdivision of the state, maintains
21 open enrollment and is accredited by a nationally recognized accrediting
22 agency for higher education in the United States.

23 (2) "Military servicemember" means the same as defined in K.S.A.
24 2023 Supp. 48-3406, and amendments thereto.

25 (3) "Part-time student" means a student who is:

26 (A) (i) Enrolled for six credit hours or more in the fall, summer or
27 spring semester ~~and is~~; or

28 (ii) *enrolled in a five-credit hour certification program; and*

29 (B) not enrolled as a full-time student.

30 (4) "Promise eligible program" means any two-year associate degree
31 program or career and technical education certificate or stand-alone
32 program offered by an eligible postsecondary educational institution that
33 is:

34 (A) Approved by the state board of regents;

35 (B) high wage, high demand or critical need; and

1 (C) identified as a "promise eligible program" by the state board of
2 regents pursuant to K.S.A. 2023 Supp. 74-32,272, and amendments
3 thereto, or a "promise eligible program" within a field of study designated
4 by an eligible postsecondary educational institution pursuant to K.S.A.
5 2023 Supp. 74-32,273, and amendments thereto.

6 Sec. 2. K.S.A. 2023 Supp. 74-32,275 is hereby amended to read as
7 follows: 74-32,275. (a) To be eligible for a Kansas promise scholarship, a
8 student shall:

9 (1) Be a United States citizen;

10 ~~(2) be a Kansas resident;~~

11 ~~(3)~~ (A) have graduated from an accredited Kansas public or private
12 secondary school within the preceding 12 months;

13 (B) have completed the requirements for graduation at a non-
14 accredited private secondary school as provided in K.S.A. 72-4345, and
15 amendments thereto, within the preceding 12 months;

16 (C) attended an accredited Kansas public or private secondary school
17 or non-accredited private school as provided in K.S.A. 72-4345, and
18 amendments thereto, and obtained a high school equivalency certificate
19 within the preceding 12 months;

20 ~~(D) upon application for a scholarship, have been a resident of~~
21 ~~Kansas for three or more consecutive years as evidenced by the date of~~
22 ~~issuance on a Kansas-issued identification card or through Kansas voter~~
23 ~~registration records or Kansas income tax documentation;~~

24 (E) be a dependent child of a military servicemember permanently
25 stationed in another state and who, within the preceding 12 months,
26 graduated from any out-of-state secondary school or obtained a high
27 school equivalency certificate; or

28 ~~(F)~~(E) have been in the custody of the secretary for children and
29 families at any time such student was enrolled in and attending any of the
30 grades nine through 12 and not eligible for assistance under the Kansas
31 foster child educational assistance act, K.S.A. 75-53,111 et seq., and
32 amendments thereto;

33 ~~(4)~~(3) complete the required scholarship application on such forms
34 and in such manner as established by the state board of regents;

35 ~~(5)~~(4) enter into a Kansas promise scholarship agreement pursuant to
36 K.S.A. 2023 Supp. 74-32,276, and amendments thereto;

37 ~~(6)~~(5) complete the free application for federal student aid for the
38 academic year in which the student applies to receive a Kansas promise
39 scholarship. Such submitted application shall be determined to be valid
40 and free of error codes in order to calculate the amount of scholarship to
41 be awarded; and

42 ~~(7)~~(6) enroll in an eligible postsecondary educational institution in a
43 promise eligible program.

1 (b) (1) To continue to receive a Kansas promise scholarship, a student
2 shall:

3 (A) Maintain satisfactory academic progress, including a grade point
4 average of 2.0 or higher, or the equivalent thereof, in the courses of the
5 promise eligible program for which the student received a Kansas promise
6 scholarship; and

7 (B) satisfy the requirements of a Kansas promise scholarship
8 agreement as provided in K.S.A. 2023 Supp. 74-32,276, and amendments
9 thereto.

10 (2) Any student who entered into a Kansas promise scholarship
11 agreement under the provisions of the Kansas promise scholarship act as
12 such act existed at the time such agreement was entered into shall be
13 entitled to continue to use such Kansas promise scholarship and receive
14 scholarship renewals to fulfill the requirements of such student's Kansas
15 promise scholarship agreement. No subsequent revision or amendment to
16 the Kansas promise scholarship act, the rules and regulations adopted
17 thereunder, the list of approved promise eligible programs or the
18 appropriations made pursuant to such act shall have the effect of
19 terminating a student's Kansas promise scholarship agreement solely due
20 to such amendment or revision.

21 (c) Nothing in this act shall prohibit a student who received
22 postsecondary course credit while enrolled in high school from qualifying
23 for a Kansas promise scholarship.

24 Sec. 3. K.S.A. 2023 Supp. 74-32,276 is hereby amended to read as
25 follows: 74-32,276. (a) As a condition to receiving a Kansas promise
26 scholarship, an eligible student shall enter into a Kansas promise
27 scholarship agreement with the state board of regents. The eligible
28 postsecondary educational institution making the scholarship award to
29 such student shall counsel each eligible student on the requirements and
30 conditions of the promise scholarship agreement. Such agreement shall
31 require any student who receives a Kansas promise scholarship to:

32 (1) Enroll as a full-time or part-time student at the eligible
33 postsecondary educational institution from which the student is receiving a
34 Kansas promise scholarship and engage in and complete the required
35 promise eligible program within 36 months of the date the scholarship was
36 first awarded;

37 (2) within six months after graduation from the promise eligible
38 program:

39 (A) ~~Reside in and~~ Commence work in the state of Kansas *and*
40 *maintain such employment* for at least two consecutive years following
41 completion of such program. A scholarship recipient may use a W-2 wage
42 and tax statement showing Kansas withholding or estimated income tax to
43 the state of Kansas as proof of work in Kansas; or

1 (B) enroll as a full-time or part-time student in any public or private
2 postsecondary educational institution with its primary location in Kansas
3 and upon graduation or failure to re-enroll, ~~reside in and~~ commence work
4 in Kansas *and maintain such employment* for at least two consecutive
5 years following the completion of such program;

6 (3) maintain records and make reports to the state board of regents on
7 such forms and in such manner as required by the state board of regents to
8 document the satisfaction of the requirements of this act; and

9 (4) upon failure to satisfy the requirements of a Kansas promise
10 scholarship agreement, repay the amount of the Kansas promise
11 scholarship the student received under the program as provided in
12 subsection (b) to the state board of regents.

13 (b) (1) Except as provided in subsection (c), if any student who
14 receives a Kansas promise scholarship fails to satisfy the requirements of a
15 Kansas promise scholarship agreement, such student shall pay an amount
16 equal to the total amount of money received by such student pursuant to
17 such agreement that is financed by the state of Kansas plus accrued
18 interest at a rate equivalent to the interest rate applicable to loans made
19 under the federal PLUS program at the time such student's first course
20 funded by a Kansas promise scholarship award began. Interest shall begin
21 accruing on the date the student is determined to be out of compliance with
22 the Kansas promise scholarship agreement. Monthly installment payments
23 of such amounts may be made in accordance with rules and regulations of
24 the state board of regents. Such installment payments shall begin six
25 months after the date of the action or circumstances that cause such
26 student to fail to satisfy the requirements of a Kansas promise scholarship
27 agreement, as determined by the state board of regents upon the
28 circumstances of each individual case. All moneys received pursuant to
29 this subsection shall be remitted to the state treasurer in accordance with
30 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
31 of each such remittance, the state treasurer shall deposit the entire amount
32 in the state treasury to the credit of the Kansas promise scholarship
33 program fund.

34 (2) For any Kansas promise scholarship awarded on or after July 1,
35 2021, the state board of regents shall be the sole entity responsible for
36 collecting or recouping any Kansas promise scholarship funds required to
37 be repaid by a student who fails to satisfy the requirements of a Kansas
38 promise scholarship agreement pursuant to this section.

39 (3) The state board of regents is authorized to turn any repayment
40 account arising under this act to a designated loan servicer or collection
41 agency to collect on the state board's behalf, the state not being involved
42 other than to receive payments from the loan servicer or collection agency
43 at the interest rate prescribed under this subsection.

1 (4) Eligible postsecondary educational institutions and each state
2 agency are authorized to provide academic, employment, ~~residency~~ and
3 contact information regarding students who received a Kansas promise
4 scholarship to the state board of regents for the purposes of:

5 (A) Determining whether or not a student satisfied the requirements
6 of this act and the Kansas promise scholarship agreement; and

7 (B) aiding in the collection or recoupment of any funds required to be
8 repaid pursuant to this section.

9 (5) Eligible postsecondary educational institutions shall:

10 (A) Provide annually to the state board of regents the last known
11 contact information of each student who received a Kansas promise
12 scholarship until the requirements of the program and scholarship
13 agreement are complete; and

14 (B) notify the state board of regents when a student who received a
15 Kansas promise scholarship:

16 (i) Completes the program of study for which the student received the
17 scholarship or has exhausted scholarship benefits; and

18 (ii) exceeds the 36-month program completion requirement provided
19 in this section. This requirement shall apply to any Kansas promise
20 scholarship awarded on or after July 1, 2021.

21 (6) For any Kansas promise scholarship awarded on or after July 1,
22 2021, eligible postsecondary educational institutions shall not be
23 considered a contractor of the state nor shall such institutions be required
24 to participate in tracking, collecting or recouping any funds required to be
25 repaid by a student who fails to satisfy the requirements of a Kansas
26 promise scholarship agreement pursuant to this section.

27 (c) Any requirement of a Kansas promise scholarship agreement
28 entered into pursuant to this section may be postponed for good cause in
29 accordance with rules and regulations of the state board of regents.

30 (d) A scholarship recipient satisfies the requirements of the Kansas
31 promise scholarship program if such recipient:

32 (1) Completes the requirements of the scholarship agreement;

33 (2) commences service as a military servicemember after receiving a
34 Kansas promise scholarship;

35 (3) fails to satisfy the requirements after making the best possible
36 effort to do so as determined by the state board of regents;

37 (4) is unable to obtain employment or continue in employment after
38 making the best possible effort to do so; or

39 (5) is unable to satisfy the requirements due to disability or death of
40 the scholarship recipient.

41 Sec. 4. K.S.A. 2023 Supp. 74-32,271, 74-32,275 and 74-32,276 are
42 hereby repealed.

43 Sec. 5. This act shall take effect and be in force from and after its

- 1 publication in the statute book.