

SENATE BILL No. 519

By Committee on Ways and Means

2-15

1 AN ACT concerning postsecondary education; requiring technical colleges
2 to affiliate with a state educational institution or municipal university;
3 requirements therefor; amending K.S.A. 71-1802, 72-3810, 74-32,413
4 and 76-712 and repealing the existing sections.
5

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

7 New Section 1. (a) Each technical college in this state that has not
8 affiliated with a state educational institution or municipal university on or
9 before July 1, 2024, shall affiliate with a state educational institution or
10 municipal university as provided in this section on or before July 1, 2026.

11 (b) Upon approval by the state board of regents or the governing
12 body of a municipal university, as applicable, and a majority vote of the
13 governing body of the technical college, a state educational institution or
14 municipal university shall enter into agreements to affiliate with a
15 technical college as provided in this section.

16 (c) As part of the affiliation, the technical college may change its
17 official designation. Whenever the technical college, or words of like
18 effect, is referred to or designated by any statute, contract or other
19 document, such reference or designation shall be deemed to apply to the
20 technical college affiliated pursuant to this section.

21 (d) All of the powers and duties established in the governing body of
22 the technical college by law shall be transferred to the affiliating state
23 educational institution or municipal university, subject to the supervision
24 of the governing board of the affiliating state educational institution or
25 municipal university.

26 (e) (1) The governing body of the technical college shall become the
27 industry advisory board to the president or chancellor of the affiliating
28 state educational institution or municipal university.

29 (2) For each technical college that affiliates with a state educational
30 institution or municipal university pursuant to this section, the president or
31 chancellor of the affiliating state educational institution or municipal
32 university shall appoint the members of the industry advisory board. The
33 members of the advisory board shall represent the industry sectors that
34 correspond to the programs offered by the technical college affiliated
35 pursuant to this section.

36 (3) The industry advisory board shall provide input relating to

1 changes in each member's industry sector that affect academic programs.

2 (f) (1) Except as provided in paragraph (2), the following persons
3 admitted by a state educational institution into a technical college affiliated
4 pursuant to this section shall not be subject to the admission requirements
5 of K.S.A. 76-717, and amendments thereto, or the board of regents rules
6 and regulations establishing qualified admission criteria for state
7 educational institutions:

8 (A) Persons admitted as degree-seeking students in career technical
9 education courses or programs terminating with an associate of applied
10 science degree; and

11 (B) persons admitted as nondegree-seeking students in career
12 technical education certificate programs.

13 (2) Persons admitted into a technical college affiliated with a state
14 educational institution pursuant to this section who subsequently seek to
15 transfer into another school within the state educational institution or into a
16 bachelor's, master's or doctorate degree program shall be subject to the
17 admission requirements of K.S.A. 76-717, and amendments thereto, and
18 the board of regents rules and regulations establishing qualified admission
19 criteria for state educational institutions.

20 (g) A technical college affiliated pursuant to this section shall
21 continue to be eligible for funding that is available to technical colleges to
22 the extent provided by law. The amounts of such funding are to be
23 determined in the same manner as provided by law for technical colleges.

24 (h) The affiliation plan between the technical college and the
25 affiliating state educational institution or municipal university shall include
26 provisions relating to the manner and terms upon which faculty, employees
27 and students will be transferred to the affiliating state educational
28 institution or municipal university. Such provisions shall specify terms of
29 employment and address other personnel matters. Subject to the
30 authorization of the governing board of the affiliating state educational
31 institution or municipal university, all personnel of a technical college
32 affiliated pursuant to this section who are necessary to the operation of
33 such technical college, in accordance with the needs of the affiliating state
34 educational institution or municipal university, may become personnel of
35 the affiliating state educational institution or municipal university. The
36 employment of such personnel shall be deemed uninterrupted.

37 (i) The affiliation of a technical college with a state educational
38 institution or municipal university shall not affect any contract, agreement
39 or assurance in effect prior to an affiliation pursuant to this section.

40 (j) (1) No suit, action or other proceeding, judicial or administrative,
41 lawfully commenced, or that could have been commenced, by or against a
42 technical college prior to affiliation, or by or against any personnel of such
43 technical college, shall abate by reason of such affiliation. Any such suit,

1 action or other proceeding may be allowed to be maintained by or against
2 the affiliating state educational institution or municipal university.

3 (2) No criminal action commenced or that could have been
4 commenced by a technical college prior to affiliation shall abate by reason
5 of such affiliation.

6 (k) Except as otherwise provided in this section, the provisions of all
7 statutes of general application to area vocational schools, area vocational
8 technical schools or technical colleges shall apply to a technical college
9 affiliated pursuant to this section.

10 (l) As used in this section:

11 (1) "Affiliation" means the association or connection of a technical
12 college with a state educational institution or municipal university where
13 the technical college is directly or indirectly under the control of the
14 affiliating state educational institution or municipal university.

15 (2) "Municipal university" means Washburn university of Topeka or
16 any other municipal university established under the laws of this state.

17 (3) "State educational institution" means the university of Kansas,
18 Kansas state university, Wichita state university, Emporia state university,
19 Pittsburg state university and Fort Hays state university.

20 (4) "Technical college" means a technical college designated pursuant
21 to K.S.A. 74-32,458, 74-32,460, 74-32,461, 74-32,462, 74-32,464 or 74-
22 32,465, and amendments thereto.

23 Sec. 2. K.S.A. 71-1802 is hereby amended to read as follows: 71-
24 1802. As used in K.S.A. 71-1801 through 71-1810, and amendments
25 thereto:

26 (a) "Community college" means any community college established
27 in accordance with chapter 71 of the Kansas Statutes Annotated.

28 (b) "Community college operating grant" means the operating grant
29 provided for under subsection (a) of K.S.A. 71-620, and amendments
30 thereto, prior to fiscal year 2012.

31 (c) (1) "Credit hour" means the basic unit of collegiate level
32 instruction, as determined by the state board, in a subject or course offered
33 by an eligible institution at a postsecondary level not higher than those
34 programs or courses normally offered to freshmen and sophomores in
35 four-year public institutions of postsecondary education, in a program that
36 has been approved by the state board.

37 (2) The term "credit hour" does not include instruction in a program
38 or course taken by a student enrolled for audit or not for postsecondary
39 credit, or in any program or course not approved by the state board.

40 (3) The state board shall determine whether the programs and courses
41 offered are at the level of freshmen and sophomore programs and courses
42 offered in the state educational institutions and shall not approve for
43 funding any program or course offered at a higher level.

1 (d) "Eligible institution" or "institution" means any community
2 college, technical college or the institute of technology *or any technical*
3 *college that affiliated with a state educational institution or municipal*
4 *university pursuant to section 1, and amendments thereto.*

5 (e) "Institute of technology," "institute" or "Washburn institute of
6 technology" means the institute of technology at Washburn university.

7 (f) "*Municipal university*" means *Washburn university of Topeka or*
8 *any other municipal university established under the laws of this state.*

9 (g) "Non-tiered course" means any postsecondary credit-bearing
10 course offered by an eligible institution and identified by the state board as
11 not meeting the definition of a tiered technical course. Non-tiered courses
12 include courses that are generally designed to: (1) Contribute to academic
13 knowledge or skills across multiple disciplines and occupations, such as
14 communication, writing, mathematics, humanities, social or behavioral
15 science and natural or physical science courses, some of which may be
16 considered for transfer as general education credit toward a baccalaureate
17 degree; (2) contribute to general knowledge or skills in areas such as
18 critical thinking and reasoning, problem solving, use of technology and
19 teamwork skills; (3) provide instruction in basic or foundational skills
20 necessary for individuals to effectively participate in technical programs;
21 (4) prepare individuals for certification or licensure exams or re-
22 certifications and skill updates; or (5) allow individuals to explore various
23 career opportunities. Seminars, workshops or other courses that are
24 supplemental to the primary instruction required for the occupationally
25 specific technical program shall be considered non-tiered courses, unless
26 otherwise specified by the state board.

27 ~~(g)~~(h) "State board of regents" or "state board" means the state board
28 of regents provided for in the constitution of this state and established by
29 K.S.A. 74-3202a, and amendments thereto.

30 ~~(h)~~(i) "*State educational institution*" means *the university of Kansas,*
31 *Kansas state university, Wichita state university, Emporia state university,*
32 *Pittsburg state university and Fort Hays state university.*

33 (j) "Technical college" means a technical college *affiliated with a*
34 *state educational institution or municipal university pursuant to section 1,*
35 *and amendments thereto, or designated pursuant to K.S.A. 74-32,458, 74-*
36 *32,460, 74-32,461, 74-32,462, 74-32,464 or 74-32,465, and amendments*
37 *thereto.*

38 ~~(j)~~(k) "Technical program" means any program of study comprised of
39 a sequence of tiered technical courses and non-tiered courses, which
40 program is identified by the state board as a technical program for funding
41 purposes. Technical programs must: (1) Be designed to prepare individuals
42 for gainful employment in current or emerging technical occupations
43 requiring other than a baccalaureate or advanced degree; (2) lead to

1 technical skill proficiency, an industry-recognized credential, a certificate
2 or an associate degree; and (3) be delivered by an eligible institution.

3 ~~(j)~~(l) "Tiered technical course" means a postsecondary credit-bearing
4 course included in the sequence of courses comprising a technical
5 program, which course is itself designed to provide competency-based
6 applied instruction to prepare individuals with occupationally specific
7 knowledge and skills necessary for employment, and which the state board
8 has identified as a tiered technical course.

9 ~~(k)~~(m) "Tiered technical course credit hour" means a credit hour in a
10 tiered technical course.

11 ~~(h)~~(n) "Washburn institute of technology operating grant" means any
12 legislative appropriation designated for non-tiered courses delivered by the
13 Washburn institute of technology.

14 Sec. 3. K.S.A. 72-3810 is hereby amended to read as follows: 72-
15 3810. (a) Students admitted to a career technical education course or
16 program ~~which~~ *that* is conducted by the school district in which the
17 student is enrolled may be charged fees but shall not be charged tuition.

18 (b) Postsecondary students admitted to a career technical education
19 course or program shall pay tuition and fees as provided by laws
20 applicable thereto.

21 (c) (1) Secondary students admitted to a career technical education
22 course or program ~~which~~ *that* is conducted by a community college,
23 technical college ~~or~~, institute of technology *or any technical college that*
24 *affiliated with a state educational institution or municipal university*
25 *pursuant to section 1, and amendments thereto*, may be charged fees; but
26 shall not be charged tuition.

27 (2) Each ~~school~~ *academic* year, to the extent there are sufficient
28 moneys appropriated to the career technical education secondary program,
29 the state board of regents shall distribute state funds to community
30 colleges, technical colleges, *any technical college that affiliated with a*
31 *state educational institution or municipal university pursuant to section 1,*
32 *and amendments thereto*, and the Washburn institute of technology for the
33 cost associated with secondary students enrolled in postsecondary career
34 technical education programs as determined by the state board of regents.

35 (3) For purposes of this subsection:

36 (A) "Community college" means any community college established
37 in accordance with chapter 71 of the Kansas Statutes Annotated, and
38 amendments thereto.

39 (B) "Fees" means those charges assessed against a student by a
40 community college, technical college ~~or~~, the institute of technology, *a*
41 *state educational institution or a municipal university* for student services,
42 such as health clinics, athletic activities and technology services, or for
43 books, supplies or other materials necessary for a particular course or

1 program, the expense of which is not covered by tuition.

2 (C) "Institute of technology" means the institute of technology at
3 Washburn university.

4 (D) "*Municipal university*" means Washburn university of Topeka or
5 any other municipal university established under the laws of this state.

6 (E) "Secondary student" means a pupil who: (i) Has not attained a
7 high school diploma or a general educational development (GED)
8 credential; and (ii) is regularly enrolled in and attending a public or private
9 secondary school.

10 (F) "*State educational institution*" means the university of Kansas,
11 Kansas state university, Wichita state university, Emporia state university,
12 Pittsburg state university and Fort Hays state university.

13 ~~(E)~~(G) "Technical college" means a technical college designated
14 pursuant to K.S.A. 74-32,458, 74-32,460, 74-32,461, 74-32,462, 74-
15 32,464 or 74-32,465, and amendments thereto.

16 ~~(F)~~(H) "Tuition" means those charges assessed against a student by a
17 community college, technical college, *any technical college that affiliated*
18 *with a state educational institution or municipal university pursuant to*
19 *section 1, and amendments thereto*, or the institute of technology on a per
20 credit hour, per course or per term basis, and that are charged to cover the
21 general expense of providing instructional services.

22 (d) Students admitted to a ~~vocational~~ *career technical* education
23 course or program which is not conducted by the school district in which
24 the student is enrolled shall be charged tuition and fees determined in
25 accordance with subsection (e), subject ~~however~~ to the following:

26 (1) Tuition or fees, or tuition and fees may be paid for the student in
27 accordance with any agreement made under K.S.A. 72-3814, and
28 amendments thereto; or

29 (2) if tuition of a student is not paid under paragraph (1) ~~of this~~
30 ~~subsection~~, the tuition of the student shall be paid by the school district in
31 which the student is enrolled. No school district shall pay tuition for a
32 student who is a postsecondary student, and no school district shall be
33 required to pay tuition or fees of a student who is eligible to have tuition
34 and fees for the course or training the student selects paid by any state or
35 federal agency from moneys, funds or appropriations made available under
36 any one or more state or federal programs. Any state agency administering
37 any one or more such programs shall pay such tuition and fees upon proper
38 application by a student therefor.

39 (e) All tuition and fees charged for career technical education by any
40 board shall be in such amounts as are authorized by rules and regulations
41 adopted by the state board, which shall establish general guidelines for
42 tuition and fee schedules in career technical education courses and
43 programs, ~~except that tuition of postsecondary students shall be fixed in~~

1 accordance with K.S.A. 72-4433, and amendments thereto. The particular
2 tuition and fee schedule of every career technical education program shall
3 be subject to annual approval of the state board. A current complete
4 schedule of tuition and fees for each career technical education course and
5 program of each board as approved by the state board shall be maintained
6 on file in the office of the state board, and shall be open for public
7 inspection at any reasonable time.

8 Sec. 4. K.S.A. 74-32,413 is hereby amended to read as follows: 74-
9 32,413. As used in this act:

10 (a) "Board," "state board," "school year" and "technical college" ~~have~~
11 ~~the meanings respectively ascribed thereto~~ *mean the same as defined in*
12 K.S.A. 74-32,407, and amendments thereto.

13 (b) "Career technical education capital outlay aid" means state
14 financial aid distributed under this act by the state board to an eligible
15 institution for the purpose of construction, reconstruction, repair,
16 remodeling, additions to, furnishing and equipping of buildings,
17 architectural expenses incidental thereto, the acquisition of buildings and
18 building sites and the acquisition of equipment.

19 (c) "Eligible institution" or "institution" means any technical college,
20 Coffeyville community college, Cowley county community college,
21 Dodge City community college, Highland community college, Hutchinson
22 community college, Johnson county community college, Kansas City,
23 Kansas community college, Pratt community college, Seward county
24 community college ~~and~~, the institute of technology at Washburn university
25 *and any technical college that affiliated with a state educational*
26 *institution or municipal university pursuant to section 1, and amendments*
27 *thereto.*

28 (d) "Municipal university" means *Washburn university of Topeka or*
29 *any other municipal university established under the laws of this state.*

30 (e) "State educational institution" means *the university of Kansas,*
31 *Kansas state university, Wichita state university, Emporia state university,*
32 *Pittsburg state university and Fort Hays state university.*

33 Sec. 5. K.S.A. 76-712 is hereby amended to read as follows: 76-712.
34 Except as otherwise provided by act of the legislature, the state
35 educational institutions are separate state agencies and state institutions
36 and shall be controlled by and operated and managed under the
37 supervision of the board of regents. For such control, operation,
38 management or supervision, the board of regents may make contracts and
39 adopt orders, policies or rules and regulations and do or perform such
40 other acts as are authorized by law or are appropriate for such purposes,
41 except that no state educational institution, or campus thereof, shall be
42 closed, combined or merged with any other state educational institution,
43 for administrative or management or other purposes, except as *authorized*

1 *in section 1, and amendments thereto, or* specifically authorized by
2 appropriations or other act of the legislature.

3 Sec. 6. K.S.A. 71-1802, 72-3810, 74-32,413 and 76-712 are hereby
4 repealed.

5 Sec. 7. This act shall take effect and be in force from and after its
6 publication in the statute book.