

As Amended by House Committee

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 143

By Committee on Education

2-8

1 AN ACT concerning postsecondary technical education; creating the
2 postsecondary tiered technical education state aid act; amending ~~K.S.A. 71-~~
3 ~~601, 71-620, 72-4480 and 72-6503 and repealing the existing sections; also~~
4 ~~repealing K.S.A. 71-613, 71-613a and 71-1706 and K.S.A. 2010 Supp. 72-~~
5 ~~4430, 72-4431 and 72-4432.~~ **K.S.A. 71-601, 71-601, as amended by**
6 **section 18 of this act, 71-604, 71-609, 71-609a, 71-613, 71-614, 71-620,**
7 **71-620, as amended by section 24 of this act, 71-701, 71-802, 71-1201,**
8 **72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4480, 72-4480, as**
9 **amended by section 39 of this act, 72-6214, 72-6503, 73-1218 and 76-**
10 **6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-**
11 **4450, 72-4466, 72-4470a, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-**
12 **4364, 75-53,112, 75-6609, 75-7222 and 76-768 and repealing the existing**
13 **sections; also repealing K.S.A. 71-613, 71-613a, 71-1706, 72-4428, 72-**
14 **4435, 72-4468, 72-6803 and 74-3229a and K.S.A. 2010 Supp. 72-4430,**
15 **72-4431, 72-4432, 72-4433 and 76-781.**

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 New Section 1. (a) Sections 1 through 10, and amendments thereto,
19 shall be known and may be cited as the postsecondary tiered technical
20 education state aid act.

21 (b) **This section shall take effect and be in force on and after July 1,**
22 **2011.**

23 New Sec. 2. As used in sections 1 through 10, and amendments thereto:

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

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

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

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

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

8 (d) "Eligible institution" or "institution" means any community college,
9 technical college or the institute of technology.

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

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

29 (g) "State board of regents" or "state board" means the state board of
30 regents provided for in the constitution of this state and established by K.S.A.
31 74-3202a, and amendments thereto.

32 (h) "Technical college" means a technical college designated pursuant to
33 K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or 72-4477a, and
34 amendments thereto.

35 (i) "Technical program" means any program of study comprised of a
36 sequence of tiered technical courses and non-tiered courses, which program is
37 identified by the state board as a technical program for funding purposes.
38 Technical programs must: (1) Be designed to prepare individuals for gainful
39 employment in current or emerging technical occupations requiring other than
40 a baccalaureate or advanced degree; (2) lead to technical skill proficiency, an
41 industry-recognized credential, a certificate or an associate degree; and (3) be
42 delivered by an eligible institution.

43 (j) "Tiered technical course" means a postsecondary credit-bearing course

1 included in the sequence of courses comprising a technical program, which
2 course is itself designed to provide competency-based applied instruction to
3 prepare individuals with occupationally specific knowledge and skills
4 necessary for employment, and which the state board has identified as a tiered
5 technical course.

6 (k) “Tiered technical course credit hour” means a credit hour in a tiered
7 technical course.

8 (l) “Washburn institute of technology operating grant” means any
9 legislative appropriation designated for non-tiered courses delivered by the
10 Washburn institute of technology.

11 **This section shall take effect and be in force on and after July 1, 2011.**

12 New Sec. 3. (a) In each fiscal year, commencing with the 2012 fiscal
13 year, each community college, technical college and the Washburn institute of
14 technology is eligible for postsecondary tiered technical education state aid
15 from the state general fund for postsecondary tiered technical course credit
16 hours approved by the state board and delivered by the institution to students
17 who are residents of the state of Kansas, in an amount to be determined by the
18 state board using a credit hour cost calculation model that: (1) Is tiered to
19 recognize and support cost differentials in providing high-demand, high-tech
20 training; (2) takes into consideration target industries critical to the Kansas
21 economy; (3) is responsive to program growth; (4) takes into consideration
22 local taxing authority for credit hours generated by in-district students; and (5)
23 includes other factors and considerations as deemed necessary or advisable by
24 the state board. The state board shall establish the rates to be used as the
25 state’s share in a given year, as well as in the actual distribution.

26 (b) For purposes of sections 1 through 10, and amendments thereto,
27 residency for all community college students shall be determined in
28 accordance with K.S.A. 71-406 and 71-407, and amendments thereto, and
29 residency for all technical college and Washburn institute of technology
30 students shall be determined in accordance with laws or policies applicable to
31 those institutions.

32 (c) In fiscal year 2012, any portion of the appropriation for postsecondary
33 tiered technical education state aid that an institution actually receives that is
34 in excess of the amount of community college operating grant or
35 postsecondary aid that the institution received for fiscal year 2011 shall be
36 considered new state funds for purposes of K.S.A. 74-3202d, and amendments
37 thereto.

38 **(d) This section shall take effect and be in force on and after July 1,**
39 **2011.**

40 New Sec. 4. (a) In accordance with deadlines established and published
41 by the state board of regents, the chief administrative officer of each eligible
42 institution shall certify under oath to the state board any information the state
43 board deems necessary to carry out the provisions of sections 1 through 10,

1 and amendments thereto, in such form as required by the state board.

2 **(b) This section shall take effect and be in force on and after July 1,**
3 **2011.**

4 New Sec. 5. **(a)** One-half of the distribution of the appropriation for
5 postsecondary tiered technical education state aid shall be made on August 1,
6 and the remaining one-half shall be made on January 1 of each fiscal year, or
7 as soon thereafter as possible. The state board shall certify, on or before July
8 20 and December 20 of each fiscal year, to the director of accounts and reports
9 the amount due on August 1 or on January 1, as the case may be, to each
10 institution eligible for postsecondary tiered technical education state aid from
11 such appropriation, and the director of accounts and reports shall draw a
12 warrant upon the state treasurer in favor of the eligible institution for such
13 amount. Upon receipt of the warrant, the treasurer of each community college
14 and the institute of technology shall credit the amount of the warrant to the
15 postsecondary technical education fund of the community college or institute,
16 and the treasurer of each technical college shall credit the amount of the
17 warrant to the general operating fund of the technical college.

18 **(b) This section shall take effect and be in force on and after July 1,**
19 **2011.**

20 New Sec. 6. **(a)** No amount of postsecondary tiered technical education
21 state aid shall be based upon any credit hour for which the eligible institution
22 is receiving or eligible to receive state aid for non-tiered course credit hours.

23 **(b) This section shall take effect and be in force on and after July 1,**
24 **2011.**

25 New Sec. 7. **(a)** At any time, if the state board of regents finds that an
26 eligible institution previously approved or deemed approved has failed to
27 comply with the provisions of sections 1 through 10, and amendments thereto,
28 or with any provision of a policy adopted pursuant to sections 1 through 10,
29 and amendments thereto, or otherwise fails to meet the standards contained in
30 sections 1 through 10, and amendments thereto, the state board of regents shall
31 so advise the institution. If such institution fails to correct the deficiency
32 within 12 months from the date such institution was so notified, the state board
33 of regents shall withdraw approval of the institution and the institution shall
34 not be entitled to postsecondary tiered technical education state aid during any
35 such period of withdrawal. Any action of the state board of regents in denying
36 or withdrawing approval of an institution shall be subject to review by the
37 legislature.

38 **(b) This section shall take effect and be in force on and after July 1,**
39 **2011.**

40 New Sec. 8. **(a)** There is hereby established a postsecondary technical
41 education fund in each community college and at Washburn university for the
42 Washburn institute of technology. All moneys received by a community
43 college or for the institute of technology for establishing, conducting,

1 maintaining and administering any technical program shall be deposited in the
2 postsecondary technical education fund, unless required by federal or state law
3 to be deposited in the institution's general fund. The expenses of a community
4 college or the institute of technology that are attributable to career technical
5 education shall be paid from the postsecondary technical education fund.

6 (b) There is hereby established a general operating fund in each technical
7 college budget. All moneys received by a technical college for delivering
8 tiered technical course credit hours and non-tiered course credit hours shall be
9 deposited in the general operating fund of the college. The expenses of a
10 technical college that are attributable to career technical education shall be
11 accounted for separately from the expenses of the college that are not
12 attributable to career technical education.

13 (c) Community colleges, technical colleges and the Washburn institute of
14 technology shall maintain fund accounting procedures as may be necessary to
15 assure proper accounting for funds for career technical education courses,
16 whether received directly from the federal government or any of its agencies,
17 or received through the state or any of its agencies.

18 **(d) This section shall take effect and be in force on and after July 1,**
19 **2011.**

20 New Sec. 9. (a) Any lawful transfer of money from the general fund of
21 a community college or the Washburn institute of technology to the
22 postsecondary technical education fund of such institution shall be an
23 operating expense in the year the transfer is made. The board of any
24 community college or the Washburn institute of technology may transfer
25 moneys from its general fund to its postsecondary technical education fund.
26 Expenditures for career technical education shall not be made from the general
27 fund of a community college or the Washburn institute of technology.

28 **(b) This section shall take effect and be in force on and after July 1,**
29 **2011.**

30 New Sec. 10. (a) The state board may adopt such policies as are
31 necessary or desirable to implement and administer this act.

32 **(b) This section shall take effect and be in force on and after July 1,**
33 **2011.**

34 New Sec. 11. (a) On or before November 1 and on or before March 1 of
35 each year, the chief administrative officer of each technical college shall
36 certify under oath to the state board the total number of duly enrolled credit
37 hours of students of the technical college during the current session who are
38 state residents. Each November 1 and March 1, certification for payment shall
39 set forth separately the credit hour enrollment for preceding sessions and for
40 the current fall session. The state board may require the technical college to
41 furnish any additional information deemed necessary by it to carry out the
42 provisions of sections 11, 12 and K.S.A. 72-4480, and amendments thereto,
43 and shall prescribe such forms and policies as may be necessary for making

1 such reports.

2 **(b) This section shall take effect and be in force on and after July 1,**
3 **2011.**

4 New Sec. 12. (a) If the amount of any appropriation for non-tiered
5 course credit hour grant aid is insufficient to pay in full the amount each
6 technical college is eligible to receive, the amount appropriated shall be
7 prorated among all technical colleges in proportion to the amount each is
8 eligible to receive.

9 (b) If any technical college is paid more than the amount it is eligible to
10 receive, the state board shall notify the technical college of the amount of the
11 overpayment and the technical college shall remit the same to the state board
12 and the state board shall deposit the same in the state treasury to the credit of
13 the general fund, and if any such technical college fails to remit, the state
14 board shall deduct the excess amount so paid from future payments becoming
15 due to such technical college.

16 (c) If any technical college is paid less than the amount it is eligible to
17 receive, the state board shall pay the additional amount due at any time within
18 the fiscal year in which the underpayment was made or within 60 days after
19 the end of such fiscal year.

20 (d) As used in this section, the term "non-tiered course" shall have the
21 same meaning ascribed thereto in section 2, and amendments thereto.

22 **(e) This section shall take effect and be in force on and after July 1,**
23 **2011.**

24 ~~Sec. 13. K.S.A. 71-601 is hereby amended to read as follows: 71-601. (a)~~
25 ~~"Credit hour" means the basic unit of collegiate level instruction, as~~
26 ~~determined by the state board, in a subject or course offered at a level not~~
27 ~~higher than those subjects or courses normally offered to freshmen and~~
28 ~~sophomores in four-year institutions of postsecondary education which subject~~
29 ~~or course is approved by the state board.~~

30 ~~(b) The term "credit hour" does not include within its meaning instruction~~
31 ~~in a subject or course taken by a student enrolled for audit or in any subject or~~
32 ~~course not approved by the state board.~~

33 ~~(c) The state board shall determine whether the subjects and courses~~
34 ~~offered in the community colleges are at the level of freshmen and sophomore~~
35 ~~subjects and courses offered in the state educational institutions and shall not~~
36 ~~approve for funding any subject or course offered at a higher level.~~

37 ~~(b) "Full-time equivalent enrollment" or "FTE enrollment" means the~~
38 ~~quotient obtained by dividing by 30 the total credit hour enrollment in a fiscal~~
39 ~~year of students of a community college who are residents of the state of~~
40 ~~Kansas, or are considered residents of the state of Kansas pursuant to the~~
41 ~~provisions of K.S.A. 71-407, and amendments thereto.~~

42 ~~(c) "State grant" means the operating grant provided for under subsection~~
43 ~~(a) of K.S.A. 71-620, and amendments thereto, and if entitlement is~~

1 determined, the quality performance grant provided for under subsection (b) of
2 K.S.A. 71-620, and amendments thereto:

3 Sec. 14. ~~K.S.A. 71-620 is hereby amended to read as follows: 71-620. (a)~~
4 ~~In each fiscal year, commencing with the 2001-2012 fiscal year, each~~
5 ~~community college is entitled to an operating eligible for a grant from the state~~
6 ~~general fund, in an amount to be determined by the state board, for non-tiered~~
7 ~~course credit hours, as defined in section 2, and amendments thereto,~~
8 ~~approved by the state board and delivered by the community college. The~~
9 ~~method of distribution of such funds shall be established by the state board~~
10 ~~after dialogue with the community college presidents. The state board shall:~~

11 (1) ~~Determine the average amount of moneys from the state general fund~~
12 ~~expended per FTE lower division undergraduate student in the preceding fiscal~~
13 ~~year at the regional state educational institutions;~~

14 (2) (A) ~~in the 2001 fiscal year, compute 50% of the amount determined~~
15 ~~under (1); (B) in the 2002 fiscal year, compute 55% of the amount determined~~
16 ~~under (1); (C) in the 2003 fiscal year, compute 60% of the amount determined~~
17 ~~under (1); in the 2004 fiscal year and in each fiscal year thereafter, compute~~
18 ~~65% of the amount determined under (1);~~

19 (3) ~~determine the total number of FTE students of all the community~~
20 ~~colleges;~~

21 (4) ~~multiply the amount computed under (2) by the total number of FTE~~
22 ~~students determined under (3). Subject to the provisions of subsection (e) of~~
23 ~~K.S.A. 74-3202d, and amendments thereto, the product is the total amount of~~
24 ~~operating grants the community colleges are entitled to receive for the fiscal~~
25 ~~year.~~

26 (5) ~~Each community college which is not an officially designated area~~
27 ~~vocational school shall receive an amount equivalent to the difference between~~
28 ~~credit hour state aid received in the 1999 fiscal year for credit hours in any~~
29 ~~subject or course approved as a vocational education subject or course and 1~~
30 ~~1/6 times the amount of credit hour state aid received in the 1999 fiscal year~~
31 ~~for credit hours in any subject or course approved as a vocational education~~
32 ~~subject or course. The amount determined under this provision shall be~~
33 ~~distributed in equal installments in the 2001 through 2004 fiscal years as a part~~
34 ~~of the community college's operating grant, but shall not be subject to the~~
35 ~~provisions of K.S.A. 71-204, and amendments thereto.~~

36 (6) ~~In each fiscal year, the state board, for the purpose of allocating the~~
37 ~~amount determined under (4) to the community colleges, shall deduct the total~~
38 ~~of the amounts determined under (5) from the amount determined under (4).~~

39 (7) ~~In the 2001 fiscal year, the remaining balance determined under (6)~~
40 ~~shall be allocated to each community college according to the ratio the total~~
41 ~~amount of state aid received by the community college in the 2000 fiscal year~~
42 ~~bears to the total amount of state aid received by all community colleges in the~~
43 ~~2000 fiscal year, subject to adjustments for changes in each community~~

1 college's FTE enrollment from the 2000 fiscal year to the 2001 fiscal year.

2 ~~(8) In the 2002 fiscal year and in each fiscal year thereafter, the remaining~~
3 ~~balance determined under (6) shall be allocated to each community college~~
4 ~~according to the ratio the amount of the operating grant received by the~~
5 ~~community college in the prior fiscal year bears to the total amount of~~
6 ~~operating grants received by all community colleges in the prior fiscal year,~~
7 ~~subject to adjustments for changes in each community college's FTE~~
8 ~~enrollment from the prior fiscal year to the current fiscal year.~~

9 ~~(b) In each fiscal year, commencing with the 2003 fiscal year, each~~
10 ~~community college is eligible to receive a quality performance grant from the~~
11 ~~state general fund. If the state board determines that the community college~~
12 ~~has demonstrated effectiveness in complying with its role and mission~~
13 ~~statement and has met or exceeded the core indicators of quality performance~~
14 ~~for community colleges identified and approved by the state board, the~~
15 ~~community college shall receive a quality performance grant in an amount~~
16 ~~which shall be determined by the state board by computing 2% of the amount~~
17 ~~of the operating grant the community college received in the preceding fiscal~~
18 ~~year. The computed amount is the amount of the quality performance grant the~~
19 ~~community college shall receive for the fiscal year. No amount of grant under~~
20 ~~this section shall be based upon any credit hour for which the community~~
21 ~~college is receiving or is eligible to receive postsecondary tiered technical~~
22 ~~education state aid in accordance with section 3, and amendments thereto.~~
23 ~~Only the credit hours of students who are residents of the state of Kansas~~
24 ~~enrolled in courses for postsecondary credit shall be considered for funding.~~

25 ~~(c) For the purposes of this section, the FTE enrollment of the community~~
26 ~~college shall be based on: (1) Enrollment of students who are residents of the~~
27 ~~state of Kansas, or are considered residents of the state of Kansas pursuant to~~
28 ~~the provisions of K.S.A. 71-407, and amendments thereto; and (2) the greater~~
29 ~~of FTE enrollment of the community college in the current fiscal year or FTE~~
30 ~~enrollment in the preceding fiscal year. For purposes of this section, residency~~
31 ~~for all community college students shall be determined in accordance with~~
32 ~~K.S.A. 71-406 and 71-407, and amendments thereto.~~

33 ~~(d) As used in this section, the term regional state educational institutions~~
34 ~~means Emporia state university, Fort Hays state university and Pittsburg state~~
35 ~~university and the term lower division undergraduate student means a~~
36 ~~freshman or sophomore.~~

37 ~~Sec. 15. K.S.A. 72-4480 is hereby amended to read as follows: 72-4480.~~

38 ~~(a) In each fiscal year, commencing with the 2012 fiscal year, each technical~~
39 ~~college, as defined in section 2, and amendments thereto, is eligible for a grant~~
40 ~~from the state general fund, in an amount to be determined by the state board~~
41 ~~of regents, for non-tiered course credit hours, as defined in section 2, and~~
42 ~~amendments thereto, approved by the state board and delivered by the~~
43 ~~technical college. The method of distribution of such funds shall be~~

1 ~~established by the state board after dialogue with the technical college-~~
2 ~~presidents.~~

3 ~~(b) No amount of grant under this section shall be based upon any credit~~
4 ~~hour for which the technical college is receiving or is eligible to receive~~
5 ~~postsecondary tiered technical education state aid in accordance with section~~
6 ~~3, and amendments thereto. Only the credit hours of students who are~~
7 ~~residents of the state of Kansas enrolled in courses for postsecondary credit~~
8 ~~shall be considered for funding.~~

9 ~~(c) The state board of regents shall identify and approve core indicators~~
10 ~~of quality performance for vocational education schools and technical colleges~~
11 ~~and shall establish and implement a data management system that includes a~~
12 ~~process and format for collecting, aggregating and reporting common and~~
13 ~~institution-specific information documenting effectiveness of the schools and~~
14 ~~colleges in meeting the role and mission thereof.~~

15 ~~(b) In each fiscal year, commencing with the 2003 fiscal year, each~~
16 ~~vocational education school and technical college is eligible to receive a~~
17 ~~quality performance grant from the state general fund. If the state board~~
18 ~~determines that the school or college has demonstrated effectiveness in~~
19 ~~complying with its role and mission statement and has met or exceeded the~~
20 ~~core indicators of quality performance for vocational education schools and~~
21 ~~technical colleges identified and approved by the state board, the school or~~
22 ~~college shall receive a quality performance grant in an amount which shall be~~
23 ~~determined by the state board by computing 2% of the amount of~~
24 ~~postsecondary aid the school or college received in the preceding fiscal year.~~
25 ~~The computed amount is the amount of the quality performance grant the~~
26 ~~school or college shall receive for the fiscal year.~~

27 ~~(c) (d) One-half of the distribution of the appropriation for quality-~~
28 ~~performance grants under this section to vocational education schools and~~
29 ~~technical colleges entitled to eligible for such grants shall be made at a time to~~
30 ~~be determined by the state board on August 1, and the remaining one-half~~
31 ~~shall be made on January 1 of each fiscal year, or as soon thereafter as~~
32 ~~possible. The state board shall certify, on or before July 20 and December 20~~
33 ~~of each fiscal year, to the director of accounts and reports the amount due on~~
34 ~~August 1 or January 1, as the case may be, to each vocational education school~~
35 ~~and technical college entitled to eligible for a grant, and the director of~~
36 ~~accounts and reports shall draw a warrant upon the state treasurer in favor of~~
37 ~~the school or technical college for such amount. Upon receipt of the warrant,~~
38 ~~the treasurer of the school or technical college shall credit the amount of the~~
39 ~~warrant to the general fund of the technical college.~~

40 **Sec. 13.** On July 1, 2011, K.S.A. 71-601, as amended by section 18 of
41 this act, is hereby amended to read as follows: 71-601. (a) "Credit hour" means
42 the basic unit of collegiate level instruction, as determined by the state board,
43 in a subject or course offered at a level not higher than those subjects or

1 ~~courses normally offered to freshmen and sophomores in four-year institutions~~
2 ~~of postsecondary education which subject or course is approved by the state~~
3 ~~board. Credit hour-~~

4 ~~(b) The term "credit hour" does not include within its meaning~~
5 ~~instruction in a subject or course taken by a student enrolled for audit or~~
6 ~~in any subject or course not approved by the state board.~~

7 ~~(c) The state board shall determine whether the subjects and courses~~
8 ~~offered in the community colleges are at the level of freshmen and~~
9 ~~sophomore subjects and courses offered in the state educational~~
10 ~~institutions and shall not approve for funding any subject or course offered~~
11 ~~at a higher level.~~

12 ~~(b) "Full-time equivalent enrollment" or "FTE enrollment" means the~~
13 ~~quotient obtained by dividing by 30 the total credit hour enrollment in a fiscal~~
14 ~~year of students of a community college who are residents of the state of~~
15 ~~Kansas, or are considered residents of the state of Kansas pursuant to the~~
16 ~~provisions of K.S.A. 71-407, and amendments thereto.~~

17 ~~(c) "State operating grant" means the community college operating grant~~
18 ~~provided for under subsection (a) of K.S.A. 71-620, and amendments thereto,~~
19 ~~and if eligibility is determined, the quality performance grant provided for~~
20 ~~under subsection (b) of K.S.A. 71-620, and amendments thereto.~~

21 Sec. 14. On July 1, 2011, K.S.A. 71-620, as amended by section 24 of
22 this act, is hereby amended to read as follows: 71-620. (a) In each fiscal year,
23 commencing with the 2001 2012 fiscal year, each community college is
24 eligible to receive an operating for a grant from the state general fund in an
25 amount to be determined by the state board, for non-tiered course credit hours,
26 as defined in section 2, and amendments thereto, approved by the state board
27 and delivered by the community college. The method of distribution of such
28 funds shall be established by the state board after dialogue with the
29 community college presidents. The state board shall:

30 ~~(1) Determine the average amount of moneys from the state general fund~~
31 ~~expended per FTE lower division undergraduate student in the preceding fiscal~~
32 ~~year at the regional state educational institutions;~~

33 ~~(2) (A) in the 2001 fiscal year, compute 50% of the amount determined~~
34 ~~under (1); (B) in the 2002 fiscal year, compute 55% of the amount determined~~
35 ~~under (1); (C) in the 2003 fiscal year, compute 60% of the amount determined~~
36 ~~under (1); (D) in the 2004 fiscal year and in each fiscal year thereafter,~~
37 ~~compute 65% of the amount determined under (1);~~

38 ~~(3) determine the total number of FTE students of all the community~~
39 ~~colleges;~~

40 ~~(4) multiply the amount computed under (2) by the total number of FTE~~
41 ~~students determined under (3). Subject to the provisions of subsection (c) of~~
42 ~~K.S.A. 74-3202d, and amendments thereto, the product is the total amount of~~
43 ~~operating grants the community colleges are entitled to receive for the fiscal~~

1 year.

2 ~~(5) In the 2002 fiscal year and in each fiscal year thereafter, the amount~~
3 ~~determined under (4) shall be allocated to each community college according~~
4 ~~to the ratio the amount of the operating grant received by the community~~
5 ~~college in the prior fiscal year bears to the total amount of operating grants~~
6 ~~received by all community colleges in the prior fiscal year, subject to~~
7 ~~adjustments for changes in each community college's FTE enrollment from the~~
8 ~~prior fiscal year to the current fiscal year.~~

9 ~~(b) In each fiscal year, commencing with the 2003 fiscal year, each~~
10 ~~community college is eligible to receive a quality performance grant from the~~
11 ~~state general fund. If the state board determines that the community college~~
12 ~~has demonstrated effectiveness in complying with its role and mission~~
13 ~~statement and has met or exceeded the core indicators of quality performance~~
14 ~~for community colleges identified and approved by the state board, the~~
15 ~~community college shall receive a quality performance grant in an amount~~
16 ~~which shall be determined by the state board by computing 2% of the amount~~
17 ~~of the operating grant the community college received in the preceding fiscal~~
18 ~~year. The computed amount is the amount of the quality performance grant the~~
19 ~~community college shall receive for the fiscal year. No amount of grant under~~
20 ~~this section shall be based upon any credit hour for which the community~~
21 ~~college is receiving or is eligible to receive postsecondary tiered technical~~
22 ~~education state aid in accordance with section 3, and amendments thereto.~~
23 ~~Only the credit hours of students who are residents of the state of Kansas~~
24 ~~enrolled in courses for postsecondary credit shall be considered for funding.~~

25 ~~(c) For the purposes of this section, the FTE enrollment of the community~~
26 ~~college shall be based on: (1) Enrollment of students who are residents of the~~
27 ~~state of Kansas, or are considered residents of the state of Kansas pursuant to~~
28 ~~the provisions of K.S.A. 71-407, and amendments thereto; and (2) the greater~~
29 ~~of FTE enrollment of the community college in the current fiscal year or FTE~~
30 ~~enrollment in the preceding fiscal year. For purposes of this section, residency~~
31 ~~for all community college students shall be determined in accordance with~~
32 ~~K.S.A. 71-406 and 71-407, and amendments thereto.~~

33 ~~(d) As used in this section, the term "regional state educational~~
34 ~~institutions" means Emporia state university, Fort Hays state university and~~
35 ~~Pittsburg state university and the term "lower division undergraduate student"~~
36 ~~means a freshman or sophomore.~~

37 **Sec. 15.** On July 1, 2011, K.S.A. 72-4480, as amended by section 39 of
38 this act, is hereby amended to read as follows: 72-4480. (a) In each fiscal year,
39 commencing with the 2012 fiscal year, each technical college, as defined in
40 section 2, and amendments thereto, is eligible for a grant from the state
41 general fund, in an amount to be determined by the state board of regents, for
42 non-tiered course credit hours, as defined in section 2, and amendments
43 thereto, approved by the state board and delivered by the technical college.

1 *The method of distribution of such funds shall be established by the state*
2 *board after dialogue with the technical college presidents.*

3 *(b) No amount of grant under this section shall be based upon any credit*
4 *hour for which the technical college is receiving or is eligible to receive*
5 *postsecondary tiered technical education state aid in accordance with section*
6 *3, and amendments thereto. Only the credit hours of students who are*
7 *residents of the state of Kansas enrolled in courses for postsecondary credit*
8 *shall be considered for funding.*

9 ~~(a)~~ *(c) The state board of regents shall identify and approve core indicators*
10 *of quality performance for technical colleges and shall establish and*
11 *implement a data management system that includes a process and format for*
12 *collecting, aggregating and reporting common and institution-specific*
13 *information documenting effectiveness of the colleges in meeting the role and*
14 *mission thereof.*

15 ~~(b)~~ *In each fiscal year, commencing with the 2003 fiscal year, each*
16 *technical college is eligible to receive a quality performance grant from the*
17 *state general fund. If the state board determines that the college has*
18 *demonstrated effectiveness in complying with its role and mission statement*
19 *and has met or exceeded the core indicators of quality performance for*
20 *technical colleges identified and approved by the state board, the college shall*
21 *receive a quality performance grant in an amount which shall be determined*
22 *by the state board by computing 2% of the amount of state aid the college*
23 *received in the preceding fiscal year. The computed amount is the amount of*
24 *the quality performance grant the college shall receive for the fiscal year.*

25 ~~(e)~~ *(d) The One-half of the distribution of the appropriation for quality*
26 *performance grants under this section to technical colleges entitled to eligible*
27 *for such grants shall be made at a time to be determined by the state board. On*
28 *August 1, and the remaining one half shall be made on January 1 of each*
29 *fiscal year, or as soon thereafter as possible. The state board shall certify, on*
30 *or before July 20 and December 20 of each fiscal year to the director of*
31 *accounts and reports the amount due on August 1 or January 1, as the case*
32 *may be, to each technical college entitled to eligible for a grant, and the*
33 *director of accounts and reports shall draw a warrant upon the state treasurer in*
34 *favor of the technical college for such amount. Upon receipt of the warrant,*
35 *the treasurer of the technical college shall credit the amount of the warrant to*
36 *the general fund of the technical college.*

37 Sec. 16. K.S.A. 72-6503 is hereby amended to read as follows: 72-6503.

38 *(a) Except to the extent provided in subsection (4), in each fiscal year, the*
39 *university is entitled to an operating grant from the state general fund in an*
40 *amount to be determined by the state board. The state board shall:*

41 *(1) Determine the average amount of moneys from the state general fund*
42 *expended per FTE lower division undergraduate student in the preceding fiscal*
43 *year at the regional state educational institutions;*

1 (2) (A) in the 2002 fiscal year, compute 55% of the amount determined
2 under (1); (B) in the 2003 fiscal year, compute 60% of the amount determined
3 under (1); (C) in the 2004 fiscal year and in each fiscal year thereafter,
4 compute 65% of the amount determined under (1);

5 (3) multiply the amount computed under (2) by the number of FTE
6 students of the university. Subject to the provisions of subsection (e) of K.S.A.
7 74-3202d, and amendments thereto, the product is the amount of the operating
8 grant the university is entitled to receive for the fiscal year.

9 (4) *Notwithstanding the foregoing provisions, no amount of the*
10 *university's operating grant shall be based upon any credit hour for which the*
11 *university or its affiliated institute of technology is receiving or is eligible to*
12 *receive postsecondary tiered technical education state aid in accordance with*
13 *section 3, and amendments thereto.*

14 ~~(b) In each fiscal year, commencing with the 2003 fiscal year, the~~
15 ~~university is eligible to receive a quality performance grant from the state~~
16 ~~general fund. If the state board determines that the university has demonstrated~~
17 ~~effectiveness in complying with its mission and goals statement and has met or~~
18 ~~exceeded the core indicators of quality performance identified and approved~~
19 ~~for the university by the state board, the university shall receive a quality~~
20 ~~performance grant in an amount which shall be determined by the state board~~
21 ~~by computing 2% of the amount of the operating grant the university received~~
22 ~~in the preceding fiscal year. The computed amount is the amount of the quality~~
23 ~~performance grant the university shall receive for the fiscal year.~~

24 (e) (1) For the purposes of this section, the FTE enrollment of the
25 university shall be based on: (A) Enrollment of students who are residents of
26 the state of Kansas; and (B) the greater of FTE enrollment in the second or
27 third fiscal year preceding the fiscal year for which the appropriation for the
28 operating grant is made.

29 (2) As used in this section, the term "regional state educational
30 institutions" means Emporia state university, Fort Hays state university and
31 Pittsburg state university, and the term "lower division undergraduate student"
32 means a freshman or sophomore.

33 ~~(d)~~ (c) Moneys received as state grants from the state general fund shall
34 not be expended for the purpose of expansion of graduate programs or for the
35 purpose of expansion of off-campus programs without the prior approval of
36 the state board.

37 **Sec. 17. K.S.A. 2010 Supp. 71-201 is hereby amended to read as**
38 **follows: 71-201. (a) The board of trustees, in accordance with the**
39 **provisions of law and the rules and regulations of the state board of**
40 **regents, shall have custody of and be responsible for the property of the**
41 **community college and shall be responsible for the operation,**
42 **management and control of the college. The board of trustees shall hold at**
43 **least one regular meeting each month at a time prescribed by the board.**

1 The board shall make an annual report in the manner prescribed by the
2 state board of regents. Members of the board of trustees shall be paid
3 subsistence allowances, mileage and other actual and necessary expenses
4 incurred in the performance of their official duties.

5 (b) For effectuation of the purposes of this act, the board of trustees
6 in addition to such other powers expressly granted to it by law and subject
7 to the rules and regulations of the state board of regents is hereby granted
8 the following powers:

9 (1) To select its own chairperson and such other officers as it may
10 deem desirable, from among its own membership. The secretary may be
11 chief administrative officer of the college.

12 (2) To sue and be sued.

13 (3) To determine the educational program of the college subject to
14 prior approval thereof as provided in this act and to grant certificates of
15 completion of courses or curriculum.

16 (4) To appoint and fix the compensation and term of office of a
17 president or chief administrative officer of the college.

18 (5) To appoint upon nomination of the president or the chief
19 administrative officer members of the administrative and teaching staffs,
20 to fix and determine within state adopted standards their specifications,
21 define their duties, and to fix their compensation and terms of
22 employment. No community college teacher shall be required to meet
23 licensure requirements greater than those required in the state
24 educational institutions.

25 (6) Upon recommendation of the chief administrative officer, to
26 appoint or employ such other officers of the college, agents and employees
27 as may be required to carry out the provisions of law and to fix and
28 determine within state adopted standards their qualifications, duties,
29 compensation, terms of office or employment and all other items and
30 conditions of employment.

31 (7) To enter into contracts.

32 (8) To accept from any government or governmental agency, or from
33 any other public or private body, or from any other source, grants or
34 contributions of money or property which the board may use for or in aid
35 of any of its purposes.

36 (9) To acquire by gift, purchase, lease-purchase, condemnation or
37 otherwise, and to own, lease, use and operate property, whether real,
38 personal, or mixed, or any interest therein, which is necessary or desirable
39 for community college purposes. Any lease-purchase agreement entered
40 into under authority of this subsection shall be subject to the conditions
41 set forth in K.S.A. 10-1116c, and amendments thereto. The term of any
42 lease entered into under authority of this subsection may be for not to
43 exceed 10 years. Such lease may provide for annual or other payment of

1 rent or rental fees and may obligate the community college to payment of
2 maintenance or other expenses. Any lease or lease-purchase agreement
3 entered into under authority of this subsection shall be subject to change
4 or termination at any time by the legislature. Any assignment of rights in
5 any lease or lease-purchase made under this subsection shall contain a
6 citation of this section and a recitation that the lease or lease-purchase
7 agreement and assignment thereof are subject to change or termination
8 by the legislature. To the extent that the provisions of the cash-basis and
9 budget laws conflict with this subsection in such a manner as to prevent
10 the intention of this subsection from being made effective, the provisions
11 of this subsection shall control. This provision is subject to the provisions
12 of subsection (d).

13 (10) To enter into lease agreements as lessor of any property, whether
14 real, personal, or mixed, which is owned or controlled by the community
15 college. Any such agreement may specify the purposes for which the
16 property may be used, require that the property be maintained and
17 operated by the lessee, and may contain such restrictions or limitations on
18 the use of the property, be entered into for such period of time, and
19 include such other terms and conditions as the board of trustees
20 determines to be necessary and proper. Every such agreement shall be
21 subject to change or termination at any time by the legislature. Any
22 assignment of rights under any such agreement shall be subject to
23 approval by the board of trustees and shall contain a citation of this
24 section and a recitation that the lease agreement and assignment of rights
25 thereunder are subject to change or termination by the legislature.

26 (11) To determine that any property owned by the college is no longer
27 necessary for college purposes and to dispose of the same in such manner
28 and upon such terms and conditions as provided by law.

29 (12) To exercise the right of eminent domain, pursuant to chapter 26
30 of Kansas Statutes Annotated.

31 (13) To make and promulgate such rules and regulations, not
32 inconsistent with the provisions of law or with rules and regulations of the
33 state board of regents, that are necessary and proper for the
34 administration and operation of the community college, and for the
35 conduct of the business of the board of trustees.

36 (14) To exercise all other powers not inconsistent with the provisions
37 of law or with the rules and regulations of the state board of regents which
38 may be reasonably necessary or incidental to the establishment,
39 maintenance and operation of a community college.

40 (15) To appoint a member to fill any vacancy on the board of trustees
41 for the balance of the unexpired term. When a vacancy occurs, the board
42 shall publish a notice one time in a newspaper having general circulation
43 in the community college district stating that the vacancy has occurred

1 and that it will be filled by appointment by the board not sooner than 15
2 days after such publication.

3 (16) To contract with one or more agencies, either public or private,
4 whether located within or outside the community college district or
5 whether located within or outside the state of Kansas for the conduct by
6 any such agencies of ~~academic or vocational~~ education for students of the
7 community college, and to provide for the payment to any such agencies
8 for their contracted educational services from any funds or moneys of the
9 community college, including funds or moneys received from student
10 tuition and fees, funds received from the state of Kansas or the United
11 States for ~~academic or vocational~~ education, or taxes collected under K.S.A.
12 71-204, and amendments thereto. Any contract made under this
13 subsection with an institution of another state shall be subject to the
14 provisions of K.S.A. 71-202, and amendments thereto.

15 (17) To authorize by resolution the establishment of a petty cash fund
16 in an amount not to exceed \$1,000, and to designate in such resolution an
17 employee to maintain such petty cash fund. The employee designated in
18 any resolution provided for in this subsection receiving such funds shall
19 keep a record of all receipts and expenditures from the fund, and shall
20 from time to time, and at the end of the fiscal year, prepare a statement
21 for the board showing all receipts, expenditures, and the balance in the
22 petty cash fund. The board of trustees may authorize the employee
23 designated to maintain any petty cash fund to make a claim for
24 replenishment of the fund to its original amount in advance of approval
25 by the board of trustees if, at any time during the period between regular
26 monthly meetings of the board of trustees, the balance remaining in the
27 fund is insufficient to make needed expenditures for any purpose for
28 which the petty cash fund is maintained. No petty cash fund may be
29 replenished more than one time during each period between regular
30 monthly meetings of the board of trustees. If a petty cash fund is
31 replenished prior to the end of the fiscal year in accordance with the
32 foregoing authorization, the employee authorized to maintain the petty
33 cash fund shall keep an accurate record of all expenditures made
34 therefrom, and the purpose therefor, and shall submit the record to the
35 board of trustees at the next regular monthly meeting thereof. The petty
36 cash fund shall be replenished by payment from the appropriate funds of
37 the community college to the petty cash fund upon proper claim. The fund
38 shall be kept separate from all other funds and shall be used only for
39 authorized expenditures and itemized receipts shall be taken for each
40 expenditure. No part of such fund may be loaned or advanced against the
41 salary of an employee. All employees entrusted with such funds under this
42 subsection shall be bonded by the community college district.

43 (c) Subject to the provisions of subsection (d), the board of trustees

1 may purchase or otherwise acquire land or land and improvements and
2 may acquire, construct, reconstruct, repair or remodel improvements
3 thereon or additions thereto, including furnishings, equipment, and
4 architectural and incidental expense related thereto, and for such
5 purposes the board of trustees is authorized to issue and sell general
6 obligation bonds, the cumulative total not to exceed the following
7 amounts: Where the community college district has a taxable tangible
8 valuation of less than \$90,000,000 or is located in a county designated as
9 urban under the provisions of K.S.A. 19-3524, and amendments thereto,
10 not to exceed 5% of the taxable tangible property of the community
11 college district, and where the community college district has a taxable
12 tangible valuation of more than \$90,000,000 not to exceed 3% except as
13 provided above for any community college district located in a county
14 designated as urban under the provisions of K.S.A. 19-3524, and
15 amendments thereto, of the taxable tangible property of the community
16 college district. If any increase in the valuation of a community college
17 district results in an outstanding bonded indebtedness in excess of that
18 provided in this subsection, such increase shall not constitute a violation
19 of this subsection. No such bonds shall be issued until the question of their
20 issuance shall have been submitted to a vote of the electors of the
21 community college district at a regular election or at a special election
22 called for that purpose and the majority of the electors voting on the
23 proposition in such community college district shall have voted in favor of
24 the issuance of the bonds. Such election shall be called, noticed and held
25 and the bonds issued, sold, delivered and retired in accordance with the
26 provisions of the general bond law except as herein otherwise expressly
27 provided.

28 (d) The board of trustees of a community college may purchase or
29 otherwise acquire land or land and improvements within: (1) The
30 community college district; or (2) the service area of the community
31 college. Nothing in this subsection shall be construed or operate in any
32 manner to require a board of trustees to sell, convey or otherwise dispose
33 of land or land and improvements located outside the community college
34 district or the service area of the community college and owned or being
35 acquired by the community college on the effective date of this act.

36 For the purposes of this subsection, "service area" means *a* designated
37 geographic area of the state established pursuant to agreement of the
38 presidents of the community colleges and adopted in policy by the state
39 board of regents.

40 Sec. 18. K.S.A. 71-601 is hereby amended to read as follows: 71-601.

41 (a) "Credit hour" means the basic unit of collegiate level instruction, as
42 determined by the state board, in a subject or course offered at a level not
43 higher than those subjects or courses normally offered to freshmen and

1 sophomores in four-year institutions of postsecondary education which
2 subject or course is approved by the state board. Credit hour does not
3 include within its meaning instruction in a subject or course taken by a
4 student enrolled for audit or in any subject or course not approved by the
5 state board. The state board shall determine whether the subjects and
6 courses offered in the community colleges are at the level of freshmen and
7 sophomore subjects and courses offered in the state educational
8 institutions and shall not approve any subject or course offered at a
9 higher level.

10 (b) "Full-time equivalent enrollment" or "FTE enrollment" means
11 the quotient obtained by dividing by 30 the total credit hour enrollment in
12 a fiscal year of students of a community college who are residents of the
13 state of Kansas, or are considered residents of the state of Kansas
14 pursuant to the provisions of K.S.A. 71-407, and amendments thereto.

15 (c) "State operating grant" means the community college operating grant
16 provided for under subsection (a) of K.S.A. 71-620, and amendments thereto,
17 and if ~~entitlement~~ eligibility is determined, the quality performance grant
18 provided for under subsection (b) of K.S.A. 71-620, and amendments thereto.

19 **Sec. 19. K.S.A. 71-604 is hereby amended to read as follows: 71-604.**

20 (a) **If the amount of any appropriation for state ~~entitlements~~ aid is**
21 **insufficient to pay in full the amount each community college is ~~entitled~~**
22 **otherwise eligible to receive, the amount appropriated shall be prorated among**
23 **all community colleges in proportion to the amount each is ~~entitled~~ eligible to**
24 **receive.**

25 (b) **If any community college is paid more than the amount it is**
26 **entitled eligible to receive, the state board shall notify the community**
27 **college of the amount of the overpayment and the community college shall**
28 **remit the same to the state board and the state board shall deposit the**
29 **same in the state treasury to the credit of the general fund, and if any such**
30 **community college fails so to remit, the state board shall deduct the excess**
31 **amount so paid from future payments becoming due to such community**
32 **college.**

33 (c) **If any community college is paid less than the amount it is ~~entitled~~**
34 **eligible to receive, the state board shall pay the additional amount due at**
35 **any time within the fiscal year in which the underpayment was made or**
36 **within 60 days after the end of such fiscal year.**

37 **Sec. 20. K.S.A. 71-609 is hereby amended to read as follows: 71-609.**

38 (a) **No amount of a state ~~entitlement~~ funding shall be based upon enrollment**
39 **in any subject or course the principal part of which is taught at a location**
40 **outside the county of the main campus of the community college, unless the**
41 **location of such subject or course is specifically authorized by the state board**
42 **of regents.**

43 (b) (1) **No amount of a ~~entitlement~~ funding shall be based upon**

1 enrollment in any subject or course which is taught in a county in which the
 2 main campus of a state educational institution is located, unless the teaching of
 3 such subject or course is specifically authorized by the chief executive officer
 4 of the state educational institution or by a designee of the chief executive
 5 officer. The chief executive officer of each state educational institution may
 6 designate and authorize a person or committee to act on behalf of the chief
 7 executive officer in granting the authorizations required by this subsection.

8 **(2) For the purposes of this subsection, the term "main campus of a**
 9 **state educational institution" as applied to Kansas state university of**
 10 **agriculture and applied science means and includes the campus of the**
 11 **university located in Riley county and the campus of the university's**
 12 **college of technology located in Saline county.**

13 **Sec. 21. K.S.A. 71-609a is hereby amended to read as follows: 71-**
 14 **609a. No amount of the state** entitlement operating grant of a community
 15 college shall be based upon any course or program if such course or program
 16 is taught in an area vocational school, an area vocational-technical school, or a
 17 technical college under an agreement with such community college and for
 18 which payments of state or federal moneys are made to the area vocational
 19 school, the area vocational-technical school, or the technical college under
 20 the provisions of article 44 of chapter 72 of Kansas Statutes Annotated: *credit*
 21 *hour for which the community college is receiving or is eligible to receive*
 22 *postsecondary tiered technical education state aid.*

23 **Sec. 22. K.S.A. 71-613 is hereby amended to read as follows: 71-613.**
 24 **(a) The vocational education fund of a community college, established by**
 25 **K.S.A. 72-4424, and amendments thereto, which statutory section shall**
 26 **expire on June 30, 2000, is hereby continued in existence in each**
 27 **community college, and shall be known as the career technical education**
 28 **fund.** All moneys received by a community college for establishing,
 29 conducting, maintaining and administering any vocational education *career*
 30 *technical* program authorized under article 44 of chapter 72 of Kansas Statutes
 31 Annotated approved by the state board of regents shall be deposited in the
 32 *vocational career technical* education fund, unless required to be deposited in
 33 the general fund. The expenses of a community college attributable to
 34 *vocational career technical* education shall be paid from the *vocational career*
 35 *technical* education fund.

36 **(b) Community colleges shall maintain fund accounting procedures**
 37 **as may be necessary to assure proper accounting for federal funds for**
 38 ***vocational career technical* education special projects, whether received**
 39 **directly from the federal government or any of its agencies, or received**
 40 **through the state or any of its agencies.**

41 **Sec. 23. K.S.A. 71-614 is hereby amended to read as follows: 71-614.**
 42 **Any lawful transfer of money from the general fund of a community**
 43 **college to the *vocational career technical* education fund, adult education**

1 fund, adult supplementary education fund or motorcycle driver safety fund
2 shall be an operating expense in the year the transfer is made. The board of
3 trustees of any community college may transfer moneys from its general fund
4 to its ~~vocational~~ *career technical* education fund, adult education fund, adult
5 supplementary education fund or motorcycle driver safety fund. Expenditures
6 for ~~vocational~~ *career technical* education, adult basic education, adult
7 supplementary education and motorcycle driver safety shall not be made from
8 the general fund of a community college.

9 **Sec. 24. K.S.A. 71-620 is hereby amended to read as follows: 71-620.**

10 **(a) In each fiscal year, commencing with the 2001 fiscal year, each**
11 **community college is entitled eligible to receive an operating grant from the**
12 **state general fund in an amount to be determined by the state board. The state**
13 **board shall:**

14 **(1) Determine the average amount of moneys from the state general**
15 **fund expended per FTE lower division undergraduate student in the**
16 **preceding fiscal year at the regional state educational institutions;**

17 **(2) (A) in the 2001 fiscal year, compute 50% of the amount**
18 **determined under (1); (B) in the 2002 fiscal year, compute 55% of the**
19 **amount determined under (1); (C) in the 2003 fiscal year, compute 60% of**
20 **the amount determined under (1); (D) in the 2004 fiscal year and in each**
21 **fiscal year thereafter, compute 65% of the amount determined under (1);**

22 **(3) determine the total number of FTE students of all the community**
23 **colleges;**

24 **(4) multiply the amount computed under (2) by the total number of**
25 **FTE students determined under (3). Subject to the provisions of**
26 **subsection (e) of K.S.A. 74-3202d, and amendments thereto, the product is**
27 **the total amount of operating grants the community colleges are entitled**
28 **to receive for the fiscal year.**

29 ~~(5) Each community college which is not an officially designated area~~
30 ~~vocational school shall receive an amount equivalent to the difference between~~
31 ~~credit hour state aid received in the 1999 fiscal year for credit hours in any~~
32 ~~subject or course approved as a vocational education subject or course and 1~~
33 ~~1/6 times the amount of credit hour state aid received in the 1999 fiscal year~~
34 ~~for credit hours in any subject or course approved as a vocational education~~
35 ~~subject or course. The amount determined under this provision shall be~~
36 ~~distributed in equal installments in the 2001 through 2004 fiscal years as a part~~
37 ~~of the community college's operating grant, but shall not be subject to the~~
38 ~~provisions of K.S.A. 71-204, and amendments thereto.~~

39 ~~(6) In each fiscal year, the state board, for the purpose of allocating the~~
40 ~~amount determined under (4) to the community colleges, shall deduct the total~~
41 ~~of the amounts determined under (5) from the amount determined under (4).~~

42 ~~(7) In the 2001 fiscal year, the remaining balance determined under (6)~~
43 ~~shall be allocated to each community college according to the ratio the total~~

1 amount of state aid received by the community college in the 2000 fiscal year
2 bears to the total amount of state aid received by all community colleges in the
3 2000 fiscal year, subject to adjustments for changes in each community
4 college's FTE enrollment from the 2000 fiscal year to the 2001 fiscal year.

5 ~~(8)~~ (5) In the 2002 fiscal year and in each fiscal year thereafter, the
6 remaining balance amount determined under ~~(6)~~ (4) shall be allocated to each
7 community college according to the ratio the amount of the operating grant
8 received by the community college in the prior fiscal year bears to the total
9 amount of operating grants received by all community colleges in the prior
10 fiscal year, subject to adjustments for changes in each community college's
11 FTE enrollment from the prior fiscal year to the current fiscal year.

12 (b) **In each fiscal year, commencing with the 2003 fiscal year, each**
13 **community college is eligible to receive a quality performance grant from**
14 **the state general fund. If the state board determines that the community**
15 **college has demonstrated effectiveness in complying with its role and**
16 **mission statement and has met or exceeded the core indicators of quality**
17 **performance for community colleges identified and approved by the state**
18 **board, the community college shall receive a quality performance grant in**
19 **an amount which shall be determined by the state board by computing**
20 **2% of the amount of the operating grant the community college received**
21 **in the preceding fiscal year. The computed amount is the amount of the**
22 **quality performance grant the community college shall receive for the**
23 **fiscal year.**

24 (c) **For the purposes of this section, the FTE enrollment of the**
25 **community college shall be based on: (1) Enrollment of students who are**
26 **residents of the state of Kansas, or are considered residents of the state of**
27 **Kansas pursuant to the provisions of K.S.A. 71-407, and amendments**
28 **thereto; and (2) the greater of FTE enrollment of the community college**
29 **in the current fiscal year or FTE enrollment in the preceding fiscal year.**

30 (d) **As used in this section, the term "regional state educational**
31 **institutions" means Emporia state university, Fort Hays state university**
32 **and Pittsburg state university and the term "lower division**
33 **undergraduate student" means a freshman or sophomore.**

34 **Sec. 25. K.S.A. 71-701 is hereby amended to read as follows: 71-701.**
35 **As used in this act:**

36 (a) *"Board of trustees" means the governing body of a community*
37 *college.*

38 (b) *"Campus" means the location of all or part of the buildings and*
39 *facilities of a community college.*

40 (c) *"Chief administrative officer" means the president or one so*
41 *appointed by the board of trustees.*

42 ~~(a)~~ (d) **"Community college" means a public community college**
43 **established under the provisions of this act. The official name of a**

1 **community college shall be "the _____ community college" and the**
2 **blank shall be filled with the name of the city or county.**

3 ~~(b) "State board" means the state board of regents.~~

4 **(c) (e) "Community college district" means the taxing district of a**
5 **community college.**

6 ~~(d) "Board of trustees" means the governing body of a community~~
7 ~~college.~~

8 ~~(e) "State plan" means the plan adopted for community colleges as~~
9 ~~provided by law, and such plan as it is from time to time amended by the state~~
10 ~~board upon recommendation of the advisory council; such plan may include~~
11 ~~other matters listed in the community college act and acts amendatory thereof,~~
12 ~~or supplemental thereto.~~

13 ~~(f) "Campus" means the location of all or part of the buildings and~~
14 ~~facilities of a community college.~~

15 ~~(g) "Advisory council" means the advisory council provided for by~~
16 ~~K.S.A. 71-901, and amendments thereto.~~

17 ~~(f) "State board" means the state board of regents.~~

18 **(h) (g) "Student tuition" means the charge made to and paid by**
19 **students for the privilege of attending a community college and**
20 **participating in the institutional program.**

21 ~~(i) "Chief administrative officer" means the president or one so appointed~~
22 ~~by the board of trustees.~~

23 **Sec. 26. K.S.A. 71-802 is hereby amended to read as follows: 71-802.**
24 **At any time, if the state board of regents finds that a community college**
25 **previously approved or deemed approved has failed to comply with the**
26 **provisions of this act or with any provision of a rule or regulation adopted**
27 **pursuant to this act, or fails to meet the standards contained in this act,**
28 **the state board of regents shall so advise the board of trustees. If after 12**
29 **calendar months after any such notification such board of trustees has**
30 **failed to correct the deficiency noted, the state board of regents shall**
31 **withdraw approval of the community college and it shall not be entitled to**
32 **eligible for state aid during the continuance of any such period of**
33 **withdrawal. Any action of the state board of regents in granting, denying**
34 **or withdrawing approval of a community college shall be subject to**
35 **review by the legislature.**

36 **Sec. 27. K.S.A. 71-1201 is hereby amended to read as follows: 71-**
37 **1201. Territory may be added to any community college district which has**
38 **been established under this act either by deemed approval or by election**
39 **approval by one of the following methods:**

40 **(a) The board of education of any unified district a part of which is in**
41 **the community college district or which touches and adjoins a community**
42 **college district may petition the state board for attachment of the territory**
43 **of such unified district to the community college district for community**

1 **college purposes. Upon receiving any petition under this subsection, the**
2 **same shall be submitted** to the advisory council for its advice and
3 ~~recommendations which, together with the petition, shall be presented~~ to the
4 state board. After considering the petition, the state board may approve such
5 attachment, ~~if the advisory council has so recommended.~~ If the advisory
6 council has not so recommended . The state board ~~shall so inform~~ *may seek*
7 *the recommendation* of the board of trustees of the community college
8 involved ~~and may request its recommendation~~ as to such attachment. If such
9 request is made and if such board of trustees recommends such attachment, the
10 same may be approved by the state board. Upon granting any approval for
11 attachment of territory the state board shall so inform the county election
12 officers of counties in which the territory to be attached is located, and such
13 county election officers shall conduct an election for approval for such
14 attachment in the area petitioned for attachment. Such election shall be
15 conducted in accordance with the procedure for approval for establishment of
16 a community college as specified in this act. The question submitted shall be:
17 "Shall the proposed attachment of territory to the _____ community
18 college district be approved?", and the blank shall be filled with the name of
19 the community college. The expenses of the election shall be paid by the
20 community college. In the event that such attachment is so approved by such
21 election the state board shall issue an order attaching the same to the
22 community college district. The provisions of subsection (b) of K.S.A. 71-
23 1102, and amendments thereto, shall also apply to this subsection.

24 **(b) Any board of trustees may petition the state board for the**
25 **attachment of any adjoining territory to the community college district.**
26 **Such petition shall be processed as** *set forth* in subsection (a) ~~of this section,~~
27 ~~except that in the event of disapproval by the advisory council the state board~~
28 shall so inform the board of trustees and in such case such attachment shall not
29 be made. If the advisory council state board approves such petition, the state
30 board shall notify the county election officers of counties in which the territory
31 to be attached is located, and such county election officers shall conduct an
32 election for approval of such attachment in the area petitioned for attachment.
33 No attachment of territory shall be made under this subsection unless such
34 attachment has been approved by a majority of those voting in the territory to
35 be attached. Such election shall be conducted in accordance with the procedure
36 for approval of the establishment of community colleges as specified in this
37 act. The question submitted shall be: "Shall the proposed attachment of
38 territory to the _____ community college district be approved?", and the
39 blank shall be filled with the name of the community college. In the event that
40 such attachment is so approved by such election the state board shall issue an
41 order attaching the same to the community college district. The expenses of
42 the election shall be paid by the community college.

43 **(c) No territory shall be attached to any community college district**

1 within 120 days prior to the general election of members of the board of
2 trustees.

3 (d) If the community college attaching territory under subsection (a)
4 or (b) has member district method of election, no approval thereof shall be
5 given by the state board and no proposition for approval thereof shall be
6 submitted to any election until new proposed member districts for the
7 community college territory as the same will exist after the addition of
8 territory have been established by the state board.

9 Sec. 28. K.S.A. 2010 Supp. 71-1507 is hereby amended to read as
10 follows: 71-1507. (a) The board of trustees of any community college and
11 the board of any area vocational school or area vocational technical school
12 technical college or the institute of technology at Washburn university, may
13 make and enter into agreements providing for the transfer from the ~~area~~
14 ~~vocational school or area vocational-technical school~~ technical college or the
15 institute of technology to the community college of any approved career
16 technical education program being offered and taught at the postsecondary
17 level in the area vocational school or ~~area vocational-technical school.~~
18 technical college or the institute of technology.

19 (b) ~~In the event the board of trustees of a community college and the~~
20 ~~board of an area vocational school or area vocational-technical school~~ any
21 technical college or the institute of technology at Washburn university **enter**
22 **into an agreement authorized under subsection (a), the following**
23 **conditions shall apply:**

24 (1) The state board of regents shall be notified of the agreement at
25 the time the agreement is executed.

26 (2) The agreement shall be effective only after approval by the state
27 board of regents.

28 (3) Any career technical education program transferred in
29 accordance with the agreement shall be offered and taught in the
30 community college only after approval of the program by the state board
31 of regents.

32 (4) The agreement shall be subject to change or termination by the
33 legislature.

34 (5) (A) The duration of the agreement shall be perpetual unless
35 terminated in accordance with provision (B).

36 (B) Termination of the agreement may be accomplished only upon
37 approval by the state board of regents of a joint petition to it for
38 termination by the contracting boards after adoption of a resolution to
39 that effect by each such board. The state board of regents shall consider
40 the petition and approve or disapprove termination of the agreement.
41 Upon termination of the agreement, any program transferred thereunder
42 shall be discontinued.

43 Sec. 29. K.S.A. 2010 Supp. 72-4412 is hereby amended to read as

1 follows: 72-4412. As used in this act:

2 (a) "Associate of applied science degree program" means a program that
3 is offered and maintained by a technical college, composed of career technical
4 and general education courses of instruction for which individuals may earn
5 college credit, designed to prepare individuals for gainful employment in
6 technical or technological occupations requiring other than a baccalaureate
7 or advanced degree or to qualify individuals for transfer to another college or
8 university and, after satisfactory completion of the requirements for
9 graduation, results in the conferral of an associate of applied science degree.
10 For the purpose of awarding college credit for completion of coursework
11 leading to the conferral of an associate of applied science degree, the state
12 board of regents shall determine the number of clock hours of instruction in
13 general education courses or career technical education courses which shall
14 be equivalent to a credit hour.

15 ~~(a) (b) "Board" means the board of education of any school district, the~~
16 ~~board of trustees of any community college, the board of regents of any~~
17 ~~municipal university, the board of control of any area vocational technical~~
18 ~~school, the governing body of any technical college, or the chief executive~~
19 ~~officer of any state educational institution.~~

20 ~~(b) "Area vocational school" means any vocational education school~~
21 ~~established under authority of the laws of this state, approved and officially~~
22 ~~designated as an area vocational school by the state board, and operated under~~
23 ~~any board. Any area vocational school, except for purposes of the construction~~
24 ~~of this act, may retain and use the name given to such school prior to the~~
25 ~~effective date of this act, even though such name includes the words "area~~
26 ~~vocational-technical school."~~

27 ~~(c) "Area vocational-technical school" means any vocational education~~
28 ~~school which was classified as a type II area vocational-technical school under~~
29 ~~authority of former laws or which is established and classified as a type II area~~
30 ~~vocational-technical school under authority of this act. The school to which~~
31 ~~this definition applies is the Southeast Kansas area vocational-technical~~
32 ~~school.~~

33 ~~The state board may adopt special rules and regulations applicable to the~~
34 ~~conduct, operation and administration of area vocational-technical schools.~~
35 ~~Nothing in this act shall be construed to authorize the establishment or~~
36 ~~operation of any area vocational-technical school not specifically designated in~~
37 ~~this subsection.~~

38 (c) "Career technical education" means organized educational programs
39 offering a sequence of courses which are directly related to the preparation of
40 individuals in paid or unpaid employment in current or emerging occupations
41 requiring other than a baccalaureate or advanced degree. Such programs
42 shall include competency-based applied learning which contributes to an
43 individual's academic knowledge, higher-order reasoning, and problem-

1 *solving skills, work attitudes, general employability skills, and the*
2 *occupational-specific skills necessary for economic independence as a*
3 *productive and contributing member of society. The term "career technical*
4 *education" also includes technology education and career and technical*
5 *education as referenced in the Carl D. Perkins career and technical education*
6 *act of 2006.*

7 ~~(d)~~—"School district" means any school district organized under the laws
8 of this state.

9 ~~(e)~~ (d) **"Community college" means any community college organized**
10 **and operating under the laws of this state.**

11 (e) *"Institute of technology" or "Washburn institute of technology" means*
12 *the institute of technology at Washburn university.*

13 (f) **"Municipal university" means a municipal university established**
14 **under the provisions of article 13a of chapter 13 of Kansas Statutes**
15 **Annotated.**

16 (g) *"School district" means any school district organized under the laws*
17 *of this state.*

18 (h) *"School year" means the 12-month period ending on June 30.*

19 (i) *"State board" means the state board of regents.*

20 ~~(g)~~ (j) **"State educational institution" means the university of Kansas,**
21 **Kansas state university of agriculture and applied science, Wichita state**
22 **university, Emporia state university, Pittsburg state university and Fort**
23 **Hays state university.**

24 (k) *"State plan" means a document or set of documents, together with*
25 *attachments and supplements thereto, containing such provisions as are*
26 *authorized by this act and required by the Carl D. Perkins career and*
27 *technical education act of 2006, and acts amendatory thereof or supplemental*
28 *thereto.*

29 ~~(h)~~ (l) **"Technical college" means an educational institution that**
30 **formerly was an area vocational school or an area vocational-technical**
31 **school and that has been converted to, established as, and officially**
32 **designated a technical college under authority of this act.**

33 (i) ~~"State board" means the state board of regents.~~

34 (j) ~~"School year" means the twelve-month period ending on June 30.~~

35 ~~(k) "Career technical education" means organized educational programs~~
36 ~~offering a sequence of courses which are directly related to the preparation of~~
37 ~~individuals in paid or unpaid employment in current or emerging occupations~~
38 ~~requiring other than a baccalaureate or advanced degree. Such programs shall~~
39 ~~include competency-based applied learning which contributes to an~~
40 ~~individual's academic knowledge, higher-order reasoning, and problem-~~
41 ~~solving skills, work attitudes, general employability skills, and the~~
42 ~~occupational-specific skills necessary for economic independence as a~~
43 ~~productive and contributing member of society. The term "career technical~~

1 education" also includes technology education and career and technical
 2 education as referenced in the Carl D. Perkins career and technical education
 3 act of 2006.

4 (†) (m) "Technology education" means an applied discipline designed
 5 to promote technological literacy which provides knowledge and
 6 understanding of the impacts of technology including its organizations,
 7 techniques, tools and skills to solve practical problems and extend human
 8 capabilities in technological areas.

9 (m) "State plan" means a document or set of documents, together with
 10 attachments and supplements thereto, containing such provisions as are
 11 authorized by this act and required by the Carl D. Perkins career and technical
 12 education act of 2006, and acts amendatory thereof or supplemental thereto.

13 (n) "Associate of applied science degree program" means a program that
 14 is offered and maintained by a technical college, composed of career technical
 15 and general education courses of instruction for which individuals may earn
 16 college credit, designed to prepare individuals for gainful employment in
 17 technical or technological occupations requiring other than a baccalaureate or
 18 advanced degree or to qualify individuals for transfer to another college or
 19 university and, after satisfactory completion of the requirements for
 20 graduation, results in the conferral of an associate of applied science degree.
 21 For the purpose of awarding college credit for completion of coursework
 22 leading to the conferral of an associate of applied science degree, the state
 23 board of regents shall determine the number of clock hours of instruction in
 24 general education courses or career technical education courses which shall be
 25 equivalent to a credit hour.

26 **Sec. 30. K.S.A. 2010 Supp. 72-4415 is hereby amended to read as**
 27 **follows: 72-4415. The state board shall be responsible for the allocation**
 28 **and distribution of the state and federal funds for career and technical**
 29 **education provided for pursuant to the Carl D. Perkins career and technical**
 30 **education act of 2006 in accordance with the state plan. Moneys allocated and**
 31 **distributed under the provisions of this section shall be expended only in**
 32 **accordance with and for the purposes specified in federal or state law or the**
 33 **state plan. Payments under this act may be made in installments and in**
 34 **advance or by way of reimbursement, with necessary adjustments on account**
 35 **of overpayments or underpayments. Federal funds for career and technical**
 36 **education shall be deposited in the state treasury.**

37 **Sec. 31. K.S.A. 72-4440 is hereby amended to read as follows: 72-**
 38 **4440. As used in this act:**

39 (a) "Area vocational school," "area vocational-technical school,"
 40 "Board," "state board," and "school year" and "technical college" have the
 41 meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments
 42 thereto.

43 (b) "Operating budget" shall have the meaning ascribed thereto in K.S.A.

1 72-4430, and amendments thereto.

2 (e) ~~"School" means any area vocational school and any area vocational-~~
3 ~~technical school.~~

4 ~~(d) "Vocational-~~(b) "Career technical education capital outlay aid"
5 means state financial aid distributed under this act by the state board to a
6 school an eligible institution for the purpose of construction, reconstruction,
7 repair, remodeling, additions to, furnishing and equipping of school buildings,
8 architectural expenses incidental thereto, the acquisition of buildings for
9 school purposes and school building sites and the acquisition of equipment.

10 (c) "Eligible institution" or "institution" means any technical college,
11 Coffeyville community college, Cowley county community college, Dodge City
12 community college, Highland community college, Hutchinson community
13 college, Johnson county community college, Kansas City, Kansas community
14 college, Pratt community college, Seward county community college and the
15 institute of technology at Washburn university.

16 **Sec. 32. K.S.A. 72-4441 is hereby amended to read as follows: 72-**
17 **4441. (a) There is hereby established in every area vocational-technical**
18 **school eligible institution a fund which shall be called the "vocational career**
19 **technical education capital outlay fund," which fund shall consist of all**
20 **moneys deposited therein or transferred thereto according to law. All moneys**
21 **received by an area vocational-technical school eligible institution from**
22 **distributions made under this act shall be credited to the vocational career**
23 **technical education capital outlay fund.**

24 **(b) Any moneys received, prior to or after the effective date of this**
25 **act, by an area vocational-technical school eligible institution from donations,**
26 **gifts, grants or bequests, subject to any terms or conditions to the contrary**
27 **imposed by the donor thereof, may be transferred to or deposited in the**
28 **vocational career technical education capital outlay fund and may be**
29 **expended by the area vocational-technical school institution for any purpose**
30 **for which vocational career technical education capital outlay aid may**
31 **lawfully be expended.**

32 **Sec. 33. K.S.A. 72-4442 is hereby amended to read as follows: 72-**
33 **4442. The amount of vocational career technical education capital outlay aid**
34 **for each school eligible institution shall be determined by the state board on**
35 **the basis of need and the condition of existing facilities and equipment and**
36 **payments thereof shall be distributed on payment dates to be determined by**
37 **the state board. The state board shall certify to the director of accounts and**
38 **reports the amount due as vocational career technical education capital outlay**
39 **aid to each school eligible institution five days before each payment date. The**
40 **director of accounts and reports shall draw warrants on the state treasurer**
41 **payable to the treasurer of each school entitled to institution eligible for**
42 **payment of vocational career technical education capital outlay aid, pursuant**
43 **to vouchers approved by the state board or by a person or persons designated**

1 by the state board. Upon receipt of such warrant, the treasurer of each ~~area~~
 2 ~~vocational school shall deposit the amount thereof to the credit of the area~~
 3 ~~vocational school fund. The treasurer of each area vocational technical school~~
 4 ~~eligible insitution~~ shall deposit the amount of such warrant to the credit of the
 5 ~~vocational~~ *career technical* education capital outlay fund established by this
 6 act.

7 **In the event any school eligible institution** is paid more than it is entitled
 8 to receive under any distribution made under this act, the state board shall
 9 notify the ~~school~~ *institution* of the amount of such overpayment, and such
 10 ~~school~~ *institution* shall remit the same to the state board. The state board shall
 11 remit any moneys so received to the state treasurer in accordance with the
 12 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each
 13 such remittance, the state treasurer shall deposit the entire amount in the state
 14 treasury to the credit of the state general fund. If any such ~~school~~ *institution*
 15 fails ~~so~~ to remit, the state board shall deduct the excess amounts so paid from
 16 future payments becoming due to such ~~school~~ *institution*. In the event any
 17 ~~school~~ *institution* is paid less than the amount to which it is entitled under any
 18 distribution made under this act, the state board shall pay the additional
 19 amount due at any time within the ~~school~~ *academic* year in which the
 20 underpayment was made or within 60 days after the end of such ~~school~~
 21 *academic* year.

22 **Sec. 34. K.S.A. 2010 Supp. 72-4450 is hereby amended to read as**
 23 **follows: 72-4450. As used in this act:**

24 (a) "Career technical education program" means a program of
 25 vocational or technical training or retraining which is operated at the
 26 postsecondary level and is designed to prepare persons for gainful
 27 employment.

28 (b) "Career technical education institution" means any ~~area~~
 29 ~~vocational school, area vocational-technical school,~~ technical college,
 30 community college, municipal university, or any state educational
 31 institution which operates one or more career technical education
 32 programs.

33 (c) ~~"Area vocational school," "area vocational-technical school,"~~
 34 "Community college," "institute of technology," "municipal university,"
 35 "state educational institution," "technical college," and "state board"
 36 have the meanings respectively ascribed thereto in K.S.A. 72-4412, and
 37 amendments thereto.

38 (d) "Private postsecondary educational institution" and "out-of-state
 39 postsecondary educational institution" have the meanings ascribed
 40 thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.

41 (e) "Program" means the Kansas training information program
 42 established by this act.

43 **Sec. 35. K.S.A. 72-4453 is hereby amended to read as follows: 72-**

1 4453. (a) The board of trustees of every community college and the
2 governing board of every ~~area vocational school or area vocational technical~~
3 ~~school~~ *technical college and the institute of technology* shall make and enter
4 into agreements providing the transferability of substantially equivalent
5 courses of study and programs which are offered at such educational
6 institutions in order to facilitate the articulation of students to and among
7 such educational institutions.

8 (b) The following conditions shall apply to the agreements required
9 under subsection (a):

10 (1) The state board of regents shall be notified of the agreement at
11 the time the agreement is executed; and

12 (2) the agreement shall be effective only after approval by the state
13 board of regents.

14 (c) The state board of regents shall prescribe criteria or guidelines for
15 the purpose of determining which courses of study and programs offered
16 in the ~~area vocational schools and area vocational technical schools~~ *technical*
17 *colleges and the institute of technology* are: (1) Substantially equivalent to
18 courses of study and programs offered in the community colleges; and (2)
19 transferable to the community colleges. ~~A current, complete list of such~~
20 ~~courses of study and programs shall be maintained on file in the office of the~~
21 ~~state board of regents and shall be open for public inspection at any reasonable~~
22 ~~time.~~

23 Sec. 36. K.S.A. 72-4454 is hereby amended to read as follows: 72-
24 4454. The state board of regents shall adopt a policy requiring articulation
25 agreements among ~~area vocational schools, area vocational technical schools,~~
26 community colleges, technical colleges, *the institute of technology* and state
27 educational institutions providing for the transferability of substantially
28 equivalent courses of study and programs which are offered at ~~area vocational~~
29 ~~schools, area vocational technical schools,~~ community colleges, technical
30 colleges, *the institute of technology* and state educational institutions in order
31 to facilitate articulation of students in technical programs to and among ~~area~~
32 ~~vocational schools, area vocational technical schools,~~ community colleges,
33 technical colleges, the institute of technology and state educational
34 institutions.

35 Sec. 37. K.S.A. 2010 Supp. 72-4466 is hereby amended to read as
36 follows: 72-4466. As used in this act:

37 (a) ~~"Area vocational school", "area vocational technical school", and~~
38 ~~"Community college," "technical college" and "institute of technology"~~
39 ~~have the meanings respectively ascribed thereto in K.S.A. 72-4412, and~~
40 ~~amendments thereto.~~

41 (b) "Career technical education institution" means any ~~area~~
42 ~~vocational school, area vocational technical school or~~ community college,
43 *technical college or the institute of technology.*

1 (c) "Board" means the state board of regents.

2 (d) "Program" means Kansas technology innovation and internship
3 program.

4 **Sec. 38. K.S.A. 2010 Supp. 72-4470a is hereby amended to read as**
5 **follows: 72-4470a. (a)** ~~On or before July 1, 2005, All technical college boards~~
6 ~~shall develop and present to the state board of regents a plan to replace the~~
7 ~~governing body described in K.S.A. 72-4470, and amendments thereto, with a~~
8 ~~new~~ *establish and maintain a plan for a governing board, which shall be*
9 *separate and independent of any board of education of any school district, to*
10 *operate, control and manage the technical college. The plan shall include, but*
11 *not be limited to, provisions relating to:*

12 (1) **The composition of the independent governing board;**

13 (2) **the territory of the technical college. If the territory of the**
14 **technical college includes more than one county, the plan shall designate a**
15 **home county;**

16 (3) **the method of election or appointment and the terms of service of**
17 **the members of the independent governing board;**

18 (4) **the date upon which the independent governing board shall**
19 **assume management and control of the technical college;**

20 (5) **the manner, terms upon which and extent to which the facilities,**
21 **will be transferred to the independent governing board and the division of**
22 **other assets and indebtedness and other liabilities; and**

23 (6) **the manner and terms upon which faculty, employees and**
24 **students will be transferred to the independent governing board. Subject**
25 **to the provisions of K.S.A. 2010 Supp. 72-4478, and amendments thereto,**
26 **such provisions shall specify terms of employment and address other**
27 **personnel matters.**

28 (b) (1) ~~Upon approval of the plan by the state board of regents and the~~
29 ~~governing body of the technical college which submitted the plan, and~~ *On the*
30 *date determined in the approved plan, the independent governing board*
31 *established under subsection (a) of this section shall operate subject to the*
32 *rules, regulations and supervision of the state board of regents in the same*
33 *manner as other technical colleges, technical schools and area vocational*
34 *technical schools. Any amendments to the plan shall be submitted to the state*
35 *board of regents for approval.*

36 (2) ~~After June 30, 2007, if the governing body of the technical college~~
37 ~~and the state board of regents have not approved a plan submitted pursuant to~~
38 ~~subsection (a), the state board of regents shall have the power to approve the~~
39 ~~plan and upon such approval and on the date determined in the approved plan,~~
40 ~~the independent governing board established pursuant to subsection (a) shall~~
41 ~~operate subject to the rules, regulations and supervision of the state board of~~
42 ~~regents in the same manner as other technical colleges, technical schools and~~
43 ~~area vocational technical schools.~~

1 (c) In addition to such other powers expressly granted by law and
2 subject to the provisions of subsection (b), the governing board shall have
3 the power to:

4 (1) Determine the career technical and general education courses of
5 instruction that will comprise the associate of applied science degree
6 programs of the college;

7 (2) establish the requirements for satisfactory completion of the
8 associate of applied science degree programs of the college;

9 (3) confer the associate of applied science degree upon students who
10 successfully complete an associate of applied science degree program of
11 the college and to award a certificate or diploma to students who
12 successfully complete a career technical education program of the college;

13 (4) appoint teaching staff and fix and determine teacher
14 qualifications, duties and compensation. No teacher appointed to teach
15 courses comprising the associate of applied science degree programs of
16 the college shall be required to meet licensure requirements greater than
17 those required in the state educational institutions;

18 (5) have custody of, and be responsible for, the property of the college
19 and be responsible for the operation, management and control of the
20 college;

21 (6) select a chairperson and such other officers as it deems desirable,
22 from its membership;

23 (7) sue and be sued;

24 (8) appoint and fix the compensation and term of office of a president
25 or chief administrative officer of the college;

26 (9) fix and determine, within state adopted standards, all other
27 employees' qualifications, duties, compensation and all other items and
28 conditions of employment;

29 (10) enter into contracts;

30 (11) accept any gifts, grants or donations;

31 (12) acquire and dispose of real or personal property;

32 (13) enter into lease agreements as lessor of any property owned or
33 controlled by the college;

34 (14) adopt any rules and regulations, not inconsistent with any law or
35 any rules and regulations of the state board of regents, which are
36 necessary for the administration and operation of the college or for the
37 conduct of business of the governing board;

38 (15) contract with one or more agencies, either public or private,
39 whether located within or outside the territory of the college or whether
40 located within or outside the state of Kansas, for the conduct by any such
41 agency of academic or career technical education for students of the
42 college and to provide for the payment to any such agency for the
43 contracted educational services from any funds or moneys of the college,

1 including funds or moneys received from student tuition and fees;

2 (16) appoint as its resident agent for the purpose of service of
3 process, either the president of the technical college or the chairperson of
4 the governing board, or both;

5 (17) take any other action, not inconsistent with any law or any rules
6 and regulations of the state board of regents, which is necessary or
7 incidental to the establishment, operation and maintenance of the college;

8 (18) issue bonds for capital improvement projects, enter into bond
9 covenants and take such ancillary action as the governing board approves,
10 relating thereto, except that such bonds shall not be secured by a pledge of
11 any property tax revenues of the technical college; and

12 (19) enter into agreements with counties relating to funding for
13 capital improvement projects at technical colleges; and

14 (20) fix different rates per hour of tuition, fees and charges for the
15 different postsecondary programs administered by such board.

16 Sec. 39. K.S.A. 72-4480 is hereby amended to read as follows: 72-
17 4480. (a) The state board of regents shall identify and approve core
18 indicators of quality performance for ~~vocational education schools and~~
19 technical colleges and shall establish and implement a data management
20 system that includes a process and format for collecting, aggregating and
21 reporting common and institution-specific information documenting
22 effectiveness of the ~~schools and~~ colleges in meeting the role and mission
23 thereof.

24 (b) In each fiscal year, commencing with the 2003 fiscal year, each
25 vocational education school and technical college is eligible to receive a
26 quality performance grant from the state general fund. If the state board
27 determines that the school or college has demonstrated effectiveness in
28 complying with its role and mission statement and has met or exceeded the
29 core indicators of quality performance for vocational education schools and
30 technical colleges identified and approved by the state board, the school or
31 college shall receive a quality performance grant in an amount which shall be
32 determined by the state board by computing 2% of the amount of
33 postsecondary aid state aid the school or college received in the preceding
34 fiscal year. The computed amount is the amount of the quality performance
35 grant the school or college shall receive for the fiscal year.

36 (c) The distribution of the appropriation for quality performance
37 grants to vocational education schools and technical colleges entitled to such
38 grants shall be made at a time to be determined by the state board. The state
39 board shall certify to the director of accounts and reports the amount due to
40 each vocational education school and technical college entitled to a grant, and
41 the director of accounts and reports shall draw a warrant upon the state
42 treasurer in favor of the school or college for such amount. Upon receipt of the
43 warrant, the treasurer of the school or college shall credit the amount of the

1 warrant to the general fund.

2 **Sec. 40. K.S.A. 72-6214 is hereby amended to read as follows: 72-**
 3 **6214. (a) As used in this section, the following terms shall have the**
 4 **meanings respectively ascribed to them unless the context requires**
 5 **otherwise:**

6 (1) "Board" means the state board of regents, the state board of
 7 education, the board of trustees of any public community junior college,
 8 the board of regents of any municipal university, ~~the board of control of any~~
 9 ~~area vocational-technical school~~ *the governing board of any technical college*
 10 and the board of education of any school district.

11 (2) "Student" means a person who has attained ~~eighteen (18)-18~~ years
 12 of age, or is attending an institution of postsecondary education.

13 (3) "Pupil" means a person who has not attained ~~eighteen (18)-18~~
 14 years of age and is attending an educational institution below the
 15 postsecondary level.

16 (b) Every board shall adopt a policy in accordance with applicable
 17 federal laws and regulations to protect the right of privacy of any student,
 18 or pupil and ~~his or her~~ *such pupil's* family regarding personally identifiable
 19 records, files and data directly related to such student or pupil. The
 20 board shall adopt and implement procedures to effectuate such policy by
 21 January 1, 1977. Such procedures shall provide for: (1) Means by which
 22 any student or parent of a pupil, as the case may be, may inspect and
 23 review any records or files directly related to the student or pupil; and (2)
 24 restricting the accessibility and availability of any personally identifiable
 25 records or files of any student or pupil and preventing disclosure thereof
 26 unless made upon written consent of such student or parent of such pupil,
 27 as the case may be. To the extent that any other provision of law conflicts
 28 with this section, this section shall control.

29 **Sec. 41. K.S.A. 2010 Supp. 73-1217 is hereby amended to read as**
 30 **follows: 73-1217. The board of trustees of every community college, the**
 31 **board of regents of Washburn university of Topeka, ~~the board of control of~~**
 32 **~~every area vocational school~~ *governing board of every technical college* and**
 33 ***the governing body of every other institution of post-high school education***
 34 ***which is supported by any state moneys shall provide for enrollment without***
 35 ***charge of tuition or fees for any dependent of a prisoner of war or a person***
 36 ***missing in action, so long as such dependent is eligible, but not to exceed 12***
 37 ***semesters of instruction or the equivalent thereof at all such institutions for any***
 38 ***person if the person started such instruction prior to July 1, 2005, or 10***
 39 ***semesters if the person started such instruction on or after July 1, 2005. Once a***
 40 ***person qualifies as a dependent under the terms and provisions of this act, no***
 41 ***occurrence, such as the return of the dependent's ~~father~~ *parent* or ~~his~~ *such****
 42 ***parent's* reported death, shall disqualify the dependent from the provisions or**
 43 **benefits of this act. The state board of regents, the board of trustees of any**

1 community college, or the governing body of any other institution which
2 grants tuition for fees without charge to a dependent under this act may file a
3 claim with the ~~Kansas veterans' commission~~ *Kansas commission on veterans*
4 *affairs* for reimbursement of the amount of such tuition or fees. The ~~Kansas~~
5 ~~veterans' commission~~ *Kansas commission on veterans affairs* shall administer
6 this act and qualifications of persons as dependents shall be determined by
7 such commission. Such commission may adopt rules and regulations making
8 more specific the definitions herein contained and for the administration of
9 this act.

10 **Sec. 42. K.S.A. 73-1218 is hereby amended to read as follows: 73-**
11 **1218. The state board of regents, the board of trustees of every**
12 **community junior college, the board of regents of Washburn university of**
13 **Topeka, the board of every area vocational school, the board of control of**
14 **every area vocational technical school *governing board of every technical***
15 **college and the governing body of every other institution of post-high school**
16 **education which is supported by any state moneys shall provide for enrollment**
17 **without charge of tuition or fees for any dependent of a person who died as the**
18 **result of a service-connected disability suffered during the Vietnam conflict as**
19 **a result of such conflict, so long as such dependent is eligible, but not to**
20 **exceed ~~twelve (12)~~ 12 semesters of instruction or the equivalent thereof at all**
21 **such institutions for any person. Once a person qualifies as a dependent under**
22 **the terms and provisions of this act, no occurrence, such as the return of the**
23 **dependent's father or mother, shall disqualify the dependent from the**
24 **provisions or benefits of this act. The governing body of every institution of**
25 **post-high school education which is supported by any state moneys and which**
26 **grants tuition or fees without charge to a dependent under this act may file a**
27 **claim with the Kansas ~~veterans' commission on veterans affairs~~ for**
28 **reimbursement of the amount of such tuition or fees. The Kansas ~~veterans'~~**
29 **commission *on veterans affairs* shall administer this act and the qualification**
30 **of persons as dependents shall be determined by such commission. Such**
31 **commission may adopt rules and regulations making more specific the**
32 **definition herein contained and for the administration of this act.**

33 **"Dependent" as used in this act shall mean any child born to, legally**
34 **adopted by, or in the legal custody of a person who was a resident of the**
35 **state of Kansas at the time such person entered service of the United**
36 **States armed forces and who, while serving in said U. S. armed forces in**
37 **the geographical area of the Vietnam conflict, has been declared to be a**
38 **person who died as the result of a service-connected disability suffered**
39 **during the Vietnam conflict as a result of such conflict.**

40 **Sec. 43. K.S.A. 2010 Supp. 74-3201b is hereby amended to read as**
41 **follows: 74-3201b. As used in the Kansas higher education coordination**
42 **act:**

43 (a) "Adult basic education program" and "adult supplementary education

1 program" have the meanings respectively ascribed thereto in K.S.A. 72-4517,
2 and amendments thereto.

3 (b) ~~"Community college" means any community college established~~
4 ~~under the laws of this state.~~

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

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

9 (e) ~~"Postsecondary educational institution" means any public university,~~
10 ~~municipal university, community college and technical college, and includes~~
11 ~~any entity resulting from the consolidation or affiliation of any two or more of~~
12 ~~such postsecondary educational institutions.~~

13 (f) ~~"Private postsecondary educational institution" and "out-of-state~~
14 ~~postsecondary educational institution" have the meanings ascribed thereto in~~
15 ~~K.S.A. 2010 Supp. 74-32,163, and amendments thereto.~~

16 (g) ~~"Public university" means any state educational institution.~~

17 (h) ~~"Representative of a postsecondary educational institution" means any~~
18 ~~person who is the holder of an associate degree, a bachelor's degree, or a~~
19 ~~certificate of completion awarded by a postsecondary educational institution.~~

20 (a) (i) **"State board of regents" or "state board" means the state**
21 **board of regents provided for in the constitution of this state and**
22 **established by K.S.A. 74-3202a, and amendments thereto, except as**
23 **otherwise specifically provided in this act.**

24 (b) (j) **"State educational institution" means any state educational**
25 **institution, as defined in K.S.A. 76-711, and amendments thereto.**

26 (e) ~~"Municipal university" means Washburn university of Topeka or any~~
27 ~~other municipal university established under the laws of this state.~~

28 (d) ~~"Community college" means any community college established~~
29 ~~under the laws of this state.~~

30 (e) (k) ~~"Technical college" means any technical college established under~~
31 ~~the laws of this state.~~

32 (f) ~~"Career technical education school" means any area vocational school~~
33 ~~or area vocational technical school established under the laws of this state.~~

34 (g) ~~"Public university" means any state educational institution.~~

35 (h) ~~"Postsecondary educational institution" means any public university,~~
36 ~~municipal university, community college, technical college and career~~
37 ~~technical education school, and includes any entity resulting from the~~
38 ~~consolidation or affiliation of any two or more of such postsecondary~~
39 ~~educational institutions.~~

40 (i) ~~"Private postsecondary educational institution" and "out-of-state~~
41 ~~postsecondary educational institution" have the meanings ascribed thereto in~~
42 ~~K.S.A. 2010 Supp. 74-32,163, and amendments thereto.~~

43 (j) ~~"Adult basic education program" and "adult supplementary education~~

1 program" have the meanings respectively ascribed thereto in K.S.A. 72-4517,
2 and amendments thereto.

3 (k) "~~Representative of a postsecondary educational institution~~" means any
4 person who is the holder of an associate degree, a bachelor's degree, or a
5 certificate of completion awarded by a postsecondary educational institution.

6 **Sec. 44. K.S.A. 2010 Supp. 74-32,146 is hereby amended to read as**
7 **follows: 74-32,146. As used in the Kansas national guard educational**
8 **assistance act:**

9 (a) "**Kansas educational institution**" means and includes ~~area~~
10 ~~vocational schools, area vocational-technical schools,~~ **community colleges,**
11 **the municipal university, state educational institutions, technical colleges,**
12 *the institute of technology at Washburn university* and accredited
13 independent institutions.

14 (b) "**Eligible guard member**" means a newly enlisted or reenlisted
15 member of the Kansas national guard with not more than 20 years of
16 service and who is enrolled at a Kansas educational institution. The term
17 eligible guard member does not include within its meaning any member of
18 the Kansas national guard who is the holder of a baccalaureate or higher
19 academic degree, who does not hold a high school diploma or general
20 educational development (GED) credentials, or who is entitled to federal
21 educational benefits earned by membership in the Kansas national guard,
22 except financial assistance under the federal education assistance
23 program (FEAP) for members of the selected reserve.

24 (c) "**Kansas national guard educational assistance program**" or
25 "**program**" means the program established pursuant to the provisions of
26 the Kansas national guard educational assistance act.

27 (d) "**Educational program**" means a program which is offered and
28 maintained by a Kansas educational institution and leads to the award of
29 a certificate, diploma or degree upon satisfactory completion of course
30 work requirements.

31 **Sec. 45. K.S.A. 2010 Supp. 74-32,151 is hereby amended to read as**
32 **follows: 74-32,151. (a) This section and K.S.A. 74-32,152 through 74-**
33 **32,159, and amendments thereto, shall be known and may be cited as the**
34 **workforce development loan program act.**

35 (b) As used in the workforce development loan act, "**postsecondary**
36 **educational institution**" shall have the meaning ascribed thereto by K.S.A.
37 74-3201b, and amendments thereto.

38 (c) Within the limits of appropriations and private contributions
39 therefor, and in accordance with the provisions of this act, the state board
40 of regents may award such loans to Kansas residents who are enrolled in
41 or admitted to an ~~area vocational-technical school,~~ a technical college,
42 community college, ~~vocational school coordinated under the state board of~~
43 regents *the institute of technology at Washburn university* or associate degree

1 programs at postsecondary educational institutions and who enter into a
2 written agreement with the state board of regents as provided in K.S.A. 74-
3 32,152, and amendments thereto.

4 **(d) The board of regents may accept any private contributions to the**
5 **program. The chief executive officer of the board of regents shall turn**
6 **such contributions over to the state treasurer who shall deposit such**
7 **moneys into the workforce development loan fund.**

8 **(e) After consultation with the secretaries of the departments of social**
9 **and rehabilitation services and commerce, the board may establish a list**
10 **of education programs in which an applicant must enroll to be eligible for**
11 **a loan under this program.**

12 **(f) The loans shall be awarded on a priority basis to qualified**
13 **applicants who have the greatest financial need with the highest priority**
14 **given to those applicants with the greatest financial need who were in**
15 **foster care on their 18th birthday or were released from foster care prior**
16 **to their 18th birthday after having graduated from high school or**
17 **completing the requirements for a general educational development**
18 **(GED) certificate while in foster care. All loans shall be awarded to**
19 **resident students attending area vocational technical schools, technical**
20 **colleges, community colleges, area vocational schools the institute of**
21 **technology at Washburn university or associate degree programs at**
22 **postsecondary educational institutions. Special preference shall also be**
23 **established for residents drawing unemployment compensation or such**
24 **residents who were laid off from employment within the prior six months. The**
25 **board may also establish preferences for workers deemed to be eligible for**
26 **North American free trade agreement transition assistance under United States**
27 **department of labor standards or the Kansas department of labor standards.**

28 **(g) Loans awarded under this program shall be awarded on an**
29 **annual basis and shall be in effect for one year unless otherwise**
30 **terminated before the expiration of such period of time. Such loans shall**
31 **be awarded for the payment of tuition, fees, books, room and board and**
32 **any other necessary school related expenses.**

33 **Sec. 46. K.S.A. 2010 Supp. 75-4364 is hereby amended to read as**
34 **follows: 75-4364. (a) As used in this section:**

35 **(1) "Dependent" means: (A) A birth child, adopted child or stepchild; or**
36 **(B) any child other than the foregoing who is actually dependent in whole or in**
37 **part on the individual and who is related to such individual by marriage or**
38 **consanguinity.**

39 **(2) "Emergency medical services attendant" means an attendant as**
40 **defined by K.S.A. 65-6112, and amendments thereto.**

41 **(3) "Firefighter" means a person who is: (A) Employed by any city,**
42 **county, township or other political subdivision of the state and who is assigned**
43 **to the fire department thereof and engaged in the fighting and extinguishment**

1 of fires and the protection of life and property therefrom; or (B) a volunteer
2 member of a fire district, fire department or fire company.

3 ~~(H) (4) "Kansas educational institution" means and includes area-~~
4 ~~vocational schools, area vocational-technical schools,~~ community colleges, the
5 municipal university, state educational institutions, *the institute of technology*
6 *at Washburn university and technical colleges.*

7 (5) "Law enforcement officer" means a person who by virtue of office or
8 public employment is vested by law with a duty to maintain public order or to
9 make arrests for violation of the laws of the state of Kansas or ordinances of
10 any municipality thereof or with a duty to maintain or assert custody or
11 supervision over persons accused or convicted of crime, and includes
12 wardens, superintendents, directors, security personnel, officers and
13 employees of adult and juvenile correctional institutions, jails or other
14 institutions or facilities for the detention of persons accused or convicted of
15 crime, while acting within the scope of their authority.

16 (6) "Military service" means any active service in any armed service of
17 the United States and any active state or federal service in the Kansas army or
18 air national guard.

19 (7) "Prisoner of war" means any person who was a resident of Kansas at
20 the time the person entered service of the United States armed forces and who,
21 while serving in the United States armed forces, has been declared to be a
22 prisoner of war, as established by the United States secretary of defense, after
23 January 1, 1960.

24 ~~(2) (8) "Public safety officer" means a law enforcement officer or a~~
25 ~~firefighter or an emergency medical services attendant.~~

26 ~~(3) "Law enforcement officer" means a person who by virtue of office or~~
27 ~~public employment is vested by law with a duty to maintain public order or to~~
28 ~~make arrests for violation of the laws of the state of Kansas or ordinances of~~
29 ~~any municipality thereof or with a duty to maintain or assert custody or~~
30 ~~supervision over persons accused or convicted of crime, and includes wardens,~~
31 ~~superintendents, directors, security personnel, officers and employees of adult~~
32 ~~and juvenile correctional institutions, jails or other institutions or facilities for~~
33 ~~the detention of persons accused or convicted of crime, while acting within the~~
34 ~~scope of their authority.~~

35 ~~(4) "Firefighter" means a person who is: (1) Employed by any city,~~
36 ~~county, township or other political subdivision of the state and who is assigned~~
37 ~~to the fire department thereof and engaged in the fighting and extinguishment~~
38 ~~of fires and the protection of life and property therefrom; or (2) a volunteer~~
39 ~~member of a fire district, fire department or fire company.~~

40 ~~(5) "Emergency medical services attendant" means an attendant as~~
41 ~~defined by K.S.A. 65-6112, and amendments thereto.~~

42 ~~(6) "Dependent" means (A) a birth child, adopted child or stepchild or (B)~~
43 ~~any child other than the foregoing who is actually dependent in whole or in~~

1 part on the individual and who is related to such individual by marriage or
2 consanguinity.

3 (9) ~~"Resident of Kansas" means a person who is a domiciliary resident as~~
4 ~~defined by K.S.A. 76-729, and amendments thereto.~~

5 (10) ~~"Spouse" means the spouse of a deceased public safety officer or~~
6 ~~deceased member of the military service who has not remarried.~~

7 **(7) (11) "State board" means the state board of regents.**

8 (8) ~~"Military service" means any active service in any armed service of~~
9 ~~the United States and any active state or federal service in the Kansas army or~~
10 ~~air national guard.~~

11 (9) ~~"Prisoner of war" means any person who was a resident of Kansas at~~
12 ~~the time the person entered service of the United States armed forces and who,~~
13 ~~while serving in the United States armed forces, has been declared to be a~~
14 ~~prisoner of war, as established by the United States secretary of defense, after~~
15 ~~January 1, 1960.~~

16 (10) ~~"Resident of Kansas" means a person who is a domiciliary resident~~
17 ~~as defined by K.S.A. 76-729, and amendments thereto.~~

18 (11) ~~"Spouse" means the spouse of a deceased public safety officer or~~
19 ~~deceased member of the military service who has not remarried.~~

20 **(b) Every Kansas educational institution shall provide for enrollment**
21 **without charge of tuition or fees for: (1) Any dependent or spouse of a**
22 **public safety officer who died as the result of injury sustained while**
23 **performing duties as a public safety officer so long as such dependent or**
24 **spouse is eligible; (2) any dependent or spouse of any resident of Kansas**
25 **who died on or after September 11, 2001, while, and as a result of, serving**
26 **in military service; and (3) any prisoner of war. Any such dependent or**
27 **spouse and any prisoner of war shall be eligible for enrollment at a**
28 **Kansas educational institution without charge of tuition or fees for not to**
29 **exceed 10 semesters of undergraduate instruction, or the equivalent**
30 **thereof, at all such institutions.**

31 **(c) Subject to appropriations therefor, any Kansas educational**
32 **institution, at which enrollment, without charge of tuition or fees, of a**
33 **prisoner of war or a dependent or spouse is provided for under subsection**
34 **(b), may file a claim with the state board for reimbursement of the**
35 **amount of such tuition and fees. The state board shall include in its**
36 **budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a**
37 **request for appropriations to cover tuition and fee claims pursuant to this**
38 **section. The state board shall be responsible for payment of**
39 **reimbursements to Kansas educational institutions upon certification by**
40 **each such institution of the amount of reimbursement to which entitled.**
41 **Payments to Kansas educational institutions shall be made upon vouchers**
42 **approved by the state board and upon warrants of the director of**
43 **accounts and reports. Payments may be made by issuance of a single**

1 warrant to each Kansas educational institution at which one or more
2 eligible dependents or spouses or prisoners of war are enrolled for the
3 total amount of tuition and fees not charged for enrollment at that
4 institution. The director of accounts and reports shall cause such warrant
5 to be delivered to the Kansas educational institution at which any such
6 eligible dependents or spouses or prisoners of war are enrolled. If an
7 eligible dependent or spouse or prisoner of war discontinues attendance
8 before the end of any semester, after the Kansas educational institution
9 has received payment under this subsection, the institution shall pay to
10 the state the entire amount which such eligible dependent or spouse or
11 prisoner of war would otherwise qualify to have refunded, not to exceed
12 the amount of the payment made by the state in behalf of such dependent
13 or spouse or prisoner of war for the semester. All amounts paid to the state
14 by Kansas educational institutions under this subsection shall be
15 deposited in the state treasury and credited to the state general fund.

16 (d) The state board shall adopt rules and regulations for
17 administration of the provisions of this section and shall determine the
18 qualification of persons as dependents and spouses of public safety
19 officers or United States military personnel and the eligibility of such
20 persons for the benefits provided for under this section.

21 Sec. 47. K.S.A. 2010 Supp. 75-53,112 is hereby amended to read as
22 follows: 75-53,112. As used in the Kansas foster child educational
23 assistance act:

24 (a) "Kansas educational institution" means and includes any area
25 vocational school, area vocational-technical school, community college, the
26 municipal university, state educational institution, *the institute of technology at*
27 *Washburn university or technical college.*

28 (b) "Eligible foster child" means anyone: (1) Who (A) is in the
29 custody of the secretary and in a foster care placement on the date such
30 child attained 18 years of age, (B) has been released from the custody of
31 the secretary prior to attaining 18 years of age, after having graduated
32 from a high school or fulfilled the requirements for a general educational
33 development (GED) certificate while in foster care placement and the
34 custody of the secretary, (C) is adopted from a foster care placement on or
35 after such child's 16th birthday, or (D) left a foster care placement subject
36 to a guardianship under chapter 38 or 59 of the Kansas Statutes
37 Annotated on or after such child's 16th birthday; and

38 (2) who enrolls in a Kansas educational institution on or after July 1,
39 2006.

40 (c) "Kansas foster child educational assistance program" or
41 "program" means the program established pursuant to the provisions of
42 the Kansas foster child educational assistance act which shall provide for
43 undergraduate enrollment of eligible foster children through the semester

1 the eligible foster child attains 23 years of age.

2 (d) "Educational program" means a program which is offered and
3 maintained by a Kansas educational institution and leads to the award of
4 a certificate, diploma or degree upon satisfactory completion of course
5 work requirements.

6 (e) "Secretary" means the secretary of social and rehabilitation
7 services.

8 Sec. 48. K.S.A. 2010 Supp. 75-6609 is hereby amended to read as
9 follows: 75-6609. (a) When used in this section, "surplus real estate"
10 means real estate which is no longer needed by the state agency which
11 owns such real estate as determined in accordance with this section.

12 (b) (1) The secretary of administration shall develop criteria for the
13 identification of surplus real estate, including but not limited to, a review
14 of any legal restrictions associated with the real estate and the reasons for
15 the state agency to keep the real estate. In accordance with such criteria,
16 the secretary shall assist state agencies in the identification of surplus real
17 estate. The secretary of administration shall periodically review the status
18 of all real estate of state agencies subject to this section to determine if any
19 of the real estate owned by state agencies is potentially surplus real estate.
20 If any real estate owned by a state agency is determined by the secretary
21 of administration, in consultation with the head of the state agency, to be
22 surplus real estate in accordance with the criteria developed under
23 subsection (a), then the secretary of administration shall recommend to
24 the governor that such real estate be sold under the procedures prescribed
25 by this section.

26 (2) The secretary of administration shall develop guidelines for the
27 sale of surplus real estate. In accordance with such guidelines and upon
28 the approval of the governor, after consultation with the head of the state
29 agency which owns such surplus real estate, after consultation with the
30 joint committee on state building construction and after approval by the
31 state finance council under subsection (c), the secretary may offer such
32 property for sale by one of the following means: (A) Public auction; (B) by
33 listing the surplus property with a licensed real estate broker or
34 salesperson; or (C) by sealed bid. Subject to the approval of the state
35 finance council as required by subsection (c), the secretary of
36 administration may sell surplus real estate and any improvements thereon
37 on behalf of the state agency which owns such property.

38 (c) Prior to the sale of any surplus real estate under subsection (b),
39 the state finance council shall approve the sale, which is hereby
40 characterized as a matter of legislative delegation and subject to the
41 guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments
42 thereto. The matter may be submitted to the state finance council for
43 approval at any time, including periods of time during which the

1 legislature is in session.

2 (d) Prior to offering any real estate for sale, such property shall be
3 appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless
4 the appraisal is waived as provided in this subsection. The secretary of
5 administration may waive the requirement for appraisal for any parcel of
6 surplus real estate that is to be sold at public auction under this section if
7 the secretary of administration determines that it is in the best interests of
8 the state to waive the requirement for appraisal for such parcel of surplus
9 real estate. The costs of any such appraisal may be paid from the proceeds
10 of the sale.

11 (e) Conveyance of title in surplus real estate offered for sale by the
12 secretary of administration shall be executed on behalf of the state agency
13 by the secretary of administration. The deed for the conveyance may be
14 by warranty deed or by quitclaim deed as determined to be in the best
15 interests of the state by the secretary of administration in consultation
16 with the head of the state agency which owns the surplus real estate.

17 (f) (1) Any proceeds from the sale of surplus real estate and any
18 improvements thereon, after deduction of the expenses of such sale and
19 any cost of appraisal of the surplus real estate, shall be deposited in the
20 state treasury as prescribed by this subsection, unless otherwise
21 authorized by law. On and after the effective date of this act, 20% of the
22 proceeds from each such sale deposited in the state treasury shall be
23 credited to the surplus real estate fund or another appropriate special
24 revenue fund of the state agency which owned the surplus real estate, as is
25 prescribed by law or as may be determined by the state agency, unless
26 otherwise required by state or federal law or by the limitations or
27 restrictions of the state's title to the real estate being sold. In the case of
28 proceeds from the sale of surplus real estate at a state mental health
29 institution or a state mental retardation institution, such portion of the
30 proceeds shall be credited to the client benefit fund of such institution or
31 to another special revenue fund of such institution for (A) rehabilitation
32 and repair or other capital improvements for such institution, or (B) one-
33 time expenditures for community mental health organizations if the real
34 estate sold was at a state mental health institution or for community
35 developmental disabilities organizations if the real estate sold was at a
36 state mental retardation institution, and, in any such case, shall be
37 expended in accordance with the provisions of appropriation acts. The
38 remaining 80% of the proceeds from each such sale deposited in the state
39 treasury shall be credited to the state general fund.

40 (2) The amount of expenses and the cost of appraisal for each sale of
41 surplus real estate pursuant to this section shall be transferred and
42 credited to the property contingency fund created under K.S.A. 75-3652,
43 and amendments thereto, and may be expended for any operations of the

1 department of administration.

2 (3) Any state agency owning real estate may apply to the director of
3 accounts and reports to establish a surplus real estate special revenue
4 fund in the state treasury. Subject to the provisions of appropriation acts,
5 moneys in a surplus real estate special revenue fund may be expended for
6 the operating expenditures of the state agency.

7 (g) Any sale of property by the secretary of transportation pursuant
8 to K.S.A. 68-413, and amendments thereto, shall not be subject to the
9 provisions of this section. The provisions of this section shall not be
10 applicable to real estate given as an endowment, bequest, or gift to a state
11 educational institution as defined in subsection (g) of K.S.A. 72-4412, and
12 amendments thereto, or to the university of Kansas medical center.

13 (h) Sale of the Olathe travel information center shall not be subject to
14 the provisions of this section.

15 Sec. 49. K.S.A. 2010 Supp. 75-7222 is hereby amended to read as
16 follows: 75-7222. As used in this act, unless the context requires otherwise:

17 (a) "Board" means the state board of regents.

18 (b) "Hospital" means a licensed hospital, as defined in K.S.A. 65-425,
19 and amendments thereto.

20 (c) "Library" means: (1) The state library; (2) any public library
21 established and operating under the laws of this state; or (3) any regional
22 system of cooperating libraries, as defined in K.S.A. 75-2548, and
23 amendments thereto.

24 (d) "Network" means the KAN-ED network created pursuant to this
25 act.

26 (e) "School" means: (1) Any unified school district, school district
27 interlocal cooperative, school district cooperative or nonpublic school
28 accredited by the state board of education; or (2) any community college,
29 technical college, area vocational school, ~~area vocational-technical school~~ *the*
30 *institute of technology at Washburn university* or Kansas educational
31 institution, as defined in K.S.A. 74-32,120, and amendments thereto.

32 Sec. 50. K.S.A. 76-6a13 is hereby amended to read as follows: 76-
33 6a13. As used in this act, unless the context otherwise requires:

34 (a) "Board" means the state board of regents or the board of regents
35 of a municipal university or the ~~board of control of the Northwest Kansas~~
36 ~~area vocational-technical school governing board of the northwest Kansas~~
37 ~~technical college~~ or the ~~board of control of the North Central Kansas~~
38 ~~area vocational-technical school governing board of the north central Kansas~~
39 ~~technical college~~ or the board of trustees of any community college.

40 (b) "Institution" means and includes any state educational institution
41 operated and managed under the control and supervision of the state
42 board of regents, any municipal university organized under the laws of
43 Kansas, any community college, the ~~Northwest Kansas area vocational-~~

1 ~~technical school, and the North Central Kansas area vocational-technical~~
2 ~~school. northwest Kansas technical college and the north central Kansas~~
3 ~~technical college.~~

4 (c) **"Building,"** when heretofore or hereafter acquired or constructed
5 by the state board of regents for any state educational institution under
6 the control and supervision of the state board of regents, means and
7 includes one or more dormitories, kitchens, dining halls, student union
8 buildings, field houses, student hospitals, libraries, on-campus parking,
9 hospital buildings or facilities for the university of Kansas medical center,
10 including outpatient treatment or support facilities and acquisition of any
11 real estate therefor, additions heretofore or hereafter erected in
12 connection therewith, or rehabilitation or renovation of an existing
13 building, or any combination thereof, or any stadium, structure or facility
14 when the same is deemed necessary by the state board of regents to carry
15 out the purposes of the institution, or additions heretofore or hereafter
16 erected in connection with such stadium, structure or facility. The state
17 board of regents shall not issue any revenue bonds for acquisition or
18 construction of any building, structure or facility or additions erected in
19 connection therewith, or for rehabilitation or renovation of an existing
20 building, as authorized by this section, unless such acquisition,
21 construction or rehabilitation or renovation has been authorized by
22 appropriation or other act of the legislature and the state board of regents
23 has first advised and consulted on such acquisition, construction or
24 rehabilitation or renovation with the joint committee on state building
25 construction.

26 (d) **"Revenue bonds"** means bonds issued by a board under authority
27 of K.S.A. 76-6a13 et seq., and amendments thereto, and payable as to both
28 principal and interest solely and only out of (1) the income and revenues
29 arising from the operation of the building for which such bonds are
30 issued, or (2) in the case of a building to be constructed for an institution
31 under the control and supervision of the state board of regents and upon a
32 determination by the state board of regents that the best interests of the
33 state and the institution will be served thereby, the revenues derived from
34 student fees levied for this purpose or for other bonds after such other
35 bonds are retired, or both, (3) any combination of the revenues described
36 in clause (1) or (2), and (4) in addition to the revenues described in clauses
37 (1), (2) or (3), in the discretion of the board, out of one or both of the
38 following additional sources: (A) The proceeds of any grant in aid of such
39 project which may be received from any source, and (B) the net income
40 and revenues arising from the operation of another building already
41 owned and operated by the board and located on the same campus of the
42 institution where the building for which bonds are to be issued will be
43 located.

1 (e) "Net income and revenue" means the income arising from the
2 operation of a building remaining after providing for the costs of
3 operation of such building and the costs of maintenance thereof.

4 (f) "Building," when heretofore or hereafter acquired or constructed
5 by a board other than the state board of regents, means and includes one
6 or more dormitories, kitchens, dining halls, student union buildings, field
7 houses, student hospitals, libraries, on-campus parking or additions
8 heretofore or hereafter erected in connection therewith, or any
9 combination thereof.

10 Sec. 51. K.S.A. 2010 Supp. 76-768 is hereby amended to read as
11 follows: 76-768. (a) On and after July 1, 2006:

12 (1) No postsecondary educational institution shall print or encode a
13 person's social security number on or into the person's identification card.

14 (2) Any distinguishing identifier assigned to the person's
15 identification card shall be a combination of numbers or letters or both,
16 which is unique to such person.

17 (3) A person's distinguishing identifier shall not, in any way, be based
18 on or depend on the person's social security number.

19 (b) As used in this section:

20 (1) "Person" means an employee of or a student enrolled at a
21 postsecondary educational institution.

22 (2) "Postsecondary educational institution" means and includes ~~area~~
23 ~~vocational schools, area vocational-technical schools, community colleges,~~
24 **the municipal university, state educational institutions, technical colleges,**
25 *the institute of technology at Washburn university and private institutions of*
26 *postsecondary education.*

27 ~~Sec. 17. K.S.A. 71-601, 71-613, 71-613a, 71-620, 71-1706, 72-4480 and~~
28 ~~72-6503 and K.S.A. 2010 Supp. 72-4430, 72-4431 and 72-4432 are hereby~~
29 ~~repealed.~~

30 Sec. 52. K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-613, 71-613a, 71-
31 614, 71-620, 71-701, 71-802, 71-1201, 71-1706, 72-4428, 72-4435, 72-4440,
32 72-4441, 72-4442, 72-4453, 72-4454, 72-4468, 72-4480, 72-6214, 72-6803,
33 73-1218, 74-3229a and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507,
34 72-4412, 72-4415, 72-4430, 72-4431, 72-4432, 72-4433, 72-4450, 72-4466,
35 72-4470a, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-
36 6609, 75-7222, 76-768 and 76-781 are hereby repealed.

37 Sec. 53. On July 1, 2011, K.S.A. 71-601, as amended by section 18 of
38 this act, 71-613, 71-620, as amended by section 24 of this act, 72-4480, as
39 amended by section 39 of this act and 72-6503 are hereby repealed.

40 Sec. 1854. This act shall take effect and be in force from and after its
41 publication in the ~~Kansas register~~ *statute book* ~~Kansas register~~.