



**NEUTRAL Testimony on HB 2839  
For the House Education Committee  
March 19, 2024  
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Chair Thomas and members of the committee, thank you for the opportunity to provide neutral testimony related to House Bill 2839.

**Kansas' Independent Colleges:**

KICA represents all twenty-one accredited undergraduate degree-granting private non-profit colleges of Kansas. The members of KICA are all independent of KBOR. KBOR has no governing role (as it does for the six 4-year Regents universities), coordinating role (as it does for the community colleges, technical colleges, and Washburn University) nor general regulatory role (as it does for any for-profit college or college based outside of Kansas that wishes to operate here) regarding the KICA institutions, however we do seek to work in coordination with the public colleges and universities on issues that affect Kansas.

Of those 21 institutions, 17 award degrees in teacher education. In fact, more than 17% of the new teachers that graduate college each year in Kansas come from KICA's institutions.

Furthermore, KICA and its institutions have been on the forefront of seeking ways to work together to improve teacher preparation programs. In our McPherson, KS location, KICA offers shared courses for teacher education majors seeking to obtain a special education endorsement for their license. Students from several institutions come together – usually in-person but also with live virtual course technology where appropriate – to learn from top-flight instructors. While the course credits and eventual degrees are still granted by their home institution, KICA can leverage its larger combined size to offer better instruction for special education preparation than individual campuses could provide alone. Thus, when it comes to preparing teachers for Kansas' 21<sup>st</sup> century classroom, KICA institutions are leading the way.

**Why Neutral?**

KICA and its colleges are strongly supportive of the objectives of HB 2839. We agree with the sponsors of the legislation that all of us – higher education, K-12 districts and schools, teachers, parents, and community leaders – need to do more to improve the literacy level of each child in Kansas. And we agree that such improvement will be greatly aided by a coordinated, purposeful statewide approach.

Furthermore, we are grateful to those in this room who ensured that HB 2839's proposed coordinating body for such a statewide approach, private non-profit colleges were specifically provided a seat at the table.

However, our support for the intent of HB 2839 comes with a set of specific concerns that would need to be addressed by the Committee to allow KICA to offer more enthusiastic support. Thus, we appear before you today as a neutral conferee.

### **Change #1: Curriculum Oversight**

As I noted at the top of my testimony, KBOR has no governing, coordinating, or general regulatory role over the programs or curriculum at private non-profit colleges. If a KICA institution wishes to add, eliminate, or modify a degree program, there is no statutory, regulatory, or precedent by which we would need to ask KBOR for approval. This serves KICA institutions well and by all past indications this is the preference of KBOR, too.

However, for our programs that lead to specific licenses granted by the state, we are required to receive program approval from appropriate state agencies for our graduates to be licensed by the state to practice in their field. For instance, our nursing programs must be approved by the Kansas Board of Nursing, our social workers and mental health programs by the Kansas Behavioral Sciences Regulatory Board, our chiropractic programs by the Kansas Board of Healing Arts, and our teacher education programs by the Kansas Department of Education.

Our major concern about HB 2893 is that the current language in several sections could lead to a blurring of these two roles if not clarified. The language could be seen as granting curriculum oversight over non-profit colleges' teacher education programs to KBOR, setting a new and concerning precedent. We suspect that this was not done intentionally by any of the parties involved in creating the bill.

For instance:

- Section 3(c)(5)(C) – which starts on page 4, line 39 – grants the new director of literacy the authority to ensure “postsecondary educational institutions...are using tier I literacy methodologies.” Since Section 3(b) makes the director of literacy an employee of the Kansas Board of Regents, the extension is that an employee of the Board of Regents, who reports to the Regents, will regulate the content of the curriculum at independent colleges.
- Section 4(b)(2)(E) – which starts on page 5, line 43 – directs the Board of Regents to “approve reading instruction methodologies recommended by the literacy advisory committee for postsecondary educational institutions.” In this instance, the implication is that KBOR will be approving specific pedagogical requirements for teacher education programs at independent colleges.
- Section 5(a) – which starts on page 6, line 12 – grants the Board of Regents, in collaboration with the Kansas Board of Education, authority to approve “micro-credential or certification requirements for teachers in the science of reading and structured literacy developed by postsecondary educational institution colleges or schools of education.” Here is an instance where KBOR would have direct approval authority over specific credentialing programs offered at independent colleges.

This section goes further down this line. In subsection (c) – starting on line 23 – by giving KBOR the power to “ensure all pre-service teacher preparation programs are based on the science of reading and structured literacy.” Again, this would apparently create a new oversight authority over the curriculum and program content of independent colleges.

- Section 6(a) has a slightly different, but still potentially concerning, approach, where for the first time the state itself is dictating curriculum decisions at independent colleges. Here, the bill sets a new requirement for teacher education programs to meet and directs the college’s chief executive to ensure that requirement is met.

Each of these items are highly concerning because of the creation of new powers under KBOR to regulate private independent college programs. The precedent this sets is one we would not be able to support, even while agreeing with the aims of the bill.

These provisions can likely be corrected. In some cases, such as Section 3(c)(5)(C), Section 4(b)(2)(E), and Section 5(a), the insertion of “public” before “postsecondary” could alleviate the concern.

In Section 3(c)(5)(C), the language could go further to give the director of literacy direction to “collaborate with” or “encourage” independent colleges (as defined in Section 1(b)(2)(C)) to use the Tier 1 methodologies.

An additional change might need to be more global in nature, with language emphasizing that independent colleges’ teacher preparation programs remain outside of KBOR jurisdiction, and that oversight and enforcement of the law’s provisions shall be part of the periodic program approval conducted by the Board of Education.

### **Change #2: Relative Weights**

Our second concern is less overt and is evidenced by some of what the committee heard on Monday during the introductory presentation for the bill. Put bluntly, the Board of Regents did not see fit to engage private colleges in their planning for this important statewide effort. To reiterate my comments from before, KICA institutions educate 17% of the teachers in the state each year and with particularly strong presences in many smaller and rural schools.

This lack of engagement feels, quite bluntly, intentional. If it were not for members of this committee’s advance notice and careful attention along the way, private colleges would not even have a presence at all in the effort. We’re very grateful for the Legislature’s awareness of private colleges’ role here. But the development of the plan and the comments on Monday suggest that for KBOR, private colleges are at best an afterthought in this work.

The conclusion, then is that while the “literacy advisory committee” has one seat guaranteed for independent colleges, we should be concerned that the committee a minimum of 3 guaranteed

seats for KBOR (one for the regional public universities, one for the “big three”, and one for an appointment directly by the Board of Regents themselves. It is highly likely that appointments from some of the members of the Legislature will also represent Board of Regents’ priorities and experiences. So, at minimum, 20% (and probably significantly more) of the committee will come from the Regents’ perspective.

Combine that fact with the origins of the bill’s language and the fact that the bill houses this work at KBOR, staffs this work by KBOR, and the fiscal note’s plan of \$18 million a year to KBOR, we cannot escape the impression that this will be a KBOR dominated effort to the detriment of independent colleges.

We suggest that the bill could be improved here. We agree that the work likely needs to be housed at KBOR. We are grateful for inclusion on the advisory committee; However, we recommend reducing the size of the advisory committee and limiting the number of KBOR-directly connected individuals. And language may be helpful to ensure that funding provided is not just another way to push money to KBOR institutions to do KBOR-only things.

### **Conclusion**

Thank you for the opportunity to share our thoughts on HB 2839. KICA would be happy to work with legislators and the Revisor’s office to craft language to make the improvements that would get our colleges from “neutral” to “supportive.”

I am happy to answer any questions you may have or provide additional data as you request.