



KANSAS BOARD OF REGENTS

House Higher Education Budget Committee Neutral Testimony on HB 2843

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Good afternoon, Chair Howe, and Members of the Committee. Thank you for the opportunity to provide testimony on HB 2843.

First, this legislation would create a nine-member task force to “study each scholarship and scholarship program that currently exists in the state, including, but not limited to, those scholarships available to Kansas residents who are first generation college students.” We assume this bill is not intended to generate a review of scholarships offered by institutions of higher education, their foundations, or by charitable foundations, nonprofits, businesses, or individuals, but rather examine only those student financial assistance programs established by the Legislature and administered by the Board of Regents.

The table attached to my testimony identifies each of these state programs, the statutory authorization, and the eligible institutions where a student may use the state financial assistance. We are pleased to administer the Legislature’s 20 programs, ten of which may be accessed by students attending the private nonprofit independent institutions in Kansas. Each program has its own purpose, as established in the applicable statutes.

Second, HB 2843 would establish the Kansas Academic Excellence Scholarship Program to replace the Kansas Ethnic Minority Scholarship Program.

K.S.A. 74-3284, et seq., enacted in 1989, established the Kansas Ethnic Minority Scholarship Program. As designed by the Legislature, the Program provides scholarships for Kansas students who have financial need, demonstrated educational ability, and are members of statutorily identified ethnic minority groups. For reference, the statutory phrase “demonstrated academic ability” is currently defined by the Kansas Administrative Regulation 88-21-3, which provides:

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“(e) has demonstrated scholastic ability through achievement of any one or more of the following:

- (1) recognition by the national merit scholarship corporation as a finalist, semi-finalist, national achievement finalist, Hispanic scholar, or commended scholar;
- (2) high school grade point average of 3.0 or higher, on a scale where an A equals 4.00, in the board of regents recommended high school curriculum;
- (3) competitive performance on the ACT assessment;
- (4) competitive performance on the SAT; or
- (5) rank in upper one-third of high school graduating class . . .”

Since the United States Supreme Court’s decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* last June regarding race-conscious college admissions practices, national attention has turned to the decision’s implications for college scholarships. For example, Ohio University, is temporarily pausing race-based diversity scholarships, Ohio State University is reassessing its scholarships and is currently updating scholarship criteria to ensure compliance with the law, and the University of Missouri has ended its use of race-based criteria for scholarships and grants, *Ohio Colleges Reassess ‘Race-Based’ Scholarships*.¹

The existing Ethnic Minority Scholarship Program statutes require that an applicant’s race or national origin be used (1) to determine who qualifies for the scholarship, K.S.A. 74-3284(c)(2); and (2) to distribute available funds among qualified applicants, K.S.A. 74-3285(b).

HB 2843 would amend the existing Program statutes to eliminate any use of race or national origin and simply renames the Program as the Kansas Academic Excellence Scholarship Program. The requirements that scholarship recipients be Kansas residents who have established financial need and have demonstrated academic ability would be retained in the new Program.

As drafted, the scholarship would continue to be available to students attending a state educational institution, Washburn University, or an accredited independent institution as defined by K.S.A. 72-3222. We suggest also including public community colleges and public technical colleges, by amending page 2 lines 7-14 to read:

¹ Inside Higher Ed, Feb. 29, 2024 (<https://www.insidehighered.com/news/quick-takes/2024/02/29/ohio-colleges-reassess-legality-race-based-scholarships>) (last accessed March 15, 2024).

~~(d)(4) "Eligible institution means an institution of postsecondary education which maintains open enrollment, the main campus or principal place of operation of which is located in Kansas, and which qualifies as an eligible institution under the higher education act of 1965 (P.L. 89-329), as amended~~ *a postsecondary educational institution, as defined in K.S.A. 74-3201b(e), and amendments thereto, ~~state educational institution, as defined in K.S.A. 76-711, and amendments thereto, Washburn university or an accredited independent institution, as defined in K.S.A. 72-322, and amendments thereto.~~*

While the U.S. Supreme Court decision did not specifically address financial aid programs, objections to race-based or national-origin-based scholarships are being raised. Therefore, we offered the Kansas Academic Excellence Scholarship Program as an option for the Legislature to consider.

Thank you again for the opportunity to provide this testimony.

Student Financial Aid Administered by KBOR-Eligible Institutions for Students with State Funding

Undergraduate Programs		
Kansas Comprehensive Grant	KSA 74-32,120 - 74-32,125	Public Universities, Private Nonprofit Institutions
Kansas State Scholarship	KSA 74-3234; KSA 74-32,233 - 74-32,239	All Kansas public institutions of higher education, Private Nonprofit Institutions
Kansas Ethnic Minority Scholarship	KSA 74-3284 - 74-3289	All Kansas public institutions of higher education, Private Nonprofit institutions
Kansas Teacher Service Scholarship Program	KSA 74-32,100 - 74-32,107d	Public Universities, Private Nonprofit Institutions
Kansas Nursing Service Scholarship	KSA 74-3291 - 74-3299	All Kansas public institutions of higher education, Private Nonprofit Institutions
Kansas Career Technical Workforce Grant	KSA 74-32,423 - 74-32,428	Technical colleges, Washburn Institute of Technology, community colleges, public four-year universities that award AAS
Kansas Career Work-Study Program	KSA 74-3274 - 74-3277a	Kansas Public Universities
ROTC Service Scholarships	KSA 74-3255 - 74-3261a	Public Universities with an ROTC Program: Kansas State University, Pittsburg State University, University of Kansas, Washburn University, Wichita State University
National Guard Educational Assistance	KSA 74-32,145 - 74,32,149	All Kansas public institutions of higher education, Private Nonprofit Institutions
Military Service Scholarship	KSA 74-32,227 - 74-32,232	All Kansas public institutions of higher education
Tuition Waivers*	KSA 74-4364 and KSA 74-32,195	All Kansas public institutions of higher education
Kansas Promise Act Scholarship	KSA 74-32,272 - 74-32,278	Community and technical colleges, those Private Nonprofit Institutions that award AAS
Governor's Scholars Program	Appropriation Bill	Public Community and Technical Colleges
Computer Science Educator Grants	KSA 74-32,209	All Kansas public institutions of higher education, Private Nonprofit Institutions
Adult Learner Grant	KSA 74-32,281 - 74-32,289	All Kansas public institutions of higher education, Private Nonprofit institutions and Out of State Nonprofit Institutions offering exclusively competency-based programs
Graduate/Professional Programs		
Osteopathic Medical Service Scholarship	KSA 74-3265 - 74-3268a	Accredited schools of osteopathic medicine, including the Kansas College of Osteopathic Medicine
Optometry Education Program	KSA 74-3270 - 74-3273	Specific out of state institutions; recipients receive the difference between resident and non-resident tuition in exchange for service in Kansas
Kansas Dental Program	KSA 74-3221 (reciprocal agreements)	University of Missouri Kansas City School of Dentistry
Nurse Educator Scholarship	KSA 74-32,219 - 74,3226	Baker University , Fort Hays State University, MidAmerica Nazarene University , Pittsburg State University, Tabor College , St. Mary's University , University of Kansas Medical Center, Washburn University, and Wichita State University
Kansas Distinguished Scholarship	KSA 74-3278 - 74-3283	State Universities

**The appropriation for Tuition Waivers covers the Kansas Hero's Scholarship for Military Personnel and Public Safety Officers, Prisoners of War, and Individuals Certified as Wrongfully Convicted.*

Public Universities = State Universities + Washburn University

All Kansas Public Institutions = Public Universities + Public Community Colleges + Public Technical Colleges

Private Nonprofit Institutions = Members of the Kansas Independent College Association