

SENATE BILL No. 316

By Committee on Ways and Means

3-16

1 AN ACT concerning postsecondary education; relating to the
2 comprehensive grant program; authorizing the state treasurer to
3 administer the comprehensive grant program for not-for-profit
4 independent institutions of higher education; amending K.S.A. 74-
5 32,120, 74-32,121, 74-32,122, 74-32,123, 74-32,124 and 74-32,125
6 and repealing the existing sections.
7

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

9 New Section 1. (a) The treasurer shall administer the Kansas
10 comprehensive grant program for not-for-profit independent institutions of
11 higher education and:

- 12 (1) Provide information regarding application procedures;
- 13 (2) collect and certify financial need and cost of attendance at not-for-
14 profit independent institutions of higher education as determined by each
15 such institution;
- 16 (3) determine the average amount of tuition and fees required of full-
17 time, in-state students for enrollment at not-for-profit independent
18 institutions of higher education;
- 19 (4) determine residence;
- 20 (5) determine priority or apportionment of Kansas comprehensive
21 grants in accordance with section 2, and amendments thereto, and other
22 matters necessary for administration of the program;
- 23 (6) allocate base funding in accordance with section 2, and
24 amendments thereto;
- 25 (7) appoint an advisory committee, including the president of the
26 Kansas independent colleges association and one representative from a
27 not-for-profit independent institution of higher education per congressional
28 district. Representatives appointed to the advisory committee from such
29 institutions shall serve for not more than three years unless reappointed by
30 the treasurer;
- 31 (8) collect and certify reports of Kansas students enrolled in a not-for-
32 profit independent institution of higher education for the award of Kansas
33 comprehensive grants;
- 34 (9) collect and maintain relevant information on the Kansas
35 comprehensive grant program as it pertains to not-for-profit independent
36 institutions of higher education and make a report to the governor and

1 legislature thereon; and

2 (10) adopt an appropriate measure of student financial need.

3 (b) The advisory committee appointed pursuant to subsection (a)(7)
4 shall:

5 (1) Collect and report to the treasurer institutional information
6 required by subsection (a)(2), (3), (5), (8) and (9); and

7 (2) recommend to the treasurer acceptable definitions of residence
8 and an appropriate measure of student financial need.

9 (c) This section shall be a part of and supplemental to K.S.A. 74-
10 32,120 through 74-32,125, and amendments thereto.

11 New Sec. 2. (a) To encourage degree completion, each not-for-profit
12 independent institution of higher education shall endeavor to ensure any
13 Kansas student enrolled at such institution who receives a Kansas
14 comprehensive grant in a term shall continue to receive such support in
15 subsequent terms provided such student continues to:

16 (1) Remain enrolled at such institution;

17 (2) make satisfactory academic progress; and

18 (3) meet all other criteria established by the state to receive the
19 Kansas comprehensive grant.

20 (b) The treasurer shall allocate as base funding to each not-for-profit
21 independent institution of higher education an amount of Kansas
22 comprehensive grant funds sufficient for each such institution to provide a
23 Kansas comprehensive grant to any student who:

24 (1) Received a Kansas comprehensive grant in the previous school
25 year;

26 (2) remains enrolled at such institution and has not exited the
27 institution due to:

28 (A) Completion of a bachelor's degree;

29 (B) transfer to another institution of higher education, regardless of
30 whether such institution is a not-for-profit independent institution of
31 higher education, state educational institution, municipal university or
32 other postsecondary educational institution; or

33 (C) permanent or temporary withdrawal from such institution for any
34 reason either voluntary or involuntary; and

35 (3) remains otherwise qualified to receive a Kansas comprehensive
36 grant as provided in the Kansas comprehensive grant program.

37 (c) After allocating funds in accordance with subsection (b), the
38 treasurer shall allocate all remaining Kansas comprehensive grant funds
39 such that each institution shall receive an amount sufficient to equalize the
40 minimum percentage of students eligible to receive a maximum Kansas
41 comprehensive grant but for whom the institution has insufficient Kansas
42 comprehensive grant funds to support.

43 (d) If there are insufficient Kansas comprehensive grant funds to meet

1 the requirements of subsection (b), each institution's overall allocation
2 shall be reduced proportionally to such institution's amount of the total
3 Kansas comprehensive grant funds received over the past three fiscal
4 years.

5 (e) This section shall be a part of and supplemental to K.S.A. 74-
6 32,120 through 74-32,125, and amendments thereto.

7 Sec. 3. K.S.A. 74-32,120 is hereby amended to read as follows: 74-
8 32,120. As used in ~~this act~~ *K.S.A. 74-32,120 through 74-32,125, and*
9 *amendments thereto, and sections 1 and 2, and amendments thereto:*

10 (a) "Kansas comprehensive grant program" means a program under
11 which the state, in recognition that the provision of higher education for all
12 residents of the state who have the desire and ability to obtain such
13 education is an important public purpose and in response to the concern
14 that many residents of the state are deterred by financial considerations
15 from attending institutions of higher education, provides assistance to
16 students with financial need through the award of grants.

17 (b) "Kansas comprehensive grant" means an award of financial
18 assistance under the Kansas comprehensive grant program to an eligible
19 Kansas student.

20 (c) "Financial need" means the difference between a student's
21 available financial resources and the student's total anticipated cost of
22 attendance at a certain Kansas educational institution. A student's financial
23 resources shall be determined on the basis of criteria provided under the
24 federal methodology of need analysis.

25 (d) "Full-time, in-state student" means a person who is a resident of
26 Kansas and ~~who is~~ enrolling or enrolled at a Kansas educational institution
27 for at least 12 credit hours each semester or the equivalent thereof. ~~The~~
28 ~~board of regents shall determine the number of hours for terms other than~~
29 ~~semesters to constitute the equivalent of 12 credit hours.~~

30 (e) "Kansas student" means a full-time, in-state student who has
31 established financial need and who is initially acceptable for entering a
32 Kansas educational institution or who has so entered and is in good
33 standing and making satisfactory progress toward graduation.

34 (f) "~~Kansas State~~ educational institution" means ~~a state educational~~
35 ~~institution under the control and supervision of the board of regents, a~~
36 ~~municipal university, or a not-for-profit independent institution of higher~~
37 ~~education which is accredited by the north central association of colleges~~
38 ~~and secondary schools accrediting agency based on its requirements as of~~
39 ~~April 1, 1985, or by the higher learning commission of the north central~~
40 ~~association of colleges and schools based on its requirements as of January~~
41 ~~1, 2006, is operated independently and not controlled or administered by~~
42 ~~the state or any agency or subdivision thereof, maintains open enrollment,~~
43 ~~and the main campus or principal place of operation of which is located in~~

1 ~~Kansas~~ *the same as defined in K.S.A. 76-711, and amendments thereto.*

2 (g) "Open enrollment" means the policy of an institution of higher
3 education—~~which~~ *that* provides the opportunity of enrollment for any
4 student who meets its academic and other reasonable enrollment
5 requirements, without regard for race, gender, religion, creed or national
6 origin.

7 (h) "Board of regents" means the state board of regents provided for
8 in the constitution of this state and described in article 32 of chapter 74 of
9 *the Kansas Statutes Annotated, and amendments thereto.*

10 (i) "Term" means one of two or more divisions of an academic year of
11 a Kansas educational institution in which substantially all courses begin
12 and end at substantially the same time, and during which instruction is
13 regularly given to students.

14 (j) "Semester" means one of two principal terms, when there are only
15 two principal terms in the academic year, whether or not there are other
16 shorter terms during the same academic year.

17 (k) *"Not-for-profit independent institution of higher education"*
18 *means a business enterprise that:*

19 (1) *Is operated on a not-for-profit basis;*

20 (2) *has its primary physical location in Kansas;*

21 (3) *is accredited by an agency approved and recognized by the*
22 *United States department of education as a postsecondary educational*
23 *accrediting agency;*

24 (4) *is not subject to the control or supervision of the state or any*
25 *agency or political subdivision thereof; and*

26 (5) *maintains an enrollment policy that provides an opportunity for*
27 *any student who meets the institution's academic and other reasonable*
28 *enrollment requirements to enroll in such institution regardless of the race,*
29 *gender, religion, creed or national origin of such student.*

30 (l) *"Treasurer" means the state treasurer or the state treasurer's*
31 *designee.*

32 Sec. 4. K.S.A. 74-32,121 is hereby amended to read as follows: 74-
33 32,121. A Kansas comprehensive grant may be awarded to any Kansas
34 student enrolled at any—~~Kansas state~~ *educational institution, municipal*
35 *university or not-for-profit independent institution of higher education.* A
36 Kansas student may be awarded grants for not more than eight semesters
37 of undergraduate study or the equivalent thereof, except that a student may
38 be awarded grants for not more than an additional two semesters of study,
39 or the equivalent thereof, when the requirements of the educational
40 program in which the student is enrolled include the completion of a fifth
41 year of study. The board of regents shall determine the equivalent of a
42 semester *for state educational institutions and municipal universities* when
43 all or part of the terms for which a Kansas student is awarded a Kansas

1 comprehensive grant are not semesters. *The treasurer shall determine the*
 2 *equivalent of a semester for not-for-profit independent institutions of*
 3 *higher education when all or part of the terms for which a student is*
 4 *awarded a Kansas comprehensive grant are not semesters.*

5 Sec. 5. K.S.A. 74-32,122 is hereby amended to read as follows: 74-
 6 32,122. (a) *For a Kansas student enrolled at any state educational*
 7 *institution or municipal university, the amount of a Kansas comprehensive*
 8 *grant awarded to a Kansas such student for the fall and spring semesters,*
 9 *or the equivalent thereof, shall be ~~(1) for a student enrolled at a state~~*
 10 *educational institution or municipal university, the amount of the student's*
 11 *financial need for the period, except that a grant awarded to such a student*
 12 *in any year shall not exceed an amount equal to one-half $\frac{1}{2}$ of the average*
 13 *amount of the total tuition and fees required of full-time, in-state students*
 14 *for enrollment at the state educational institutions for two semesters or the*
 15 *equivalent thereof, and ~~(2) for~~*

16 *(b) For a student enrolled at ~~an~~ a not-for-profit independent*
 17 *institution of higher education, the amount of a Kansas comprehensive*
 18 *grant awarded to such student for the fall and spring semesters, or the*
 19 *equivalent thereof, shall be the amount of the student's financial need for*
 20 *the period, except that a grant awarded to such a student in any year shall*
 21 *not exceed the lesser of an amount equal to the total tuition and required*
 22 *fees of the student for two semesters, or the equivalent thereof, or an*
 23 *amount equal to one-half $\frac{1}{2}$ of the difference between the average amount*
 24 *of the total tuition and required fees of full-time, in-state students who are*
 25 *enrolled at the state educational institutions and the average amount of the*
 26 *total tuition and required fees of full-time, in-state students who are*
 27 *enrolled at the independent institutions of higher education.*

28 ~~(b)~~(c) When Kansas comprehensive grants are awarded to a Kansas
 29 student for one or more terms that are not semesters, the board of regents
 30 shall determine the equivalent of the fall and spring semesters *for state*
 31 *educational institutions and municipal universities and the treasurer shall*
 32 *determine the equivalent of the fall and spring semesters for not-for-profit*
 33 *independent institutions of higher education.*

34 Sec. 6. K.S.A. 74-32,123 is hereby amended to read as follows: 74-
 35 32,123. (a) A Kansas comprehensive grant may be paid annually for both
 36 the fall and spring semesters, or the equivalent thereof. Payments under
 37 any such grant shall be allocated equally between the semesters, when the
 38 student plans to attend two semesters in an academic year; and otherwise
 39 as specified by the board of regents *for state educational institutions and*
 40 *municipal universities or treasurer for not-for-profit independent*
 41 *institutions of higher education.* Kansas comprehensive grants shall be
 42 paid at the beginning of each semester or other term upon certification by
 43 the ~~Kansas~~ state educational institution, *municipal university or not-for-*

1 *profit independent institution of higher education* that the student is
2 enrolled and is a Kansas student.

3 (b) (1) Payments of Kansas comprehensive grants *awarded to*
4 *students enrolled at any state educational institution or municipal*
5 *university* shall be made pursuant to vouchers approved by the
6 administrative officer of the board of regents designated by the board upon
7 warrants of the director of accounts and reports. Payments of Kansas
8 comprehensive grants may be made by the issuance of a single warrant to
9 each ~~Kansas~~ *state educational institution or municipal university* at which
10 a Kansas student is enrolled for the total amount of grants for all Kansas
11 students enrolled at that institution. The director of accounts and reports
12 shall cause such warrant to be delivered to the ~~Kansas state~~ educational
13 institution ~~at which~~ *or municipal university* where such student or students
14 are enrolled. Upon receipt of such warrant, the amount thereof shall be
15 credited to the Kansas comprehensive grant fund of the ~~Kansas state~~
16 educational institution *or municipal university* and allocated within the
17 fund to the account of each Kansas student enrolled at that institution. The
18 amount to be credited to the account of each such student shall be
19 specified by the board of regents.

20 (2) *Payments of Kansas comprehensive grants awarded to students*
21 *enrolled at a not-for-profit independent institution of higher education*
22 *shall be made pursuant to vouchers approved by the treasurer upon*
23 *warrants of the director of accounts and reports. Payments of Kansas*
24 *comprehensive grants may be made by the issuance of a single warrant to*
25 *each not-for-profit independent institution of higher education where a*
26 *Kansas student is enrolled for the total amount of grants for all Kansas*
27 *students enrolled at that institution. The director of accounts and reports*
28 *shall cause such warrant to be delivered to the not-for-profit independent*
29 *institution of higher education where such students are enrolled. Upon*
30 *receipt of such warrant, the amount thereof shall be credited to the*
31 *comprehensive grant fund of the institution and allocated within the fund*
32 *to the amount of each Kansas student enrolled at that institution. The*
33 *amount to be credited to the account of each such student shall be*
34 *specified by the treasurer.*

35 (b)(c) If a student discontinues attendance before the end of any
36 semester or other term, after the Kansas educational institution has
37 received payment under this section, the institution shall debit the account
38 of the student by an amount equal to the entire amount ~~which~~ such student
39 would otherwise qualify to have refunded, not to exceed the amount
40 credited to the account of the student under the Kansas comprehensive
41 grant program at the beginning of such semester or term and, if the student
42 has received payments under any federal program of student assistance in
43 the semester or other term, less an amount equal to the pro rata share of

1 such entire amount which is attributable to the assistance received by the
2 student under such federal program or programs.

3 ~~(e)~~(d) All amounts debited by a Kansas educational institution under
4 subsection ~~(b)~~(c) shall be reallocated within the Kansas comprehensive
5 grant fund of the institution to the account of other eligible Kansas
6 students as specified by the board of regents *for state educational*
7 *institutions and municipal universities and the treasurer for not-for-profit*
8 *independent institutions of higher education.*

9 Sec. 7. K.S.A. 74-32,124 is hereby amended to read as follows: 74-
10 32,124. (a) The board of regents shall administer the Kansas
11 comprehensive grant program *for state educational institutions and*
12 *municipal universities* and shall:

13 (1) Provide information regarding application procedures;

14 (2) adopt rules and regulations for determining financial need and
15 cost of attendance at ~~Kansas state~~ *state educational institutions and municipal*
16 *universities*, determining the average amount of tuition and fees required
17 of full-time, in-state students for enrollment at ~~the state educational~~
18 ~~institutions, the and municipal university, and the independent institutions~~
19 ~~of higher education~~ *universities*, determining residence, determining
20 priority or apportionment of Kansas comprehensive grants *to state*
21 *educational institutions and municipal universities* and other matters
22 necessary for administration of the program *for such institutions*;

23 (3) allocate as base funding to each ~~Kansas state~~ *state educational*
24 *institution and municipal university* the amount of Kansas comprehensive
25 grant funds awarded to the institution for fiscal year 1999; or, in the event
26 funding is less than that provided for fiscal year 1999, the pro-rated share
27 of that appropriation;

28 (4) appoint a ~~five-member~~ *three-member* advisory committee,
29 including two representatives from state educational institutions, ~~two~~
30 ~~representatives from not-for-profit independent institutions~~, and one
31 representative from ~~a municipal university~~ *universities*, to recommend
32 annually to the board of regents the formula to be used in apportioning
33 funds in excess of the fiscal year 1999 appropriation to the Kansas
34 educational institutions according to the formula based on financial need;

35 (5) approve Kansas students *enrolled at any state educational*
36 *institution or municipal university* for the award of Kansas comprehensive
37 grants; and

38 (6) evaluate the Kansas comprehensive grant program *for state*
39 *educational institutions and municipal universities* annually, and make a
40 report ~~thereon~~ to the governor and legislature ~~for the period thereon~~.

41 (b) The board of regents may provide for apportionment of Kansas
42 comprehensive grants *for students enrolled at any state educational*
43 *institution or municipal university* if appropriations therefor are

1 insufficient to pay all approved grants.

2 Sec. 8. K.S.A. 74-32,125 is hereby amended to read as follows: 74-
3 32,125. (a) Each ~~applicant~~ student enrolled at a state educational
4 institution or municipal university who applies for a Kansas
5 comprehensive grant, in accordance with rules and regulations of the board
6 of regents, shall:

7 (a)(1) Complete and file an application for a grant; and

8 (b)(2) report promptly to the board of regents and to the ~~Kansas state~~
9 educational institution ~~at which~~ or municipal university where the
10 applicant is enrolled or enrolling any information requested relating to
11 administration of the Kansas comprehensive grant program for state
12 educational institutions and municipal universities.

13 (b) Each student enrolled at a not-for-profit independent institution of
14 higher education who applies for a Kansas comprehensive grant shall:

15 (1) Complete and file an application for a grant; and

16 (2) report promptly to the treasurer and to the institution where the
17 applicant is enrolled or enrolling any information requested by the
18 treasurer related to the administration of the Kansas comprehensive grant
19 program for not-for-profit independent institutions of higher education.

20 Sec. 9. K.S.A. 74-32,120, 74-32,121, 74-32,122, 74-32,123, 74-
21 32,124 and 74-32,125 are hereby repealed.

22 Sec. 10. This act shall take effect and be in force from and after its
23 publication in the Kansas register.