



**PROPONENT Testimony on SB 166
For the House Education Committee
March 14, 2017
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Chairman Aurand and members of the committee, thank you for the opportunity to come before you to provide neutral testimony related to Senate Bill 166. SB 166 creates an exemption for Cleveland University-Kansas City from the provisions of the Kansas Private and Out-of-State Postsecondary Educational Institutions Act.

Background on the Private and Out-of-State Postsecondary Educational Institution Act

The Kansas Private and Out-of-State Postsecondary Educational Institution Act (K.S.A. 74-32,162 through K.S.A. 74-32,184), passed in 2011 by the Legislature, provides for a process by which higher education institutions that are either a) for-profit/proprietary; or b) headquartered somewhere outside of Kansas, may obtain approval to offer degree programs to Kansas residents either through physical operations or online/distance programs. This act provides a set of rules and conditions to ensure these types of institutions offer a high-quality educational product to Kansans that meets the standards expected of the public and non-profit institutions located within the state. It's our protection against "degree mills" and "fly-by-night" programs of poor quality that might take advantage of students through predatory practices. In other words, the act's purpose is – and should be – educational consumer protection.

In practice, what the Private and Out-of-State Postsecondary Educational Institution Act does is force all institutions subject to the act to seek approval from the Kansas Board of Regents for nearly each and every change to their academic programs. If an institution wants to add a new bachelor's degree in biology, they have to seek approval. If they then decide at a later date to offer that another bachelor's degree in chemistry, they have to come back to the Board of Regents again. And if they want to offer an associate's degree in each of them, then that's twice more. Furthermore, if those were all face-to-face, on-ground degree programs, and the institution wants to start offering those same degrees to students online, or through a hybrid model, they have to seek approval again for each of those.

Additionally, every institution subject to the Private and Out-of-State Postsecondary Educational Institution Act must pay a fee to the Board of Regents for each program review and approval. These fees are used by the Board to fund the regulatory duties associated with enforcing this program. However, for particularly active programs this cost can be a burden.

Now, for the purpose of consumer protection, these expectations are fair and reasonable. The Board of Regents is extremely competent at assessing institutional and degree program quality and ensuring that the institutions that are marketing themselves to Kansans are above reproach. The system is effective and our support of SB 166 in no way should suggest that we believe the Private and Out-of-State Postsecondary Educational Institution Act should cease to be.

However, there are some wrinkles within the Private and Out-of-State Postsecondary Educational Institution Act that create anomalies, and this is why SB 166 is necessary and appropriate.

Exemptions to the Private and Out-of-State Postsecondary Educational Institution Act

For starters, all Kansas public institutions are exempt from the Private and Out-of-State Postsecondary Educational Institution Act. This includes the six Regents universities (who by definition already have to request Board of Regents approval for degree program changes), Washburn University, the nineteen community colleges, and the seven technical colleges.

K.S.A. 74-32,164(i) explicitly exempts the twenty-two non-profit colleges in Kansas, all of which were explicitly granted approval to confer degrees by the predecessor of the Board of Regents, what was called the State Board of Education. All of them are identified in a letter dated October 30, 1978. Of those twenty-two, three have since closed (Marymount College in Salina, Saint. John's College in Winfield, and Saint Mary of the Plains College in Dodge City). Of the remaining nineteen, all but one are members of the organization I serve, the Kansas Independent College Association.

In other words, 18 of the 19 members of the KICA are exempt from the Private and Out-of-State Postsecondary Educational Institution Act.

To be a member of KICA, an institution has to meet the following criteria:

- Be a not-for-profit institution of higher education
- Offer at least one undergraduate degree program
- Have received full regional accreditation from the Higher Learning Commission
- Be “domiciled” in Kansas. In other words, have its main campus located in Kansas
- Maintain open admission policies in accordance with Kansas law, to not discriminate in admission with regards to religion, gender, race, or national origin.

Yet, KICA has 19 members, not 18. The only member of KICA – an institution that meets all the criteria listed above – but which is not exempt from the Private and Out-of-State Postsecondary Educational Institution Act is Cleveland University-Kansas City.

Cleveland University's History

Cleveland University-Kansas City is a regionally accredited, non-profit university whose only place of operations is Overland Park, KS. It is the only accredited college of chiropractic medicine in the state of Kansas. Many of you probably know it by its former name: Cleveland Chiropractic College. However, while Cleveland University is primarily focused on offering graduate degrees in chiropractic, it offers several other undergraduate and graduate programs in health sciences.

Cleveland University was founded in 1922 and originally located in Kansas City, Missouri. However its main and only campus has been in Kansas since 2008. However, its charter remains in Missouri.

Thus, because Cleveland University's charter is in Missouri, it is subject to the Private and Out-of-State Postsecondary Educational Institution Act, including the fees and oversight by the Board of Regents.

However, this is an artifact of history. Cleveland University is the only regionally accredited non-profit college based in Kansas that is forced to adhere to the constraints of the Private and Out-of-State Postsecondary Educational Institution Act, and only because their historical charter is based in another state despite their operations being solely located in Kansas.

SB 166 would provide a direct fix to this anomalous situation.

A Precedent Exists for Specific Named Exemption

K.S.A. 74-32,164(h) grants exemption to the Kansas City College and Bible School, Inc. That institution is now known as Kansas Christian College, located in Overland Park. Kansas Christian College is not regionally accredited – the gold standard for institutional accreditation in Kansas. My point is not to demean Kansas Christian College. It's to point out that Cleveland University has a higher level of institutional accreditation, indicating greater confidence in its academic quality. If Kansas Christian College does not cause the Board of Regents (and by extension, the people of Kansas) any consumer protection concerns, why would that same level of comfort not be afforded Cleveland University?

Conclusion:

The Kansas Independent College Association strongly supports SB 166 because it is carefully crafted to treat Cleveland University-Kansas City equally with the other accredited, non-profit colleges who have chosen to make Kansas their home. SB 166 is the simplest solution available – exempting Cleveland directly from the Kansas Private and Out-of-State Postsecondary Educational Institutions Act.

We are proud to have Cleveland in Kansas, providing a valuable and highly sought-after education. This bill is a means to continue to offer support to that mission. I strongly encourage you to pass SB 166 out favorably.

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

I have also taken the liberty of inviting Dr. Gery Hochanadel, the current Vice President for Academic Affairs at Cleveland University-Kansas City, to give you a more personal description of the institution and answer some of your questions.