

SENATE BILL No. 544

By Committee on Assessment and Taxation

3-12

1 AN ACT concerning postsecondary education; relating to scholarship  
2 programs; establishing the Kansas ~~academic excellence~~ scholarship  
3 program to replace the Kansas ethnic minority scholarship program;  
4 amending K.S.A. 74-3284, 74-3285, 74-3286, 74-3287, 74-3288 and  
5 74-3289 and repealing the existing sections.

education opportunity

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 74-3284 is hereby amended to read as follows: 74-  
9 3284. (a) K.S.A. 74-3284 through 74-3289, and amendments thereto, shall  
10 be known and may be cited as the Kansas ~~academic excellence~~  
11 scholarship program act.

education opportunity

12 (b) As used in this act:

13 (a)(1) "Kansas ~~ethnic minority~~ ~~academic excellence~~ scholarship  
14 program" means a program under which the state, in response to growing  
15 concerns over loss of talented ethnic minority students to institutions of  
16 postsecondary education in other states, the need to enhance the diversity  
17 of the student population at Kansas institutions of postsecondary  
18 education, and the barriers to ethnic minority student enrollment at Kansas  
19 institutions of postsecondary education and for the purpose of enabling  
20 and encouraging talented ethnic minority students to remain in Kansas for  
21 the attainment of educational goals and fulfillment of career aspirations,  
22 provides financial assistance through the award of Kansas ~~ethnic minority~~  
23 ~~academic excellence~~ scholarships to Kansas ~~ethnic minority~~ scholars ~~who~~  
24 ~~have demonstrated academic excellence.~~

education opportunity

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25 (b)(2) "Kansas ~~ethnic minority~~ ~~academic excellence~~ scholarship"  
26 means a financial award made by this state under this act to a Kansas  
27 ~~ethnic minority~~ ~~academically talented~~ scholar.

education opportunity

(A)

28 (e)(3) "Kansas ~~ethnic minority~~ ~~academically talented~~ scholar" means  
29 a person who:

- (i)
- (ii)
- (iii)
- (iv)

- 30 (1)(A) Is a resident of Kansas;
- 31 (2) is a member of an ethnic minority group;
- 32 (3)(B) has been accepted for admission to or is enrolled full time in
- 33 an educational program at an eligible institution;
- 34 (4)(C) has established financial need; and
- 35 (5)(D) has qualified for the award of a Kansas ~~ethnic minority~~  
36 ~~academic excellence~~ scholarship on the basis of having demonstrated

1 ~~educational ability, or who~~ has previously so qualified and remains  
 2 qualified for the renewal of a Kansas ~~ethnic minority~~ *academic excellence*  
 3 scholarship on the basis of maintaining full-time enrollment in an  
 4 educational program at an eligible institution, remaining in good standing,  
 5 and making satisfactory progress toward completion of the requirements  
 6 for the award of a degree or certificate of completion.

7 ~~(d)(4)~~ "Eligible institution" means ~~an institution of postsecondary~~  
 8 ~~education which maintains open enrollment, the main campus or principal~~  
 9 ~~place of operation of which is located in Kansas, and which qualifies as an~~  
 10 ~~eligible institution under the higher education act of 1965 (P.L. 89-329), as~~  
 11 ~~amended a state educational institution, as defined in K.S.A. 76-711, and~~  
 12 ~~amendments thereto, Washburn university or an accredited independent~~  
 13 ~~institution, as defined in K.S.A. 72-3222, and amendments thereto.~~

14 ~~(e)~~ "Ethnic minority group" means a group of persons categorized as:  
 15 ~~(1) American Indian or Alaskan Native; (2) Asian or Pacific Islander; (3)~~  
 16 ~~Black, non-Hispanic; or (4) Hispanic.~~

17 ~~(f)~~ "American Indian or Alaskan Native" means a person having  
 18 ~~origins in any of the original peoples of North America and who maintains~~  
 19 ~~cultural identification through tribal affiliation or community recognition.~~

20 ~~(g)~~ "Asian or Pacific Islander" means a person having origins in any  
 21 ~~of the original peoples of the far east, southeast Asia, the Indian~~  
 22 ~~subcontinent, or pacific islands. This includes, but not by way of~~  
 23 ~~limitation, persons from China, Japan, Korea, the Philippine Islands,~~  
 24 ~~Samoa, India and Vietnam.~~

25 ~~(h)~~ "Black, non-Hispanic" means a person having origins in any of  
 26 ~~the black racial groups of Africa (except those of Hispanic origin).~~

27 ~~(i)~~ "Hispanic" means a person of Mexican, Puerto Rican, Cuban,  
 28 ~~Central or South American or other Spanish culture or origin, regardless of~~  
 29 ~~race.~~

30 ~~(j)(5)~~ "Financial need" means the difference between the available  
 31 ~~financial resources of a Kansas ethnic minority academically talented~~  
 32 ~~scholar and the scholar's total anticipated expenses to attend an eligible~~  
 33 ~~institution. A scholar's financial resources shall be determined on the basis~~  
 34 ~~of criteria provided under the federal methodology of need analysis.~~  
 35 ~~Financial need shall be determined annually.~~

36 ~~(k)(6)~~ "Semester" means one of two principal terms when there are  
 37 ~~only two principal terms in the academic year of an eligible institution~~  
 38 ~~whether or not there are other shorter terms during the same academic year~~  
 39 ~~of the eligible educational institution.~~

40 ~~(l)(7)~~ "Term" means one of two or more substantially equivalent  
 41 ~~divisions of the academic year of an eligible institution.~~

42 ~~(m)(8)~~ "Program period" means the duration of the period of time, or  
 43 ~~any division thereof, required for completion of a vocational or technical~~

(a) either is a first generation student or has a parent who is employed in Kansas as  
 a teacher or paraprofessional for any of the grades pre-K through 12; or  
 (B)

education opportunity

"First generation student" means an individual whose parent or guardian has not  
 completed a baccalaureate degree.  
 (7)

*redesignate subelements accordingly*

1 education program which is given in at an eligible institution.

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

7 Sec. 2. K.S.A. 74-3285 is hereby amended to read as follows: 74-  
8 3285. (a) In each academic year, to the extent that appropriations are  
9 available for the Kansas ~~ethnic minority~~ *academic excellence* scholarship  
10 program and in accordance with the provisions of this act, the state board  
11 of regents may select for designation as a Kansas ~~ethnic minority~~  
12 ~~academically talented~~ scholar and for the award of a Kansas ~~ethnic~~  
13 ~~minority~~ *academic excellence* scholarship any person who is qualified for  
14 such designation and award ~~and. The state board of regents shall renew the~~  
15 ~~scholarship of each Kansas ethnic minority academically talented~~ scholar  
16 who remains qualified for a scholarship.

17 (b) In selecting persons for designation as Kansas ~~ethnic minority~~  
18 ~~academically talented~~ scholars, the state board of regents shall provide,  
19 insofar as possible and on the basis of a formulated procedure, for  
20 equitable apportionment of Kansas ~~ethnic minority~~ *academic excellence*  
21 scholarships among the ethnic minority groups. The procedure formulated  
22 by the board of regents shall take into account: ~~(1) the differences among~~  
23 ~~applicants in level of financial need and availability of financial resources~~  
24 ~~so that scholarships are targeted to those applicants having the greatest~~  
25 ~~needs; (2) the proportion that the population of each ethnic minority group~~  
26 ~~bears to the population of all ethnic minority groups in the state; and (3)~~  
27 ~~the differences across ethnic minority groups in the proportion of members~~  
28 ~~thereof who complete high school. Financial need shall be determined~~  
29 ~~annually.~~

30 (c) An applicant who fails to be awarded a Kansas ~~ethnic minority~~  
31 ~~academic excellence~~ scholarship shall not be disqualified from applying  
32 therefor in a later academic year so long as all requirements for eligibility  
33 to apply for such award are met.

34 (d) The award or renewal of a Kansas ~~ethnic minority~~ *academic*  
35 ~~excellence~~ scholarship shall be on an annual basis and shall be effective for  
36 one academic year unless otherwise terminated.

37 Sec. 3. K.S.A. 74-3286 is hereby amended to read as follows: 74-  
38 3286. (a) A Kansas ~~ethnic minority~~ *academic excellence* scholarship shall  
39 provide for payment to a Kansas ~~ethnic minority~~ ~~academically talented~~  
40 scholar of an amount in each academic year not to exceed an amount equal  
41 to 75% of the average amount of the total tuition and required fees of full-  
42 time, in-state students. A Kansas ~~ethnic minority~~ ~~academically talented~~  
43 scholar may receive a Kansas ~~ethnic minority~~ *academic excellence*

*by striking "academic excellence" and inserting  
"education opportunity"; and by striking "academically  
talented" and inserting "education opportunity" on  
pages 3 through 6*

1 scholarship for not more than eight semesters of undergraduate study or  
2 the equivalent thereof, except that a Kansas ~~ethnic minority~~ *academically-*  
3 *talented* scholar may receive a Kansas ~~ethnic minority~~ *academic-*  
4 *excellence* scholarship for not more than an additional two semesters of  
5 study or the equivalent thereof when the requirements of the program in  
6 which the scholar is enrolled include the completion of a fifth year of  
7 study. The state board of regents shall determine the equivalent of a  
8 semester when any program period or all or part of the terms for which a  
9 Kansas ~~ethnic minority~~ *academically talented* scholar is awarded a Kansas  
10 ~~ethnic minority~~ *academic excellence* scholarship are not semesters.

11 (b) A Kansas ~~ethnic minority~~ *academically talented* scholar who is  
12 also eligible to receive a Kansas comprehensive grant or a state  
13 scholarship may be awarded such grant or scholarship, or both, in addition  
14 to a Kansas ~~ethnic minority~~ *academic excellence* scholarship. In no event  
15 shall the amount awarded to a Kansas ~~ethnic minority~~ *academically-*  
16 *talented* scholar under a Kansas ~~ethnic minority~~ *academic excellence*  
17 scholarship or the total of any amounts awarded thereunder and under a  
18 state scholarship or a Kansas comprehensive grant, or both, exceed an  
19 amount equal to the amount of the scholar's financial need for the period.

20 Sec. 4. K.S.A. 74-3287 is hereby amended to read as follows: 74-  
21 3287. The state board of regents shall adopt rules and regulations for  
22 administration of the provisions of this act and shall:

23 (a) Publicize the Kansas ~~ethnic minority~~ *academic excellence*  
24 scholarship program and the manner and method of qualifying for  
25 designation as a Kansas ~~ethnic minority~~ *academically talented* scholar and  
26 for the award of a Kansas ~~ethnic minority~~ *academic excellence*  
27 scholarship;

28 (b) provide application forms;

29 (c) determine residence, as provided by law, of applicants for Kansas  
30 ~~ethnic minority~~ *academic excellence* scholarships;

31 (d) establish a system for identifying and categorizing members of  
32 ~~ethnic minority groups~~;

33 (e) ~~determine eligibility of applicants for Kansas ethnic minority~~  
34 *academic excellence* scholarships;

35 (f) ~~determine the evidence deemed necessary to be submitted as~~  
36 proof of educational ability;

37 (g) ~~designate Kansas ethnic minority academically talented~~  
38 scholars;

39 (h) ~~notify each person who qualifies for designation as a Kansas~~  
40 ~~ethnic minority academically talented~~ scholar and for the award of a  
41 Kansas ~~ethnic minority~~ *academic excellence* scholarship or who remains  
42 qualified as a Kansas ~~ethnic minority~~ *academically talented* scholar for the  
43 renewal of a Kansas ~~ethnic minority~~ *academic excellence* scholarship;

- 1       ~~(i)~~*(h)* approve and award or renew Kansas-ethnic-minority ~~academic-~~  
2 ~~excellence~~ scholarships;
- 3       ~~(j)~~*(i)* determine the equivalent of a semester for the purpose of  
4 awarding Kansas-ethnic-minority ~~academic-excellence~~ scholarships for any  
5 program period or term that is not a semester;
- 6       ~~(k)~~*(j)* define ~~full-time~~ *full-time* enrollment;
- 7       ~~(l)~~*(k)* provide for apportionment of Kansas-ethnic-minority ~~academic-~~  
8 ~~excellence~~ scholarships if appropriations therefor are insufficient for  
9 payment in full to all Kansas-ethnic-minority ~~academically-talented~~  
10 scholars;
- 11       ~~(m)~~*(l)* request any eligible institution to furnish any information  
12 relating to and necessary for administration of this act;
- 13       ~~(n)~~*(m)* determine the average amount of tuition and fees required of  
14 full-time, in-state students for enrollment at the state educational  
15 institutions; and
- 16       ~~(o)~~*(n)* evaluate the Kansas-ethnic-minority ~~academic-excellence~~  
17 scholarship program annually, and make a report thereon to the governor  
18 and legislature.

19       Sec. 5. K.S.A. 74-3288 is hereby amended to read as follows: 74-  
20 3288. In accordance with the rules and regulations of the state board of  
21 regents, each ~~person~~ *individual* who desires to be designated as a Kansas  
22 ethnic-minority ~~academically-talented~~ scholar and to receive a Kansas  
23 ethnic-minority ~~academic-excellence~~ scholarship shall:

- 24       (a) Complete and file an application for a Kansas-ethnic-minority  
25 ~~academic-excellence~~ scholarship;
- 26       (b) submit the evidence required as proof of educational ability; and
- 27       (c) report promptly any information requested relating to  
28 administration of this act.

29       Sec. 6. K.S.A. 74-3289 is hereby amended to read as follows: 74-  
30 3289. (a) Kansas-ethnic-minority ~~academic-excellence~~ scholarships may be  
31 paid annually for two semesters or the equivalent thereof, and may be  
32 allocated equally between the semesters or the equivalent of semesters, or  
33 otherwise, as determined by the state board of regents. Kansas-ethnic-  
34 ~~minority academic-excellence~~ scholarships shall be paid at a time or times  
35 to be determined by the state board of regents upon certification by an  
36 eligible institution that a Kansas-ethnic-minority ~~academically-talented~~  
37 scholar is enrolled full time in an educational program. Payments of  
38 Kansas-ethnic-minority ~~academic-excellence~~ scholarships shall be made  
39 upon vouchers approved by the administrative officer of the state board of  
40 regents designated by the state board and upon warrants of the director of  
41 accounts and reports. Payments of Kansas-ethnic-minority ~~academic-~~  
42 ~~excellence~~ scholarships may be made by the issuance of a single warrant to  
43 each eligible institution ~~at which~~ *where* a Kansas-ethnic-minority

1 ~~academically talented~~ scholar is enrolled for the total amount of Kansas  
2 ~~ethnic minority academic excellence~~ scholarships for all Kansas ~~ethnic~~  
3 ~~minority academically talented~~ scholars enrolled at that institution. The  
4 director of accounts and reports shall cause such warrant to be delivered to  
5 the eligible institution ~~at which~~ *where* such scholar or scholars are  
6 enrolled. Upon receipt of such warrant, the eligible institution shall credit  
7 immediately the account of each Kansas ~~ethnic minority academically~~  
8 ~~talented~~ scholar enrolled at that institution by an amount specified by the  
9 board of regents for each such scholar.

10 (b) If a Kansas ~~ethnic minority academically talented~~ scholar  
11 discontinues attendance before the end of any semester or equivalent  
12 thereof, after an eligible institution has received payment under this  
13 section, the eligible institution shall pay to the state:

14 (1) The entire amount ~~which~~ *that* such scholar would otherwise  
15 qualify to have refunded not to exceed the amount of the payment made  
16 under a Kansas ~~ethnic minority academic excellence~~ scholarship for the  
17 semester or equivalent thereof; or

18 (2) if a Kansas ~~ethnic minority academically talented~~ scholar has  
19 received payments under any federal program of student assistance in the  
20 semester, the state's pro rata share of the entire amount ~~which~~ *that* such  
21 scholar would otherwise qualify to have refunded; not to exceed the  
22 amount of the payment made under a Kansas ~~ethnic minority academic~~  
23 ~~excellence~~ scholarship for the semester or equivalent thereof.

24 (c) All amounts paid to the state by an eligible institution under  
25 subsection (b) shall be deposited in the state treasury and credited to the  
26 Kansas ~~ethnic minority academic excellence~~ scholarship discontinued  
27 attendance fund, ~~which~~. *The Kansas academic excellence scholarship*  
28 *discontinued attendance fund* is hereby created. All expenditures from the  
29 Kansas ~~ethnic minority academic excellence~~ scholarship discontinued  
30 attendance fund shall be for Kansas ~~ethnic minority academic excellence~~  
31 scholarships.

32 Sec. 7. K.S.A. 74-3284, 74-3285, 74-3286, 74-3287, 74-3288 and 74-  
33 3289 are hereby repealed.

34 Sec. 8. This act shall take effect and be in force from and after its  
35 publication in the Kansas register.