

72-4470a. Governing body; powers and duties. (a) All technical college boards shall establish and maintain a plan for a governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:

- (1) The composition of the independent governing board;
 - (2) the territory of the technical college. If the territory of the technical college includes more than one county, the plan shall designate a home county;
 - (3) the method of election or appointment and the terms of service of the members of the independent governing board;
 - (4) the date upon which the independent governing board shall assume management and control of the technical college;
 - (5) the manner, terms upon which and extent to which the facilities will be transferred to the independent governing board and the division of other assets and indebtedness and other liabilities; and
 - (6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of K.S.A. 2016 Supp. 72-4478, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters.
- (b) On the date determined in the approved plan, the independent governing board established under subsection (a) of this section shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges. Any amendments to the plan shall be submitted to the state board of regents for approval.
- (c) In addition to such other powers expressly granted by law and subject to the provisions of subsection (b), the governing board shall have the power to:
- (1) Determine the career technical and general education courses of instruction that will comprise the associate of applied science degree programs of the college;
 - (2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;
 - (3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a career technical education program of the college;
 - (4) appoint teaching staff and fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet licensure requirements greater than those required in the state educational institutions;
 - (5) have custody of, and be responsible for, the property of the college and be responsible for the operation, management and control of the college;
 - (6) select a chairperson and such other officers as it deems desirable, from its membership;
 - (7) sue and be sued;
 - (8) appoint and fix the compensation and term of office of a president or chief administrative officer of the college;
 - (9) fix and determine, within state adopted standards, all other employees' qualifications, duties, compensation and all other items and conditions of employment;
 - (10) enter into contracts;
 - (11) accept any gifts, grants or donations;
 - (12) acquire and dispose of real or personal property;
 - (13) enter into lease agreements as lessor of any property owned or controlled by the college;
 - (14) adopt any rules and regulations, not inconsistent with any law or any rules and regulations of the state board of regents, which are necessary for the administration and operation of the college or for the conduct of business of the governing board;
 - (15) contract with one or more agencies, either public or private, whether located within or outside the territory of the college or whether located within or outside the state of Kansas, for the conduct by any such agency of academic or career technical education for students of the college and to provide for the payment to any such agency for the contracted educational services from any funds or moneys of the college, including funds or moneys received from student tuition and fees;
 - (16) appoint as its resident agent for the purpose of service of process, either the president of the technical college or the chairperson of the governing board, or both;
 - (17) take any other action, not inconsistent with any law or any rules and regulations of the state board of regents, which is necessary or incidental to the establishment, operation and maintenance of the college;
 - (18) issue bonds for capital improvement projects, enter into bond covenants and take such ancillary action as the governing board approves, relating thereto, except that such bonds shall not be secured by a pledge of any property tax revenues of the technical college;
 - (19) enter into agreements with counties relating to funding for capital improvement projects at technical colleges;
 - (20) fix different rates per hour of tuition, fees and charges for the different postsecondary programs administered by such board; and
 - (21) to acquire by lease-purchase any property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for technical college purposes. The term of any lease-purchase agreement entered into under authority of this subsection may be for not to exceed 10 years. Such lease-purchase agreement may provide for annual or other payment of rent or rental fees and may obligate the technical college to payment of maintenance or other expenses. Any lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease-purchase agreement and assignment thereof are subject to change or termination by the legislature.

History: L. 2003, ch. 134, § 2; L. 2004, ch. 185, § 49; L. 2005, ch. 69, § 17; L. 2009, ch. 24, § 22; L. 2011, ch. 97, § 33; L. 2012, ch. 159, § 10; July 1.