

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2734

By Committee on Appropriations

2-5

10 AN ACT concerning postsecondary education; relating to tuition waivers  
11 for foster care children **and former prisoners of war**; amending  
12 K.S.A. 74-32,161 and K.S.A. 2003 Supp. 74-32,151 and repealing the  
13 existing sections.

14

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

16 Section 1. K.S.A. 2003 Supp. 74-32,151 is hereby amended to read  
17 as follows: 74-32,151. (a) This section and K.S.A. 74-32,152 through 74-  
18 32,159, and amendments thereto, shall be known and may be cited as the  
19 workforce development loan program act.

20 (b) As used in the workforce development loan act, “postsecondary  
21 educational institution” shall have the meaning ascribed thereto by K.S.A.  
22 74-3201b, and amendments thereto.

23 (c) Within the limits of appropriations and private contributions  
24 therefor, and in accordance with the provisions of this act, the state board  
25 of regents may award such loans to Kansas residents who are enrolled in  
26 or admitted to an area vocational technical school, technical college, com-  
27 munity college, vocational school coordinated under the state board of  
28 regents or associate degree programs at postsecondary educational insti-  
29 tutions and who enter into a written agreement with the state board of  
30 regents as provided in K.S.A. 74-32,152 and amendments thereto.

31 (d) The board of regents may accept any private contributions to the  
32 program. The chief executive officer of the board of regents shall turn  
33 such contributions over to the state treasurer who shall deposit such mon-  
34 eys into the workforce development loan fund.

35 (e) After consultation with the secretaries of the departments of hu-  
36 man resources, social and rehabilitation services and commerce, the  
37 board may establish a list of education programs in which an applicant  
38 must enroll to be eligible for a loan under this program.

39 (f) The loans shall be awarded on a priority basis to qualified appli-  
40 cants who have the greatest financial need with the highest priority given  
41 to those applicants with the greatest financial need who were in foster  
42 care on ~~or before~~ their 18th birthday or were released from foster care  
43 prior to their 18th birthday after having graduated from high school or

1 completing the requirements for a general educational development  
2 (GED) certificate while in foster care. All loans shall be awarded to res-  
3 ident students attending area vocational technical schools, technical col-  
4 leges, community colleges, area vocational schools or associate degree  
5 programs at postsecondary educational institutions. Special preference  
6 shall also be established for residents drawing unemployment compen-  
7 sation or such residents who were laid off from employment within the  
8 prior six months. The board may also establish preferences for workers  
9 deemed to be eligible for North American free trade agreement transition  
10 assistance under United States department of labor standards or the Kan-  
11 sas department of human resources standards.

12 (g) Loans awarded under this program shall be awarded on an annual  
13 basis and shall be in effect for one year unless otherwise terminated be-  
14 fore the expiration of such period of time. Such loans shall be awarded  
15 for the payment of tuition, fees, books, room and board and any other  
16 necessary school related expenses.

17 Sec. 2. K.S.A. 74-32,161 is hereby amended to read as follows: 74-  
18 32,161. (a) As used in this section:

19 (1) “Kansas educational institution” means and includes area voca-  
20 tional schools, area vocational-technical schools, community colleges,  
21 state educational institutions, *Washburn university of Topeka* and techni-  
22 cal colleges.

23 (2) “State board” means the state board of regents.

24 (b) Subject to appropriations therefor and except as otherwise pro-  
25 vided by this section, every Kansas educational institution shall provide  
26 for enrollment without charge of tuition, undergraduate fees, including  
27 registration, matriculation and laboratory fees for any eligible applicant.  
28 No Kansas educational institution shall be required by this section to  
29 provide for the enrollment of more than ~~three~~ *five* new applicants in any  
30 academic year. An applicant who was in the custody of social and reha-  
31 bilitation services on the date such applicant reached 18 years of age, *who*  
32 *has graduated from a high school or fulfilled the requirements for a gen-*  
33 *eral educational development (GED) certificate while in foster care, was*  
34 *released from the custody of the Kansas department of social and reha-*  
35 *ilitation services prior to age 18 after having graduated from a high*  
36 *school or fulfilled the requirements for a general educational development*  
37 *(GED) certificate while in foster care placement and in the custody of the*  
38 *Kansas department of social and rehabilitation services, or an applicant*  
39 *who was adopted from a foster care placement on or after such applicant’s*  
40 *16th birthday, and who is accepted to a Kansas educational institution*  
41 *within two years following the date such applicant graduated from a high*  
42 *school or fulfilled the requirements for a general educational develop-*  
43 *ment (GED) certificate shall be eligible for enrollment at a Kansas ed-*

1 ucational institution without charge of tuition or such fees *through the*  
2 *semester the eligible applicant reaches 21 years of age* not to exceed eight  
3 semesters of undergraduate instruction, or the equivalent thereof, at all  
4 such institutions.

5 (c) Subject to appropriations therefor, any Kansas educational insti-  
6 tution which at the time of enrollment did not charge tuition or fees as  
7 prescribed by subsection (b), and amendments thereto, of the eligible  
8 applicant may file a claim with the state board for reimbursement of the  
9 amount of such tuition and fees. The state board shall be responsible for  
10 payment of reimbursements to Kansas educational institutions upon cer-  
11 tification by each such institution of the amount of reimbursement to  
12 which the educational institution is entitled. Such payments to Kansas  
13 educational institutions shall be made upon vouchers approved by the  
14 state board and upon warrants of the director of accounts and reports.  
15 Payments may be made by issuance of a single warrant to each Kansas  
16 educational institution at which one or more eligible applicants are en-  
17 rolled for the total amount of tuition and fees not charged eligible appli-  
18 cants for enrollment at that institution. The director of accounts and re-  
19 ports shall cause such warrant to be delivered to the Kansas educational  
20 institution at which such eligible applicant or applicants are enrolled. If  
21 an eligible applicant discontinues attendance before the end of any se-  
22 mester, after the Kansas educational institution has received payment  
23 under this subsection, the institution shall pay to the state the entire  
24 amount which such eligible applicant would otherwise qualify to have  
25 refunded, not to exceed the amount of the payment made by the state  
26 on behalf of such applicant for the semester. All amounts paid to the state  
27 by Kansas educational institutions under this subsection shall be depos-  
28 ited in the state treasury and credited to the tuition waiver gifts, grants  
29 and reimbursements fund *unless such amount was from federal funds*  
30 *transferred under the authority of subsection (g) which funds shall be*  
31 *returned to the director of accounts and reports for reposit to the origi-*  
32 *inating federal funding source.*

33 (d) The chief executive officer of the state board shall submit a report  
34 to the house and senate committees on education during the ~~2004~~ 2005  
35 and ~~2006~~ 2007 regular session of the legislature on the results, outcomes  
36 and effectiveness of the tuition waiver program authorized by this section.

37 (e) The state board is authorized to receive any grants, gifts, contri-  
38 butions or bequests made for the purpose of supporting the tuition waiver  
39 program authorized by this section and to expend the same.

40 (f) There is hereby established in the state treasury the tuition waiver  
41 gifts, grants and reimbursements fund. Expenditures from the fund may  
42 be made for the purpose of payment of claims of Kansas educational  
43 institutions pursuant to this section and for such purposes as may be

1 specified with regard to any grant, gift, contribution or bequest. All such  
2 expenditures shall be authorized by the chief executive officer of the state  
3 board, or such officer's designee and made upon warrants of the director  
4 of accounts and reports issued pursuant to vouchers approved by the chief  
5 executive officer of the state board, or such officer's designee.

6 (g) During each year, the chief executive officer of the state board  
7 shall make one or more certifications of the amount or amounts required  
8 to pay claims received from Kansas educational institutions for tuition  
9 and fees under this section to the director of accounts and reports and  
10 the secretary of social and rehabilitation services. *Each certification made*  
11 *by the chief executive officer shall include a provision stating that 20% of*  
12 *the total amount or amounts required to pay claims received from Kansas*  
13 *educational institutions for tuition and fees under this section are either*  
14 *cash, in-kind contributions, state general funds or other non-federal*  
15 *sources not used to match other funds, and that the remaining 80% shall*  
16 *be paid from the federal award from the foster care assistance federal*  
17 *fund. Upon receipt of each such certification, the director of accounts*  
18 *shall transfer the amount certified from moneys received under the fed-*  
19 *eral Chafee foster care independence grant and credited to the foster*  
20 *care assistance federal fund of the department of social and rehabilitation*  
21 *services to the tuition waiver gifts, grants and reimbursements fund of*  
22 *the state board. Annual expenditures for the tuition waiver program made*  
23 *by the Kansas department of social and rehabilitation services shall not*  
24 *exceed a maximum of more than 30% of the amount of the federal award*  
25 *in effect on July 1 of each state fiscal year.*

26 (h) On or before the 10th of each month, the director of accounts  
27 and reports shall transfer from the state general fund to the tuition waiver  
28 gifts and grants fund interest earnings based on:

29 (1) The average daily balance of moneys in the tuition waiver gifts  
30 and grants fund for the preceding month; and

31 (2) the net earnings rate for the pooled money investment portfolio  
32 for the preceding month.

33 (i) Applicants eligible for the benefits under this section shall be ex-  
34 empt from the provisions of K.S.A. 76-717, and amendments thereto.

35 (j) The state board shall adopt rules and regulations requiring eligible  
36 applicants to be enrolled as a full-time undergraduate student in good  
37 academic standing and to maintain part-time employment to remain eli-  
38 gible and other rules and regulations, as appropriate, for administration  
39 of the applicable provisions of this section ~~and shall determine the eligi-~~  
40 ~~bility of applicants for the benefits provided under this section.~~ *When*  
41 *there is a candidate that appears to meet the eligibility guidelines for*  
42 *federal Chafee funding administered by the Kansas department of social*  
43 *and rehabilitation services, the state board shall notify the Kansas de-*

1 *partment of social and rehabilitation services. The Kansas department of*  
2 *social and rehabilitation services shall notify the state board of approval*  
3 *of the candidate's eligibility.*

4 (k) The provisions of this section shall expire on June 30, 2006, except  
5 that any eligible applicant who received a tuition waiver before June 30,  
6 2006, and is deemed by the state board to be eligible pursuant to this  
7 section shall be allowed to remain eligible until such applicant completes  
8 such applicant's course of study or becomes ineligible pursuant to the  
9 provisions of this section.

10 **New Sec. 3. (a) State educational institutions under the control and supervision of the state board of regents shall provide a waiver of all tuition and fees required as a condition of enrollment for each person who was a prisoner of war while serving in any military service of the United States of America, who is a resident of Kansas, and who is enrolled at a state educational institution. The waiver shall be provided for not more than 12 semesters of instruction, or the equivalent thereof.**

18 (b) Prior to providing this waiver, each state educational institution shall require each person applying for this waiver to provide official documentation verifying the person's military service and prisoner of war status.

22 (c) As used in this section: (1) "Military service" means any active service in any armed service of the United States and any active federal service in the Kansas army or air national guard;

25 (2) "prisoner of war" means a person who was a prisoner of war under Article 4 of the third Geneva Convention and any individual who was in military service in an armed conflict and who was taken prisoner by opposing forces, whether or not under an official declaration of war; and

30 (3) "resident of Kansas" means a person who is determined by the state educational institution to be a resident for tuition purposes at the time the person became a prisoner of war.

33 ~~Sec. 4.~~ K.S.A. 74-32,161 and K.S.A. 2003 Supp. 74-32,151 are hereby repealed.

35 Sec. 4.5. This act shall take effect and be in force from and after its publication in the statute book.