

SESSION OF 2006

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR  
SUBSTITUTE FOR SENATE BILL NO. 85**

As Amended by House Committee of the Whole

**Brief\***

House Sub. for Sub. for SB 85 would create the Kansas Foster Child Educational Assistance Act. The substitute bill would:

- Define Kansas educational institutions to mean any area vocational school, vocational-technical school, community college, municipal university, state educational institution, or technical college.
- Define eligible participants as an individual who enrolls in an institution on or after July 1, 2006, the effective date of the act and is a youth who is in the custody of the Secretary of Social and Rehabilitation Services (SRS) and in a foster care placement at the time he or she turns 18 years of age; has been released from custody prior to attaining 18 years of age, after graduating from high school or completed a GED while in custody; is adopted from foster care on or after his or her 16<sup>th</sup> birthday; or left foster care subject to guardianship on or after his or her 16<sup>th</sup> birthday.
- Require SRS to adopt rules and regulations for the administration of the program.
- Direct that eligible youth shall not be charged tuition by the educational institution but the youth remains responsible for applicable fees, such as campus fees, that are not directly connected to a specific course. Tuition will not be waived for any course that is repeated or taken in excess of requirements for completion of their education program. Any individual currently participating in the existing tuition assistance program shall continue to receive assistance until they complete their course of study or become ineligible.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Allow the Secretary of SRS to make expenditures, within the limits of appropriations, to reimburse each participating youth for room and board, technical equipment, course required fees and books.
- Require that a youth remain in good standing and make satisfactory progress toward completion of the requirements of the educational program in order to remain eligible for the waiver program.
- Prohibit educational institutions from delaying enrollment of a participating youth because appropriations are not available.
- Require SRS to make an annual report to the Legislature by January 15<sup>th</sup> to account for the ways in which the purposes of the Legislation have been carried out and make recommendations on ways to improve the program to carry out such purposes.
- Establish a sunset date of June 30, 2008.

House Sub. for Sub. for SB 85 also would provide for interest earnings on certain state university funds to be retained in those funds. Under current law, the interest earned by the General Fees Fund (tuition revenue), the Restricted Fees Fund (student fees and other revenue), and various housing revenue funds are retained in the State General Fund. The bill would transfer the amount of interest earned into the funds earning the interest.

## **Background**

The House Committee removed all provisions of Sub. for SB 85 and inserted language from HB 2730 with amendments. The original language in SB 85 concerned Medicaid coverage of breast reconstructive surgery.

The program created in the bill would replace the existing Kansas Foster Child Educational Assistance Act (KSA 74-32,161) which sunsets on June 30, 2006. The bill, as introduced, did not implement a tuition waiver program, but instead continued the program as a tuition assistance program as currently exists. The House Committee amended the bill to require a waiver of tuition by Kansas educational institutions, as defined in the bill. The Committee also amended the

bill to require participants to pay required non-course related fees; to require an annual report by the Secretary; to prohibit an institution from delaying enrollment because of a delay in receiving funds; to strike independent institutions; and to establish a sunset date of July 1, 2008.

Proponents presenting testimony on the bill included Representative Willa DeCastro and representatives of the Department of Social and Rehabilitation Services and the Kansas Youth Council. Written testimony in support of the bill was submitted by the Children's Alliance. A representative of the Kansas Board of Regents provided testimony in support of the concept of the bill but expressed fiscal concerns. Written testimony was submitted by the Kansas Independent College Association opposing the inclusion of its member colleges as part of the program.

The House Committee of the Whole amended the bill to include provisions from HB 3007. These amendments provide that interest earned by various state university funds would be credited to those funds rather than retained by the State General Fund.

The fiscal note for the bill as introduced indicates that the cost to the Board of Regents is estimated at \$224,000 from the State General Fund in FY 2007. No additional cost is estimated for the Department of Social and Rehabilitation Services whose budget already contains funding for the existing program. No fiscal note is available for the substitute bill.

The fiscal note on HB 3007 as prepared by the Division of the Budget states that the bill would decrease revenue to the State General Fund by \$8.5 million.