

As Amended by Senate Committee

Session of 2006

SENATE BILL No. 331

By Legislative Educational Planning Committee

1-5

10 AN ACT concerning technical colleges; relating to the governing body
11 thereof; relating to the powers and duties thereof; amending K.S.A.
12 2005 Supp. 72-4470a and repealing the existing section; also repealing
13 K.S.A. 72-4476.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 2005 Supp. 72-4470a is hereby amended to read
17 as follows: 72-4470a. (a) On or before July 1, 2005, all technical college
18 boards shall develop and present to the state board of regents a plan to
19 replace the governing body described in K.S.A. 72-4470, and amend-
20 ments thereto, with a new governing board, which shall be separate and
21 independent of any board of education of any school district, to operate,
22 control and manage the technical college. The plan shall include, but not
23 be limited to, provisions relating to:

- 24 (1) The composition of the independent governing board;
- 25 (2) the territory of the technical college. If the territory of the tech-
26 nical college includes more than one county, the plan shall designate a
27 home county;
- 28 (3) the method of election or appointment and the terms of service
29 of the members of the independent governing board;
- 30 (4) the date upon which the independent governing board shall as-
31 sume management and control of the technical college;
- 32 (5) the manner, terms upon which and extent to which the facilities,
33 will be transferred to the independent governing board and the division
34 of other assets and indebtedness and other liabilities; and
- 35 (6) the manner and terms upon which faculty, employees and stu-
36 dents will be transferred to the independent governing board. Subject to
37 the provisions of K.S.A. 2005 Supp. 72-4478, and amendments thereto,
38 such provisions shall specify terms of employment and address other per-
39 sonnel matters.

40 (b) (1) Upon approval of the plan by the state board of regents and
41 the governing body of the technical college which submitted the plan,
42 and on the date determined in the approved plan, the independent gov-
43 erning board established under subsection (a) of this section shall operate

1 subject to the rules, regulations and supervision of the state board of
2 regents in the same manner as other technical colleges, technical schools
3 and area vocational technical schools.

4 (2) *If the state board determines that a technical college has failed to*
5 *operate in conformance with the provisions of this section or any rules*
6 *and regulations adopted by the state board or the supervision of the state*
7 *board, the state board may make a determination that the status of such*
8 *technical college shall revert to its status as an area vocational school or*
9 *an area vocational technical school prior to its conversion to a technical*
10 *college. Following such reversion, whenever the technical college is re-*
11 *ferred to or designated by or in any statute, contract or other document,*
12 *such reference or designation shall be deemed to apply to such area vo-*
13 *catinal school or area vocational technical school. Such school shall not*
14 *offer any course that leads to an academic degree* **grant academic**
15 **degrees.**

16 (3) (A) After June 30, 2007, if the governing body of the technical
17 college and the state board of regents have not approved a plan submitted
18 pursuant to subsection (a), the state board of regents ~~shall have the power~~
19 ~~to~~ *may* approve the plan and upon such approval and on the date deter-
20 mined in the approved plan, the independent governing board established
21 pursuant to subsection (a) shall operate subject to the rules, regulations
22 and supervision of the state board of regents in the same manner as other
23 technical colleges, technical schools and area vocational technical schools.

24 (B) *If the state board determines a plan submitted pursuant to sub-*
25 *section (a) does not comply with the provisions of subsection (a) or rules*
26 *and regulations adopted by the state board, the state board may deny*
27 *approval of the plan. The failure of a technical college to submit a plan*
28 *shall be deemed a denial of approval. A denial of approval shall require*
29 *that the technical college shall revert to its status as an area vocational*
30 *school or an area vocational technical school prior to its conversion to a*
31 *technical college. Following such reversion, whenever the technical college*
32 *is referred to or designated by or in any statute, contract or other docu-*
33 *ment, such reference or designation shall be deemed to apply to such area*
34 *vocatinal school or area vocational technical school. Such school shall*
35 *not offer any course that leads to an academic degree* **grant academic**
36 **degrees.**

37 (c) In addition to such other powers expressly granted by law and
38 subject to the provisions of subsection (b), the governing board shall have
39 the power to:

40 (1) Determine the vocational, technology and general education
41 courses of instruction that will comprise the associate of applied science
42 degree programs of the college;

43 (2) establish the requirements for satisfactory completion of the as-

- 1 sociate of applied science degree programs of the college;
- 2 (3) confer the associate of applied science degree upon students who
3 successfully complete an associate of applied science degree program of
4 the college and to award a certificate or diploma to students who suc-
5 cessfully complete a vocational education program of the college;
- 6 (4) appoint teaching staff and fix and determine teacher qualifica-
7 tions, duties and compensation. No teacher appointed to teach courses
8 comprising the associate of applied science degree programs of the col-
9 lege shall be required to meet licensure requirements greater than those
10 required in the state educational institutions;
- 11 (5) have custody of, and be responsible for, the property of the col-
12 lege and be responsible for the operation, management and control of
13 the college;
- 14 (6) select a chairperson and such other officers as it deems desirable,
15 from its membership;
- 16 (7) sue and be sued;
- 17 (8) appoint and fix the compensation and term of office of a president
18 or chief administrative officer of the college;
- 19 (9) fix and determine, within state adopted standards, all other em-
20 ployees' qualifications, duties, compensation and all other items and con-
21 ditions of employment;
- 22 (10) enter into contracts;
- 23 (11) accept any gifts, grants or donations;
- 24 (12) acquire and dispose of real or personal property;
- 25 (13) enter into lease agreements as lessor of any property owned or
26 controlled by the college;
- 27 (14) adopt any rules and regulations, not inconsistent with any law or
28 any rules and regulations of the state board of regents, which are neces-
29 sary for the administration and operation of the college or for the conduct
30 of business of the governing board;
- 31 (15) contract with one or more agencies, either public or private,
32 whether located within or outside the territory of the college or whether
33 located within or outside the state of Kansas for the conduct by any such
34 agency of academic or vocational education for students of the college
35 and to provide for the payment to any such agency for the contracted
36 educational services from any funds or moneys of the college, including
37 funds or moneys received from student tuition and fees;
- 38 (16) appoint as its resident agent for the purpose of service of process,
39 either the president of the technical college or the chairperson of the
40 governing board, or both;
- 41 (17) take any other action, not inconsistent with any law or any rules
42 and regulations of the state board of regents, which is necessary or inci-
43 dental to the establishment, operation and maintenance of the college;

1 (18) issue bonds for capital improvement projects, enter into bond
2 covenants and take such ancillary action as the governing board approves,
3 relating thereto except that such bonds shall not be secured by a pledge
4 of any property tax revenues of the technical college; and
5 (19) enter into agreements with counties relating to funding for cap-
6 ital improvement projects at technical colleges.
7 Sec. 2. K.S.A. 72-4476 and K.S.A. 2005 Supp. 72-4470a are hereby
8 repealed.
9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.