

HOUSE BILL No. 2003

AN ACT concerning postsecondary education; relating to technical education; amending K.S.A. 71-1507, 72-4408, 72-4411, 72-4412, 72-4413, 72-4414, 72-4415, 72-4418, 72-4421, 72-4422, 72-4423, 72-4425, 72-4430, 72-4431, 72-4433, 72-4466, 72-4467, 72-4471 and 74-32,141 and K.S.A. 2008 Supp. 72-4427, 72-4450, 72-4451, 72-4452, 72-4470a, 72-4482 and 74-3201b and repealing the existing sections; also repealing K.S.A. 72-4416, 72-4429, 72-4438, 72-4439, 72-4444, 72-4445, 72-4446, 72-4447, 72-4448, 72-4449, 74-3205a, 74-3205b and 74-3205c and K.S.A. 2008 Supp. 72-4436, 72-4437 and 72-4470.

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

Section 1. K.S.A. 71-1507 is hereby amended to read as follows: 71-1507. (a) The board of trustees of any community college and the board of any area vocational school or area vocational-technical school may make and enter into agreements providing for the transfer from the area vocational school or area vocational-technical school to the community college of any approved ~~vocational~~ *career technical* education program being offered and taught at the postsecondary level in the area vocational school or area vocational-technical school.

(b) In the event the board of trustees of a community college and the board of an area vocational school or area vocational-technical school enter into an agreement authorized under subsection (a), the following conditions shall apply:

(1) The state board of regents shall be notified of the agreement at the time the agreement is executed.

(2) The agreement shall be effective only after approval by the state board of regents.

(3) Any ~~vocational~~ *career technical* education program transferred in accordance with the agreement shall be offered and taught in the community college only after approval of the program by the state board of regents.

(4) The agreement shall be subject to change or termination by the legislature.

(5) (A) The duration of the agreement shall be perpetual unless terminated in accordance with provision (B).

(B) Termination of the agreement may be accomplished only upon approval by the state board of regents of a joint petition to it for termination by the contracting boards after adoption of a resolution to that effect by each such board. The state board of regents shall consider the petition and approve or disapprove termination of the agreement. Upon termination of the agreement, any program transferred thereunder shall be discontinued.

Sec. 2. K.S.A. 72-4408 is hereby amended to read as follows: 72-4408. (a) The state of Kansas hereby accepts the provisions and benefits of the Carl D. Perkins ~~vocational~~ *career* and technical education act of ~~1998~~ 2006, and acts amendatory thereof and supplemental thereto. ~~The state board of education is hereby designated as the sole agency for supervision of the administration of vocational education by local educational agencies through June 30, 2004. On and after July 1, 2004, the state board of regents shall be and hereby is designated as the sole agency for supervision of the administration of~~ *the state plan for career and technical* education by local educational agencies. The state board is authorized to prepare, from time to time amend, and administer the state plan for ~~vocational~~ *career and technical* education as provided in the above cited federal act.

(b) The state plan for ~~vocational~~ *career and technical* education, prepared and adopted pursuant to the provisions of this section, shall continue to be effective and shall be deemed to be the duly adopted state plan for ~~vocational~~ *career and technical* education in Kansas, until revised, amended, revoked or nullified pursuant to law.

Sec. 3. K.S.A. 72-4411 is hereby amended to read as follows: 72-4411. It is the purpose and intention of this act to provide a means whereby the state in cooperation with school districts and postsecondary educational institutions can provide for ~~vocational~~ *career and technical* education and for participation by this state in ~~vocational~~ *career and technical* education programs authorized by federal ~~vocational~~ *career and technical* education acts.

Sec. 4. K.S.A. 72-4412 is hereby amended to read as follows: 72-4412. As used in this act:

(a) "Board" means the board of education of any school district, the

board of trustees of any community college, the board of regents of any municipal university, the board of control of any area vocational-technical school, the governing body of any technical college, or the chief executive officer of any state educational institution.

(b) “Area vocational school” means any vocational education school established under authority of the laws of this state, approved and officially designated as an area vocational school by the state board, and operated under any board. Any area vocational school, except for purposes of the construction of this act, may retain and use the name given to such school prior to the effective date of this act, even though such name includes the words “area vocational-technical school.” ~~Until this provision is amended by or repealed from law, the state board shall not approve the establishment or operation of any area vocational school which has not been approved for establishment or officially designated as an area vocational school prior to the effective date of this act, except that a community college which is consolidated with an area vocational school or area vocational-technical school under the provisions of K.S.A. 71-1701 through 71-1706, and amendments thereto, may be designated as an area vocational school.~~

(c) “Area vocational-technical school” means any vocational education school which was classified as a type II area vocational-technical school under authority of former laws or which is established and classified as a type II area vocational-technical school under authority of this act. The school to which this definition applies is the Southeast Kansas area vocational-technical school.

~~The governing body of an area vocational-technical school shall be called a board of control and shall be constituted as is provided by agreement of the boards participating therein. Members of the board of control shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties. The state board may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically designated in this subsection. Nothing in this act shall be deemed to prevent any board from entering into an agreement for participation in the operation of any area vocational-technical school, nor shall any board which is now or hereafter a participant in the operation of an area vocational-technical school be prevented by the provisions of this act from withdrawing therefrom in the absence of a written agreement to the contrary.~~

(d) “School district” means any school district organized under the laws of this state.

(e) “Community college” means any community college organized and operating under the laws of this state.

(f) “Municipal university” means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated.

(g) “State educational institution” means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

(h) “Technical college” means an educational institution that formerly was an area vocational school or an area vocational-technical school and that has been converted to, established as, and officially designated a technical college under authority of this act.

(i) “State board” means, ~~for the 2001-02 through 2003-04 school years, the state board of education, and for the 2004-05 school year and school years thereafter, the state board of regents.~~

(j) “School year” means the twelve-month period ending on June 30.

(k) “~~Vocational~~ Career technical education” means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual’s academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society.

The term ~~vocational education~~ “*career technical education*” also includes technology education and *career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006*.

(l) “Technology education” means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impacts of technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in technological areas.

(m) “State plan” means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins ~~vocational career and technical education act of 1998~~ *2006*, and acts amendatory thereof or supplemental thereto.

(n) “Associate of applied science degree program” means a program that is offered and maintained by a technical college, composed of ~~vocational, technology, career technical~~ and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or ~~vocational education or technology~~ *career technical* education courses which shall be equivalent to a credit hour.

Sec. 5. K.S.A. 72-4413 is hereby amended to read as follows: 72-4413. ~~(a)~~ The state plan for ~~vocational career and technical~~ education may include such matters as are required to be included in state plans by federal law and rules and regulations. The state plan shall not include any provision which is in conflict with the provisions of this act or any other law of this state. The state plan, in addition to other matters which it may contain, may include ~~the items authorized by this section and may contain~~ such additional items as are permitted to be included by this act. The state plan, or *substantive* changes, supplements or revisions of any part or all thereof, shall not be approved by the state board until a proposal therefor has been issued by the state board and such proposal has been distributed to each board and to other interested persons, and until reasonable public notice has been given, and all boards as well as other interested persons have been given a reasonable opportunity for public hearing. Rules and regulations adopted by the state board shall be adopted in accordance with law.

~~(b) The state plan for vocational education may make provision for work-study programs for vocational education students in accordance with the Carl D. Perkins vocational and technical education act of 1998, or acts amendatory thereof or supplemental thereto.~~

~~(c) The state plan for vocational education may provide for the planning of residential vocational education programs and schools in accordance with the Carl D. Perkins vocational and technical education act of 1998, or acts amendatory thereof or supplemental thereto, but no residential vocational education school shall be established unless and until the same is authorized by the legislature.~~

~~(d) The state plan for vocational education may make provision for exemplary programs of vocational education in accordance with the Carl D. Perkins vocational and technical education act of 1998, or acts amendatory thereof or supplemental thereto.~~

~~(e) The state plan for vocational education may make provision for cooperative vocational education programs in accordance with the Carl D. Perkins vocational and technical education act of 1998, or acts amendatory thereof or supplemental thereto. Such provision shall be specific in providing safeguards against the commingling of public and nonpublic funds or moneys, but provision may be made to pay a part of the cost of private employers to the extent authorized by the federal law.~~

~~(f) The state plan for vocational education may make provision for consumer and homemaking education programs in accordance with the~~

~~Carl D. Perkins vocational and technical education act of 1998, or acts amendatory thereof or supplemental thereto.~~

~~—(g) The state plan for vocational education may make provisions for research and training in vocational education in accordance with the Carl D. Perkins vocational and technical education act of 1998, or acts amendatory thereof or supplemental thereto.~~

~~—(h) The state plan for vocational education may make provision for curriculum development in vocational and technical education in accordance with the Carl D. Perkins vocational and technical education act of 1998, or acts amendatory thereof or supplemental thereto.~~

~~—(i) The state plan for vocational education may provide for offerings of vocational education in private vocational training institutions and nonpublic nonprofit institutions to the extent authorized in the Carl D. Perkins vocational and technical education act of 1998, or acts amendatory thereof or supplemental thereto. Such provisions shall include specific safeguards against the commingling of public and private funds or moneys, but may authorize any board to enter into contracts for vocational education to be conducted in and by any private vocational training institution or nonpublic nonprofit institution.~~

Sec. 6. K.S.A. 72-4414 is hereby amended to read as follows: 72-4414. The state board may enter into contracts with any party or parties including any agency of the United States or any state or any subdivision of any state or with any person, partnership or corporation if the purpose of such contract is directly related to research in the matter of ~~vocational~~ *career technical* education.

Sec. 7. K.S.A. 72-4415 is hereby amended to read as follows: 72-4415. ~~(a)~~ The state board shall be responsible for the allocation and distribution of state and federal funds for ~~vocational~~ *career and technical* education in accordance with the state plan. Moneys allocated and distributed under the provisions of this section shall be expended only in accordance with and for the purposes specified in federal or state law or the state plan. Payments under this act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. Federal funds for ~~vocational~~ *career and technical* education shall be deposited in the state treasury.

~~(b) The state board shall prepare, review annually and administer a state plan of accountability for vocational education programs approved by it. The state plan shall include standards of performance for measuring effectiveness in meeting documented needs of business and industry, in job placement and earnings of program completers, in satisfaction of employers with job skills of people completing the program and in performance of people completing the program on occupational proficiency examinations and licensing examinations. The state board shall prepare a report to be submitted by February 1 of each year to the governor and the legislature. The report shall include analyses and supporting data relating to administration of the state plan of accountability.~~

~~—(c) Every area vocational school and area vocational-technical school may have an area advisory council comprised of primarily nonprofessional persons appointed by the board of such school and having the qualifications and terms approved by the state board.~~

Sec. 8. K.S.A. 72-4418 is hereby amended to read as follows: 72-4418. (a) Consonant with the provisions of subsection (b), the state board of regents shall adopt rules and regulations relating to enrollment procedures for students in ~~vocational~~ *career technical* education courses or programs.

(b) Any person may apply to the board of education of the school district in which the person is enrolled for admittance to a ~~vocational~~ *career technical* education course or program conducted in another school district. The application shall be approved by the board of education subject to the following conditions:

(1) The person is approved for admittance by the board administering the ~~vocational~~ *career technical* education course or program.

(2) The course or program applied for is not offered in the ~~vocational~~ *career technical* education department of the school district in which the student is enrolled, nor in a program which is available to residents of the school district in which the applicant is enrolled under the terms of an agreement made under K.S.A. 72-4421, and amendments thereto.

(3) The person applying is capable of benefiting from the instruction.

(c) Any eligible person may apply for admittance as a postsecondary student to a ~~vocational~~ *career technical* education course or program of a school, as defined by subsection (k) of K.S.A. 72-4430, and amendments thereto, and shall be approved for admittance in accordance with rules adopted by the board of the school to which application is made.

(d) Any person may apply for admittance to a ~~vocational~~ *career technical* education course or program of a community college and shall be approved for admittance in accordance with rules adopted by the community college to which application is made.

(e) Any person admitted to any ~~vocational~~ *career technical* education course or program shall meet such requirements of minimum age as are provided by law for the specific occupation or training courses or programs in which the person is enrolled.

(f) Any person who duly makes application for admission to a ~~vocational~~ *career technical* education course or program, and whose application is denied for any reason, may request a review of the denial by the state board of regents in accordance with the provisions of K.S.A. 77-527, and amendments thereto.

Sec. 9. K.S.A. 72-4421 is hereby amended to read as follows: 72-4421. Any board may enter into a ~~vocational~~ *career technical* education agreement with any other board or boards, subject to the following:

(a) Such agreement shall be for a term of at least three years but not exceeding five years.

(b) Such agreement shall be subject to change or cancellation by the legislature at any time in accordance with article 6, section 5 of the constitution of Kansas.

(c) Such agreement shall be approved by the state board before the same has any force or effect.

(d) Such agreement may provide for payment between boards of moneys for ~~vocational~~ *career technical* education tuition or fees, or for establishing, conducting, maintaining or administering an area vocational school or any ~~vocational~~ *career technical* education course or program.

(e) Such agreement may provide that the tuition of students enrolled in any of the contracting districts, when such students attend a ~~vocational~~ *career technical* education course or program not offered in one of the contracting districts, shall be paid by the board receiving funds under this agreement.

(f) Such agreement may provide that certain ~~vocational~~ *career technical* education courses or programs will be offered only in certain districts.

(g) Such agreement may provide that certain ~~vocational~~ *career technical* education courses or programs are to be contracted for under conditions specified in the agreement.

(h) Such agreement shall make appropriate provision for modification thereof in the event of cancellation, discontinuance or disapproval of any course or program by the state board, whether the same constitutes a loss of current designation as an area vocational school or not.

(i) Such agreement shall provide that the board owning or having jurisdiction over physical facilities used for ~~vocational~~ *career technical* education shall retain the ownership of or jurisdiction over such physical facilities; however, such agreement may provide for the use of such physical facilities during the term of the agreement or a shorter period of time. Any agreement under this section may provide for a different method of ownership or disposition of real or personal property or interest therein, if such provision has received the prior approval of the state board and the attorney general.

Sec. 10. K.S.A. 72-4422 is hereby amended to read as follows: 72-4422. (a) Any board may admit persons who reside outside of the state of Kansas as students to ~~vocational~~ *career technical* education courses or programs.

(b) Persons from outside the state who are admitted to ~~vocational~~ *career technical* education courses or programs by the board of a school district or by a board of control shall be admitted upon payment by or for such persons of tuition and fees which shall be equal in amount to a proportionate share of the total cost of operation and capital expenditures of the ~~vocational~~ *career technical* education program, if such attendance

and tuition has been planned for and approved by the state board and is not inconsistent with the state plan for ~~vocational~~ *career and technical* education and rules and regulations of the state board. Such tuition shall be computed without diminution for state aid or local taxation or contribution, but shall be diminished in an amount appropriate to relieve any such student of cost or expense paid by or through federal aid, assistance or funds.

(c) Persons from outside the state who are admitted to ~~vocational~~ *career technical* education courses or programs by any board other than the boards specified in subsection (b) shall be admitted upon payment of tuition and fees provided in tuition and fee schedules adopted by the board admitting such persons.

Sec. 11. K.S.A. 72-4423 is hereby amended to read as follows: 72-4423. Any board may receive any donation, gift, grant or bequest made for any purpose related to the conduct of ~~vocational~~ *career technical* education courses or programs approved by the state board. In accordance with any conditions imposed by the donor, such board may expend any nonfederal or nonstate donation, gift, grant or bequest without complying with the provisions of the budget law, and the same shall not reduce the authority granted to any school district or community college to levy and expend taxes and tax money for any purpose. The state board may receive any donation, gift, grant or bequest made in behalf of any specific area vocational school or area vocational-technical school, or for the state program of area ~~vocational~~ *career technical* schools and area vocational-technical schools or for any vocational education course or program.

Sec. 12. K.S.A. 72-4425 is hereby amended to read as follows: 72-4425. Every board shall make such periodic and special reports of statistical and financial information to the state board as it may request. Such reports shall be made upon forms provided by the state board. The state board and its officers and agents may inspect and audit any of the financial or other records of any board or board of control and may enter and inspect any physical facility used for any ~~vocational~~ *career technical* education course or program.

Sec. 13. K.S.A. 2008 Supp. 72-4427 is hereby amended to read as follows: 72-4427. The secretary of commerce and the state board of regents are hereby authorized to participate in the federal ~~job training partnership~~ *workforce investment* act (public law ~~97-300~~ 105-220), and amendments thereto, by providing from funds made available under the federal act and appropriated by the legislature for vocational training in accordance with and to the extent required by the federal act.

Sec. 14. K.S.A. 72-4430 is hereby amended to read as follows: 72-4430. As used in this act, unless the context otherwise requires:

(a) “Area vocational school,” “area vocational-technical school,” “board,” “state board,” “community college” and “school year” have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

(b) “Postsecondary student” means a student who is regularly enrolled in a school, who is not required to pay tuition under K.S.A. 72-4422, and amendments thereto, who is not eligible to have tuition paid from moneys, funds or appropriations made available under the federal ~~job training partnership~~ *workforce investment* act, and amendments thereto, or under any other federal program, and who (1) has graduated from high school, (2) has not graduated from high school, is not regularly enrolled in a school district, and has attained the age of 16 years, or (3) is enrolled not for community college credit in a ~~vocational~~ *career technical* education course or program at a community college which is consolidated with an area vocational school or area vocational-technical school under the provisions of K.S.A. 71-1701 through 71-1706, *and amendments thereto*.

(c) “Operating budget” means the adopted operating budget, as approved by the state board, of a school, except for federal aid and amounts budgeted for acquisition or improvement of land and construction, reconstruction or remodeling of buildings.

(d) “Federal aid” means federal moneys distributed to a school.

(e) “State aid” means state moneys distributed by the state board to a school for ~~vocational~~ *career technical* education purposes, except postsecondary aid moneys.

(f) “Postsecondary aid” means state financial aid *in an amount determined pursuant to K.S.A. 2008 Supp. 72-4482, and amendments thereto, and paid or payable under K.S.A. 72-4432, and amendments thereto.*

(g) “Local cost” means the operating budget, less state aid.

(h) “Total enrollment” means the total number of hours all students of a school are enrolled in a school year.

(i) “Local cost per enrollment hour” means local cost divided by total enrollment, except for postsecondary students defined under paragraph (3) of subsection (b), the term means the statewide average of the local cost per enrollment hour as determined by the state board.

(j) “Total postsecondary enrollment” means the total number of hours all postsecondary students are enrolled in a school year.

(k) “School” means an area vocational school, an area vocational-technical school or a community college which is consolidated with an area vocational school or area vocational-technical school under the provisions of K.S.A. 71-1701 through 71-1706, except that school shall not include a community college which is consolidated with an area vocational school or area vocational-technical school for purposes of calculating local cost per enrollment hour.

Sec. 15. K.S.A. 72-4431 is hereby amended to read as follows: 72-4431. Every school shall be ~~entitled eligible~~ to receive postsecondary aid each school year in an amount ~~equal to (a) for the school year ending June 30, 1982, 87½% of the product of local cost per enrollment hour and total postsecondary enrollment, and (b) for each school year thereafter, 85% of the product of local cost per enrollment hour and total postsecondary enrollment determined pursuant to K.S.A. 2008 Supp. 72-4482, and amendments thereto.~~

Sec. 16. K.S.A. 72-4433 is hereby amended to read as follows: 72-4433. Different rates per hour of tuition, fees and charges shall be fixed by each local board for the different postsecondary programs administered by such board. ~~The rate per hour of tuition for postsecondary students fixed by each local board shall be subject to approval of the state board of regents by the commencement of each school year.~~

Sec. 17. K.S.A. 2008 Supp. 72-4450 is hereby amended to read as follows: 72-4450. As used in this act:

(a) ~~“Vocational Career technical education program”~~ means a program of vocational or technical training or retraining which is operated at the postsecondary level and is designed to prepare persons for gainful employment.

(b) ~~“Vocational Career technical education institution”~~ means any area vocational school, area vocational-technical school, *technical college*, community college, municipal university, or any state educational institution which operates one or more ~~vocational career technical education~~ programs.

(c) “Area vocational school,” “area vocational-technical school,” “community college,” “municipal university,” “state educational institution,” *“technical college,”* and “state board” have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

(d) “Private postsecondary educational institution” and “out-of-state postsecondary educational institution” have the meanings ascribed thereto in K.S.A. 2008 Supp. 74-32,163, and amendments thereto.

(e) “Program” means the Kansas training information program established by this act.

Sec. 18. K.S.A. 2008 Supp. 72-4451 is hereby amended to read as follows: 72-4451. There is hereby established the Kansas training information program. The state board shall adopt rules and regulations for administration of the program and shall:

(a) ~~On or before December 31 in each fiscal year,~~ Publish and distribute a report of the employment placement rates and average salaries earned by persons completing ~~vocational career technical~~ education programs in this state during the most recently ended fiscal year for which such information is available. The information required in such report shall be separately reported by program and by institution or school;

(b) establish an advisory committee consisting of representatives of ~~vocational career technical~~ education institutions and participating private and out-of-state postsecondary educational institutions to assist in the

administration of the program. Such representatives shall be comprised of persons who reside or work in Kansas; and

(c) prescribe all forms necessary for ~~vocational~~ *career technical* education institutions and participating private and out-of-state postsecondary educational institutions to provide the information necessary to produce the report required by this section.

Sec. 19. K.S.A. 2008 Supp. 72-4452 is hereby amended to read as follows: 72-4452. (a) Every ~~vocational~~ *career technical* education institution and private or out-of-state postsecondary educational institution which desires to participate in the program, shall:

(1) On or before ~~August~~ *October* 1 in each fiscal year, transmit to the state board (A) the social security number of each person who completed a ~~vocational~~ *career technical* education program operated by the ~~vocational~~ *career technical* education institution or private or out-of-state postsecondary educational institution during the prior fiscal year, and (B) such other information as the state board may require in order to conduct follow-up surveys and studies which will assist in the evaluation of ~~vocational~~ *career technical* education programs; and

(2) prior to or at the time of enrollment at the ~~vocational~~ *career technical* education institution or private or out-of-state postsecondary educational institution, make available to persons enrolling in a vocational education program the most current report published and distributed by the state board.

(b) Information transmitted to the state board pursuant to subsection (a)(1) shall be confidential and shall not be disclosed or made public in such a manner that any individual person can be identified thereby.

Sec. 20. K.S.A. 72-4466 is hereby amended to read as follows: 72-4466. As used in this act:

(a) “Area vocational school”, “area vocational-technical school”, and “community college” have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

(b) “~~Vocational~~ *Career technical* education institution” means any area vocational school, area vocational-technical school or community college.

(c) “Board” means the state board of regents.

(d) “Program” means Kansas technology innovation and internship program.

Sec. 21. K.S.A. 72-4467 is hereby amended to read as follows: 72-4467. (a) There is hereby established the Kansas technology innovation and internship program to be administered by the board. The purposes of the program is to provide grants to ~~vocational~~ *career technical* education institutions for:

(1) Start-up support for innovative technical courses or programs in emerging technologies, manufacturing or areas of skill shortages; or

(2) internships to enable faculty of the ~~vocational~~ *career technical* education institutions to work in an industrial setting or to enable industrial employees to work in an educational setting at such ~~vocational~~ *career technical* education institutions.

(b) Grants awarded under the provisions of this act shall be subject to the following conditions:

(1) Private business must provide financial or in-kind support, or any combination thereof, to the ~~vocational~~ *career technical* educational institutions equaling 100% of the amount of the grant; and

(2) the technical course or program must be new to Kansas, or, if an equivalent course or program is already in existence in Kansas, the new course or program is not offered at a site within 100 miles of a site at which the existing, equivalent course or program is offered; and

(3) the technical course or program must relate to a business or industry located in the service area of the ~~vocational~~ *career technical* educational institution.

(c) Subject to the provisions of appropriations acts and in accordance with the provisions of this act, the board may provide grants to ~~vocational~~ *career technical* educational institutions for the purposes provided for in this act.

(d) The board shall adopt rules and regulations for the administration of the program, including the establishment of grant eligibility criteria.

Sec. 22. K.S.A. 2008 Supp. 72-4470a is hereby amended to read as

follows: 72-4470a. (a) On or before July 1, 2005, all technical college boards shall develop and present to the state board of regents a plan to replace the governing body described in K.S.A. 72-4470, and amendments thereto, with a new 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. 2008 Supp. 72-4478, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters.

(b) (1) Upon approval of the plan by the state board of regents and the governing body of the technical college which submitted the plan, and 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, technical schools and area vocational technical schools.

(2) After June 30, 2007, if the governing body of the technical college and the state board of regents have not approved a plan submitted pursuant to subsection (a), the state board of regents shall have the power to approve the plan and upon such approval and on the date determined in the approved plan, the independent governing board established pursuant to subsection (a) shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools.

(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 ~~vocational, technology~~ *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 ~~vocational~~ *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 ~~vocational~~ *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; and
- (19) enter into agreements with counties relating to funding for capital improvement projects at technical colleges.

Sec. 23. K.S.A. 72-4471 is hereby amended to read as follows: 72-4471. (a) The provisions of all statutes of general application to area vocational schools and area vocational-technical schools shall apply to every technical college that formerly was an area vocational school or an area vocational-technical school. Whenever area vocational schools or area vocational-technical schools are defined, referred to or designated in a statute, such definition, referral or designation shall be deemed to apply to every technical college that formerly was an area vocational school or an area vocational-technical school.

(b) A technical college is authorized to provide ~~vocational~~ *career technical* education courses or programs to pupils enrolled in a school district.

(c) To the extent that the provisions of this act conflict with any other provision of law, the provisions of this act shall control.

Sec. 24. K.S.A. 2008 Supp. 72-4482 is hereby amended to read as follows: 72-4482. (a) The postsecondary technical education authority shall:

- (1) Have delegated authority from the board of regents to coordinate state-wide planning for postsecondary technical education, new postsecondary technical education programs and contract training. Such planning shall be conducted in coordination with federal agencies, the state board of education and other state agencies and Kansas business and industry;
- (2) recommend for adoption by the state board of regents rules and regulations for the supervision of postsecondary technical education;
- (3) review existing and proposed postsecondary technical educational programs and program locations and make recommendations to the state board of regents for approval or disapproval of such programs for state funding purposes;
- (4) review requests of state funding for postsecondary technical education and make recommendations to the state board of regents for amounts of state funding and the distribution thereof;
- (5) develop benchmarks and accountability indicators of programs to be utilized in the awarding of state funding and make recommendations relating thereto to the state board of regents;
- (6) develop and advocate annually a policy agenda for postsecondary technical education;
- (7) conduct continuous studies of ways to maximize the utilization of resources available for postsecondary technical education and make recommendations for improvement in the use of such resources to the state board of regents;

(8) conduct studies to develop strategies and programs for meeting needs of business and industry and make recommendations relating thereto to the state board of regents;

(9) make reports on the performance of its functions and duties together with any proposals and recommendations it may formulate with respect thereto to the state board of regents and the legislature; ~~and~~

(10) coordinate the development of a seamless system for the delivery of technical education between the secondary-school level and the postsecondary-school level; *and*

(11) (A) *develop and recommend to the state board of regents a credit hour funding distribution formula for postsecondary technical training programs that (i) is tiered to recognize and support cost differentials in providing high-demand, high-tech training, (ii) takes into consideration target industries critical to the Kansas economy, (iii) is responsive to program growth and (iv) includes other factors and considerations as deemed necessary or advisable; and (B) establish and recommend to the state board of regents the rates to be used in such funding distribution formula.*

(b) Recommendations adopted by the authority pursuant to subsection (a) shall be submitted to the state board of regents. A recommendation of the authority shall be implemented by the state board unless the state board, by majority vote thereof, vetoes the recommendation within 45 days of the submission of the recommendation to the state board.

(c) (1) Subject to the provisions of paragraph (2), the state board of regents and the postsecondary technical education authority shall appoint a vice-president of workforce development who shall serve as the executive director of the postsecondary technical education authority. The vice-president for workforce development shall be in the unclassified service under the Kansas civil service act. Such person shall not be a member of the authority and shall serve at the pleasure of the state board of regents.

(2) The state board of regents shall develop a procedure for the appointment of the vice-president of workforce development. Such procedure shall provide for the participation of the Kansas association of community college trustees and the Kansas association of technical schools and colleges, or the successor organizations thereof, in the selection of the vice-president of workforce development.

Sec. 25. K.S.A. 2008 Supp. 74-3201b is hereby amended to read as follows: 74-3201b. As used in the Kansas higher education coordination act:

(a) “State board of regents” or “state board” means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto, except as otherwise specifically provided in this act.

(b) “State educational institution” means any state educational institution, as defined in K.S.A. 76-711, and amendments thereto.

(c) “Municipal university” means Washburn university of Topeka or any other municipal university established under the laws of this state.

(d) “Community college” means any community college established under the laws of this state.

(e) “Technical college” means any technical college established under the laws of this state.

(f) “~~Vocational~~ *Career technical* education school” means any area vocational school or area vocational-technical school established under the laws of this state.

(g) “Public university” means any state educational institution.

(h) “Postsecondary educational institution” means any public university, municipal university, community college, technical college and ~~vocational~~ *career technical* education school, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.

(i) “Private postsecondary educational institution” and “out-of-state postsecondary educational institution” have the meanings ascribed thereto in K.S.A. 2008 Supp. 74-32,163, and amendments thereto.

(j) “Adult basic education program” and “adult supplementary education program” have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.

(k) “Representative of a postsecondary educational institution” means any person who is the holder of an associate degree, a bachelor’s degree, or a certificate of completion awarded by a postsecondary educational institution.

Sec. 26. K.S.A. 74-32,141 is hereby amended to read as follows: 74-32,141. (a) On July 1, 1999, the technical colleges, area vocational schools and area vocational-technical schools established and existing under the laws of this state shall be and hereby are transferred from the supervision of the state board of education to supervision and coordination by the state board of regents. The technical colleges, area vocational schools and area vocational-technical schools shall continue to be operated, managed and controlled by governing boards as provided for in article 44 of chapter 72 of Kansas Statutes Annotated. The state board of regents shall exercise such supervision and coordination of the operation, management and control of technical colleges, area vocational schools and area vocational-technical schools as may be prescribed by law.

(b) On July 1, 1999, all of the powers, duties, functions, records and property of the state board of education relating to operations of technical colleges, area vocational schools and area vocational-technical schools shall be and are hereby transferred to and conferred and imposed upon the state board of regents.

(c) On and after July 1, 1999, the state board of regents shall be the successor in every way to the powers, duties and functions of the state board of education relating to operations of technical colleges, area vocational schools and area vocational-technical schools in which the same were vested prior to July 1, 1999. Every act performed by the state board of regents shall be deemed to have the same force and effect as if performed by the state board of education in which such functions were vested prior to July 1, 1999.

(d) On and after July 1, 1999, whenever the state board of education, or words of like effect, is referred to or designated by a statute, contract or other document relating to operations of technical colleges, area vocational schools or area vocational-technical schools, such reference or designation shall be deemed to apply to the state board of regents established.

(e) All rules and regulations, and all orders and directives of the state board of education relating to operations of technical colleges, area vocational schools and area vocational-technical schools which are in existence on July 1, 1999, shall continue to be effective and shall be deemed to be the duly adopted rules and regulations or orders and directives of the state board of regents until revised, amended, revoked or nullified pursuant to law.

(f) The unexpended balance of any appropriation for and any funds available to the state board of education for purposes relating to operations of technical colleges, area vocational schools and area vocational-technical schools shall be transferred to the state board of regents on July 1, 1999.

(g) On and after July 1, 1999, all books, records and papers of the governing boards of technical colleges, area vocational schools and area vocational-technical schools shall be open and available, at all reasonable times, to the state board of regents and its designated officers, employees and agents.

(h) Except as otherwise specifically provided in this act, the transfer of supervision of the technical colleges, area vocational schools and area vocational-technical schools from the state board of education to supervision and coordination by the state board of regents shall not be construed in any manner so as to change or affect the operation, management and control of any technical college, area vocational school or area vocational-technical school or to change or affect any existing power, duty or function of the governing board of any technical college, area vocational school or area vocational-technical school with respect to such operation, management and control.

(i) For the purposes of the school district finance and quality performance act, the term approved ~~vocational~~ “*career technical*” education program means in the case of ~~vocational~~ *career technical* education programs offered and provided in the area vocational schools, the area vocational-technical schools, and the technical colleges, *approved by the*

state board of regents; and in the case of ~~vocational~~ *career technical* education programs offered and provided in the high schools of a school district, *approved by* the state board of education.

Sec. 27. K.S.A. 71-1507, 72-4408, 72-4411, 72-4412, 72-4413, 72-4414, 72-4415, 72-4416, 72-4418, 72-4421, 72-4422, 72-4423, 72-4425, 72-4429, 72-4430, 72-4431, 72-4433, 72-4438, 72-4439, 72-4444, 72-4445, 72-4446, 72-4447, 72-4448, 72-4449, 72-4466, 72-4467, 72-4471, 74-3205a, 74-3205b, 74-3205c and 74-32,141 and K.S.A. 2008 Supp. 72-4427, 72-4436, 72-4437, 72-4450, 72-4451, 72-4452, 72-4470, 72-4470a, 72-4482 and 74-3201b are hereby repealed.

Sec. 28. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.