

SENATE BILL No. 10

By Legislative Educational Planning Committee

1-6

9 AN ACT concerning colleges and universities; relating to fees and tui-
10 tion; establishing the autism service scholarship program.

11

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

13 Section 1. Sections 1 through 8, and amendments thereto, shall be
14 known and may be cited as the autism service scholarship program act.
15 No scholarship shall be awarded or renewed under this act for any period
16 after June 30, 2014.

17 Sec. 2. As used in the autism service scholarship program act:

18 (a) "Autism" means all disorders within the autism spectrum includ-
19 ing, but not limited to, autism, Asperger's disorder, Rett's disorder, child-
20 hood disintegrative disorder and pervasive developmental disorder not
21 otherwise specified, as such terms are specified in the diagnostic and
22 statistical manual of mental disorders, fourth edition, text revision (DSM-
23 IV-TR), of the American psychiatric association, as published in May
24 2000, or later versions as established in rules and regulations adopted by
25 the behavioral sciences regulatory board pursuant to K.S.A. 74-7507, and
26 amendments thereto.

27 (b) "Act" means the autism service scholarship program act.

28 (c) "Program" means the autism service scholarship program.

29 (d) "Executive officer" means the chief executive officer of the state
30 board of regents appointed under K.S.A. 74-3203a, and amendments
31 thereto.

32 (e) "Institution" means a state educational institution as defined by
33 K.S.A. 76-711, and amendments thereto, and Washburn university.

34 (f) "Qualified student" means a person who: (1) Is a resident of the
35 state of Kansas; (2) has been accepted for admission to or is enrolled in
36 an institution in a course of instruction leading to licensure or certification
37 as a professional who is pursuing a bachelor's or master's degree in an
38 allied health care degree program, including, but not limited to, speech
39 and language pathology, occupational therapy, psychology, applied be-
40 havior analysis and social work programs, with coursework and practicum
41 experience in autism and who agrees to provide services to individuals
42 with autism; and (3) has qualified for the award of a scholarship under
43 the service scholarship program on the basis of having demonstrated scho-

1 lastic ability, or who has previously so qualified and remains qualified for
2 renewal of the scholarship on the basis of remaining in good standing and
3 making satisfactory progress toward completion of the requirements of
4 the course of instruction in which enrolled.

5 (g) “Underserved area” means a geographic area of the state in which
6 there is a critical shortage of professionals who provide services for in-
7 dividuals with autism as determined and specified by the state board of
8 education and the secretary of social and rehabilitation services.

9 Sec. 3. (a) There is hereby established the autism service scholarship
10 program. A scholarship may be awarded to any qualified student and may
11 be renewed for each such student who remains qualified for the schol-
12 arship. Determination of the students qualified for such scholarships shall
13 be made by the executive officer. Scholastic ability shall be determined
14 on the basis of any one or more of the following: (1) High ACT or SAT
15 score; (2) rank in high school graduation class; (3) cumulative high school
16 or college grade point average; (4) academic letters of recommendation;
17 or (5) any other indicator of scholastic ability which the state board of
18 regents determines to be demonstrative of potential for successful com-
19 pletion of a course of instruction leading to licensure or certification as a
20 professional who provides services for individuals with autism. To the
21 extent practicable and consistent with qualification factors, preference
22 shall be given to qualified students who are closest to completion of the
23 program. To the extent practicable and consistent with qualification fac-
24 tors, consideration shall be given to qualified students who are members
25 of ethnic minority groups.

26 (b) Within the limitations of appropriations therefor, the number of
27 scholarships awarded and the amount awarded to each applicant shall be
28 determined by the executive officer. The amount awarded shall be spec-
29 ified in the agreement. The amount awarded may vary depending upon
30 the number of hours and the program in which the applicant is enrolled.
31 For academic year 2009-2010, the amount awarded shall not exceed
32 \$3,000 each semester or its equivalent. For academic year 2010-2011 and
33 each year thereafter, the maximum amount that may be awarded shall be
34 increased by an amount equal to the percentage increase in the CPI
35 (urban) during the preceding fiscal year as certified to the executive of-
36 ficer by the director of the budget on August 15 of each year.

37 (c) If a student is not enrolled in an institution on a full-time basis, a
38 student shall complete the course of study within the time period speci-
39 fied in the agreement and shall receive a proportionate amount of the
40 scholarship allowed under subsection (b) based upon the number of hours
41 enrolled in an academic period, and computed as a fraction of the total
42 number of credit hours required for full-time enrollment.

43 Sec. 4. (a) An applicant for designation as a qualified student and for

1 the award of a scholarship under the program shall provide to the executive officer, on forms supplied by the executive officer, information required by the executive officer.

2
3
4 (b) As a condition to awarding a scholarship under this act, the executive officer and the applicant shall enter into an agreement which shall require the applicant to:

5
6
7 (1) Complete the required course of instruction as specified in the agreement;

8
9 (2) obtain and maintain necessary licensure or certification and endorsement as specified in the agreement;

10
11 (3) engage in providing services for individuals with autism in Kansas in an underserved area and comply with such other terms and conditions as may be specified by such agreement;

12
13
14 (4) commence providing services for individuals with autism in Kansas on a full-time basis for a period of not less than the length of the course of instruction for which the scholarship was awarded or commence providing services on a part-time basis in Kansas in accordance with the agreement and continue providing services on such part-time basis for a period of time that is equivalent to full-time, as determined by the state board of regents, multiplied by the length of the course of instruction for which the scholarship was awarded within six months after licensure and continue for the period of time required by the agreement;

15
16
17
18
19
20
21
22 (5) maintain records and make reports to the executive officer as required by the executive officer to document the satisfaction of the obligations under this act and the agreement;

23
24
25
26 (6) provide allied health care services under this act and the agreement with at least 20% of the total monthly work time providing services for individuals with autism; and

27
28
29 (7) upon failure to satisfy an agreement to engage in providing services for individuals with autism in an underserved area as specified in the agreement and for the required period of time under any such agreement, repay to the state amounts as provided in section 5, and amendments thereto.

30
31
32
33
34 Sec. 5. (a) Except as provided in section 8, and amendments thereto, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to the program, such person shall pay to the executive officer an amount equal to the total amount of money received by such person pursuant to such agreement plus accrued interest at a rate which is equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such person first entered into an agreement plus five percentage points. Amounts of payment under this section shall be adjusted proportionately for full years of the obligation that have been satisfied. Installment payments of any such

35
36
37
38
39
40
41
42
43

1 amounts may be made in accordance with the provisions of the agreement
2 entered into by the scholarship recipient or if no such provisions exist in
3 such agreement, in accordance with rules and regulations of the state
4 board of regents, except that such installment payments shall commence
5 six months after the date of the action or circumstances that cause the
6 failure of the person to satisfy the obligations of such agreements, as
7 determined by the executive officer based upon the circumstances of each
8 individual case. Amounts paid under this section to the executive officer
9 shall be deposited in the autism service scholarship repayment fund in
10 accordance with section 7, and amendments thereto.

11 (b) The state board of regents is authorized to turn any repayment
12 account arising under the program over to a designated loan servicer or
13 collection agency, the state not being involved other than to receive pay-
14 ments from the loan servicer or collection agency at the interest rate
15 prescribed under this section.

16 Sec. 6. The state board of regents shall adopt rules and regulations
17 for administration of the autism service scholarship program and shall
18 establish terms, conditions and obligations which shall be incorporated
19 into the provisions of any agreement entered into between the executive
20 officer and an applicant for the award of a scholarship under the program.
21 The terms, conditions and obligations shall be consistent with the provi-
22 sions of law relating to the program and shall include, but not be limited
23 to, the circumstances under which eligibility for financial assistance under
24 the program may be terminated, the amount of financial assistance to be
25 provided, the circumstances under which obligations may be discharged
26 or forgiven, the amount of money required to be repaid because of failure
27 to satisfy the obligations under an agreement and the method of
28 repayment.

29 Sec. 7. (a) There is hereby created in the state treasury the autism
30 service scholarship program fund. The executive officer shall remit all
31 moneys received under the autism service scholarship program, which
32 are paid because of nonattendance or discontinuance by scholarship re-
33 cipients, to the state treasurer in accordance with the provisions of K.S.A.
34 75-4215, and amendments thereto. Upon receipt of each such remittance,
35 the state treasurer shall deposit the entire amount in the state treasury
36 to the credit of the autism service scholarship program fund. All expend-
37 itures from the autism service scholarship program fund shall be for schol-
38 arships awarded under the program and shall be made in accordance with
39 appropriation acts upon warrants of the director of accounts and reports
40 issued pursuant to vouchers approved by the executive officer or by a
41 person designated by the executive officer.

42 (b) There is hereby created in the state treasury the autism service
43 scholarship repayment fund. The executive officer shall remit all moneys

1 received under the autism service scholarship program, which are for
2 payment of amounts pursuant to section 5, and amendments thereto, to
3 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
4 and amendments thereto. Upon receipt of each such remittance, the state
5 treasurer shall deposit the entire amount in the state treasury to the credit
6 of the autism service scholarship repayment fund. All expenditures from
7 the autism service scholarship repayment fund shall be for scholarships
8 awarded under the autism service scholarship program and shall be made
9 in accordance with appropriation acts upon warrants of the director of
10 accounts and reports issued pursuant to vouchers approved by the execu-
11 tive officer or by a person designated by the executive officer.

12 Sec. 8. (a) Except as otherwise specified in the agreement, an obli-
13 gation under any agreement entered into under the autism service schol-
14 arship program shall be postponed: (1) During any required period of
15 active military service; (2) during any period of service as a part of vol-
16 unteers in service to America (VISTA); (3) during any period of service
17 in the peace corps; (4) during any period of service commitment to the
18 United States public health service; (5) during any period of religious
19 missionary work conducted by an organization exempt from tax under
20 section 501(c)(3) of the federal internal revenue code as in effect on
21 December 31, 2000; (6) during any period of time the person obligated
22 is unable because of temporary medical disability; (7) during any period
23 of time the person obligated is enrolled and actively engaged on a full-
24 time basis in a course of study leading to a degree in the field of service
25 which is higher than that formerly attained; (8) during any period of time
26 the person obligated is on job-protected leave under the federal family
27 and medical leave act of 1993; or (9) during any period of time the state
28 board of regents determines that the person obligated is unable because
29 of special circumstances. Except for clauses (6), (8) and (9), an obligation
30 under any agreement entered into as provided in the program shall not
31 be postponed more than five years from the time the obligation was to
32 have been commenced under such agreement. An obligation under any
33 agreement entered into as provided in the autism service scholarship pro-
34 gram shall be postponed under clause (6) during the period of time the
35 medical disability exists. An obligation under any agreement entered into
36 as provided in the program shall be postponed under clause (8) during
37 the period of time the person obligated remains on FMLA leave. An
38 obligation to engage in providing services for individuals with autism in
39 accordance with an agreement under the program shall be postponed
40 under clause (9) during the period of time the state board of regents
41 determines that the special circumstances exist. The state board of re-
42 gents shall adopt rules and regulations prescribing criteria or guidelines
43 for determination of the existence of special circumstances causing an

1 inability to provide services as specified in the agreement, and shall de-
2 termine the documentation required to prove the existence of such
3 circumstances.

4 (b) An obligation under any agreement entered into as provided in
5 the program shall be satisfied: (1) If the obligation has been completed
6 in accordance with the agreement; (2) if the person obligated dies; (3) if,
7 because of permanent physical disability, the person obligated is unable
8 to satisfy the obligation; (4) if the person obligated fails to satisfy the
9 requirements for a graduation after making the best effort possible; (5)
10 if the person obligated fails to satisfy all requirements for licensure in
11 Kansas or has been denied licensure after applying for a license and mak-
12 ing the best effort possible to obtain such license; or (6) if the person
13 obligated is unable to obtain employment in an underserved area as spec-
14 ified in the agreement after making the best effort possible to obtain such
15 employment and the person obligated otherwise completes the terms,
16 conditions and obligations of the agreement.

17 Sec. 9. This act shall take effect and be in force from and after its
18 publication in the statute book.