

Approved: 3/30/94
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:30 p.m. on March 22, 1994 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
LaVonne Mumert, Committee Secretary

Conferees appearing before the committee:

Bob Kelly, Kansas Independent College Association
Rod Bieker, State Department of Education
Harry Dickerson, Kansas Association of Private Career Schools
Dr. Steve Jordan, Executive Director, Kansas Board of Regents
Randy Rushing, Kansas Board of Barbering and the licensed barber colleges in
Kansas

Others attending: See attached list

SCR 1629 - Requesting the state board of education to draft regulations regarding instruction on human sexuality and AIDS

Chairman Kerr announced that the hearing on SCR 1629, which began at the March 21, 1994 meeting would be completed. The remaining conferees advised that they would submit written testimony and not testify orally. The Committee was provided with written testimony in opposition to SCR 1629 from Mark Tallman, Kansas Association of School Boards (Attachment No. 1) and from Susan Chase, Kansas National Education Association (Attachment No. 2).

HB 2566 - Kansas postsecondary review program

Staff explained that HB 2566, which was introduced by the Legislative Educational Planning Committee, creates the Kansas Postsecondary Review Program, to be administered by the State Board of Education. The Board which would serve as the Kansas Postsecondary Review (KPR) Board. Federal legislation, designed to address student financial aid abuse and default issues, requires that each state have a "SPRE" (State Postsecondary Review Entity). Kansas is currently the only state that has not yet taken action to comply. The KPR Board would be responsible for review of postsecondary programs referred to it by the U. S. Secretary of Education and to work with the U. S. Secretary of Education on related issues. HB 2566 sets out the procedures for review by the KPR Board, including the development of standards governing review; making available the review criteria, standards and procedures to the postsecondary institutions; reporting of ineligible institutions to the U. S. Secretary of Education, and establishing a complaint procedure. Staff noted that an item in the bill not required by federal legislation is the 10-member State Postsecondary Review Program Oversight Committee, which would act in an advisory, monitoring and evaluation capacity. Staff mentioned that this body was created to provide a degree of comfort to the various institutions who are subject to this legislation and to provide an avenue for input to the Board of Education in this area. HB 2566 provides that the act will sunset on June 30, 1995. It was noted that, without this type of legislation, Kansas students cannot continue to be eligible for participation in federal student aid programs, which would result in a significant fiscal impact.

Bob Kelly, Kansas Independent College Association, testified in support of the bill (Attachment No. 3). Mr. Kelly described the background of the federal legislation creating the need for a SPRE and said the SPRE becomes the federal marshal for the U. S. Secretary of Education, enforcing its rules and regulations, developing review standards, collecting data and recommending institutions for termination. Mr. Kelly said

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:30 p.m. on March 22, 1994.

the SPRE concept has become highly controversial and that the proposed regulations have raised a great deal of alarm. He went on to say, however, that Kansas has little choice but to comply. Mr. Kelly stated that the SPRE system in HB 2566 is relatively innocuous but legislative, gubernatorial and congressional assistance in receiving federal approval may be needed.

Rod Bieker, State Department of Education, testified in favor of HB 2566 (Attachment No. 4). Mr. Bieker noted that federal provisions require that the state designate a single entity to conduct reviews and that each state must enter into an agreement with the U. S. Secretary of Education to comply with the federal law. He advised that, in Kansas, public and private colleges and universities, proprietary schools, vocational technical schools, community colleges, the Board of Barbering and the State Board of Cosmetology are affected by the legislation. He said the legislation is designed to minimally comply with the federal requirements. Mr. Bieker explained three proposed amendments which are supported by both the Board of Education and the Board of Regents. He described a suggested amendment to lines 18-25, page two, to insert the phrase "as authorized by federal law" in place of current language. He said the amendment is proposed to give the state a little more flexibility since there is some thought that the federal law may be changed in the future. The second proposed amendment discussed by Mr. Bieker is to add the following to line 28, page 2, of the bill: The KPR board shall not adopt any standard which supersedes the authority of a governing board of a postsecondary institution with respect to the content of academic programs. Mr. Bieker said that this amendment is designed to clarify that the State Board of Education cannot designate the content of academic programs. The third amendment suggested by Mr. Bieker is in Section 7(a), page four, and changes the number of members to be appointed by the State Board of Education to two and strikes the provisions relating to representatives of area vocational schools, community colleges and proprietary schools. He explained that this change is intended to be a check on the Board's power and provide assurance to other state agencies. He anticipates that the two Board appointees would be staff of the Department of Education.

Harry Dickerson, Kansas Association of Private Career Schools, testified in support of the bill (Attachment No. 5). He suggested that the bill be amended to provide that members of the oversight committee shall be the chief executive officer of a postsecondary institution or their designee.

Dr. Steve Jordan, Executive Director, Kansas Board of Regents, testified in favor of the bill. He estimates that approximately \$240 million is at stake this year, with \$138 million of that being in the Regents university system. He expressed concern that the federal regulations will exceed the authority of the federal legislation and said it is critical to the Regents that the federal regulations focus on the need to reduce fraud. He expressed support for the amendment proposed by Mr. Bieker relating to the content of academic programs. Dr. Jordan said that the federal legislation is specific that nothing shall be construed to supersede the governance arrangements of the state or to change historical practices in the state. The intent is to provide assurance that the historical requirement that governing boards have responsibility for academic requirements will not change. He expressed support for the amendment which makes reference to federal law. Dr. Jordan said that the amendment providing for two appointees by the Board of Education would give the Board of Education and the Board of Regents equal representation on the committee. It is his preference that the governing board make the decision as to who they will appoint. Dr. Jordan said it is absolutely imperative that this legislation be passed.

Randy Rushing, representing the Kansas Board of Barbering and the licensed barber colleges in Kansas, testified in opposition to the bill (Attachment No. 6). He urged that the original language be reinstated in Section 7(a). Mr. Rushing said certificate or diploma granting schools should have equal representation with degree granting institutions on the board.

Senator Frahm made a motion to amend HB 2566 by adopting the three amendments, on pages 2 and 4, proposed in the testimony of the State Department of Education. Senator Emert seconded the motion. A request was made to divide the question. Chairman Kerr announced that the first vote would pertain to amending line 18, page 2, by inserting "as authorized by federal law" after the word "institutions" and deleting the remainder of the section, and by inserting, "The KPR board shall not adopt any standard which supersedes the authority of a governing board of a postsecondary institution with respect to the content of academic programs" at the end of line 28, page 2. The motion carried. During discussion of the second portion of the motion, to amend Section 7(a)(1) as follows: "Two members appointed by the state board of education", Senator Tiahrt made a substitute motion that HB 2566 be further amended by adding the following to line 34, page 4: "Members of the oversight committee shall be the chief executive officer of a postsecondary institution or their designee". Senator Walker seconded the substitute motion. The substitute motion failed. It was clarified that the original motion includes changing the number of members of the Kansas Postsecondary Review Program Oversight Committee to "nine", and the motion carried.

Senator Emert made a motion that HB 2566, as amended, be recommended favorably for passage. Senator Frahm seconded the motion. Senator Oleen made a substitute motion that HB 2566 be further amended by

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:30 p.m. on March 22, 1994.

changing the expiration date on line 21, page 1, to April 1, 1995, and that the bill, as amended, be recommended favorably for passage. Senator Frahm seconded the substitute motion, and the substitute motion carried.

Senator Frahm made a motion to approve the minutes of the March 17, 1994 meeting. Senator Oleen seconded the motion, and the motion carried.

The meeting was adjourned at 2:30 p.m. The next meeting of the Committee is scheduled for adjournment of the Senate on March 22, 1994.

SENATE EDUCATION COMMITTEE

TIME: 1:30 PLACE: 123-S DATE: 3/22/94

GUEST LIST

NAME

ADDRESS

ORGANIZATION

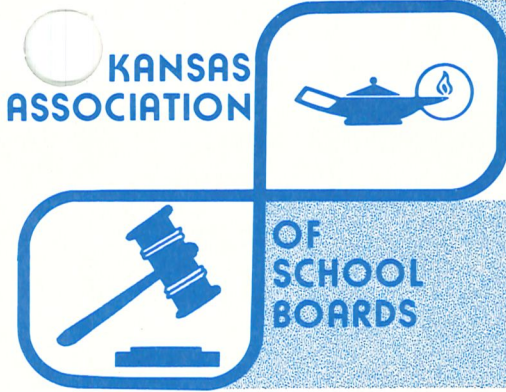
Mark Tallman	Topeka	KASB
Joe Chase	Topeka	KNEA
Joe Chase	Wichita	JPK
Debra Stephens	Topeka	BU 229
Jim Zonally		SM USD
Connie Huerfano	Topeka	SLCB 4-60
Arthur Stearns	Topeka	PCOR
Sandra Clackson	Topeka	Intern Washburn
Theresa Shobe	Topeka	Bd of Cos.
Red Baker	Topeka	Ks. Dept of Education
Lauren	Topeka	KSB
Steve Jordan	Topeka	KBOR
ERIC Sexton	Wichita	Wichita State
David J. Monical	Topeka	Washburn
Ann Colgan	Topeka	Topeka Technical College
John Jewell	Wichita	Kansas School of Hairstyling
Roy Lee	Topeka	KS Bd of Esting
Barbara Bush	Kansas City	Advanced Hair Tech
Cindy Kelley	Topeka	KASB
Bob Kelly	Topeka	CCCCA
Ch. P. Smith	Topeka	Ks Assn of Private Career Schools
Harry W. Dickerson	Wichita	
Larry Prather	Wichita	Kansas Association of Private Career Schools

SENATE EDUCATION COMMITTEE

TIME: 1:30 PLACE: 123-S DATE: 3/22/94

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Winnie Sheintad	Wichita	USD 259
Kathy Sexton	Topeka	Div. of Budget
Therese Farnum	Missouri	Cos. schools
Joe Hancock	Alaska KS	Cos School
Jacquie Oakes	Topeka	SQE
W. E. Evers	Olaburg	SQE
GERALD HENDERSON	TOPEKA	USTA of KS
Ken Bahr	"	KS. Assn of Private Career Schools



1420 S.W. Arrowhead Rd, Topeka, Kansas 66604
913-273-3600

**Testimony on S.C.R. 1629 Before the Senate Committee on Education
By Mark Tallman, Director of Governmental Relations
March 21, 1994**

Mr. Chairman, Members of the Committee:

KASB appears today in opposition to S.C.R. 1629 because we believe that the curriculum decisions and procedures addressed in this resolution should be determined by local schools boards, not the Legislature or the State Board of Education.

One of the greatest concerns about Quality Performance Accreditation among our members is that it will lead to the state expanding its control over courses and course content. Frankly, this has been especially true in the area addressed by outcome eight in the first Q.P.A. document. (This area is now contained in student outcome five in the revised Q.P.A. document.) Our position has been that Q.P.A. does not - and should not - require particular teaching strategies or materials in any area.

Nothing prohibits local school boards from including any of the procedures, strategies or content contained in this resolution as a part of their human sexuality courses. We believe that the members of each local school board, elected by and from the community, with the advice and support of the professional staff and site councils, should determine how to meet the outcomes of Quality Performance Accreditation and to improve the physical and emotional health and well-being of Kansas students.

Thank you for your consideration.

Sen. Ed.
3/22/94
Attachment 1



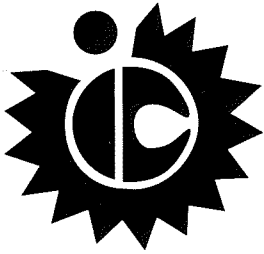
KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Susan Chase testimony before
Senate Education Committee
Monday, March 21, 1994

Thank you, Mr. Chairman. I am Susan Chase and I represent Kansas National Education Association. I appreciate the opportunity to address the committee this afternoon about SCR 1629, which prescribes guidelines for instructing students about human sexuality and AIDS education.

Kansas NEA does not support this resolution. We believe that the appropriate place to make decisions about the curriculum for human sexuality and AIDS education is the local school district. We believe it is not appropriate for the Legislature to be as specific about guidelines for or content of that local curriculum as is this resolution. We believe that the State Board of Education accreditation regulation, 91-31-3 (g), and the KSBE guidelines documents provide appropriate direction to local boards of education. We also believe that they already contain much of the information suggested in this resolution.

Thank you for listening to our concerns about SCR 1629.



KANSAS INDEPENDENT COLLEGE ASSOCIATION

515 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kansas 66603
Telephone (913) 235-9877 • FAX (913) 235-1437

ROBERT N. KELLY, *Executive Director*

MARCH 22, 1994

TESTIMONY BEFORE SENATE EDUCATION COMMITTEE ON HOUSE BILL NO. 2566--SPRE

Mr. Chairman, members of the Committee, my name is Bob Kelly, Executive Director, Kansas Independent College Association. I am here to explain the federal legislation, the role of SPREs, and why Kansas must designate one.

FEDERAL LEGISLATIVE BACKGROUND

SPRE represents a monumental change in federal policy toward higher education and the role of state governments. Frustrated by widespread stories of fraud and abuse in federal student aid programs, particularly large default rates at certain institutions, Congress wanted changes in the scope and enforcement of statutes limiting or terminating institutional eligibility to participate in student aid programs. The initial effort by the House Committee greatly reduced the power and influence of accrediting agencies by replacing some of their powers with state licensing agencies and placed far greater enforcement powers in the federal bureaucracy. This led to a great outcry among colleges and universities supportive of accreditation and by numerous individuals who did not want a larger federal ED bureaucracy. The compromise that resulted--Part H of the Higher Education Reauthorization Act of 1992-- created SPRE.

The legislative purpose behind SPRE is to more clearly define the specific roles of each partner in the "triad": the postsecondary education approval process comprising ED, state governments, and accrediting agencies. Prior to the passage of Part H, the roles were hazy: the accrediting agencies accredited institutions that ED in turn, recognized as eligible so long as they had degree granting or certificate-awarding authority from a state agency. Part H sets more rigorous guidelines for accrediting agencies, provides greater authority to ED to review institutional finances and practices, and grants enforcement authority to the state government with this authority residing in one federally-mandated agency designated by the state--the SPRE. Simply stated, the SPRE becomes the federal marshal for ED, enforcing its rules and regulations, developing its review standards for institutional participation, collecting its data, and recommending specific institutions for termination.

Granting that ED has been inadequate, inconsistent, arrogant, and usually unsuccessful in its enforcement activities, it still seems to many of us to be quite a reach for Congress to put potentially vast enforcement powers in a state agency. The reasons this happened are two: (a) there were no sound political alternatives and (b) many state higher education agencies lobbied for this authority. The result was that Part H passed with little discussion.

HIGHER EDUCATION REACTION

After the passage of Part H, the response has been extremely spirited. On one hand, state governments rushed to designate SPREs. The attachment shows that Kansas is the only state or territory to have not complied. Naturally, there was the threat of the loss of some student aid funds, but the bigger "carrot" was the desire on the part of many state agencies to receive federal funds and be granted expanded authority.

On the other hand, institutions across all sectors are dismayed. Federal inefficiency does not seem so bad when the option is the authority residing in a state agency. Every national association of colleges, universities, or postsecondary institutions has prepared documents sounding the alert of potential problems. Suffice it to say, SPRE has become a highly controversial issue in higher education.

ED RESPONSE

This controversy has been fueled by the regulations that ED has issued to implement Part H. The initial drafts were overreaching, placed considerable powers with SPREs not contemplated in the statutes, and severely limited accrediting agencies. More letters were received by ED on its proposed SPRE regulations than any other higher education issue in history. The negotiations on these items are presently ongoing.

In addition, SPRE has become a priority under the Clinton administration. Its funding has surprised many observers, having received \$5 million its first year, \$21 million its second year, and slated for \$35 million (a 65% increase) in the latest Clinton budget. Kansas would receive about \$62,000 for its initial planning year, around \$300,000 under a \$21 million appropriation, and around \$500,000 under the latest budget.

PERSONAL COMMENTS

1. Please pass HB 2566. The penalties involving accreditation, certification, and eligibility for Title IV funds are vague; but with every other state participating, we will receive little sympathy. Already, access to federal programs is being proposed to be funneled through SPRE.

2. We have designed a relatively innocuous SPRE system for Kansas. It fits our decentralized postsecondary system; however, we may need legislative, gubernatorial and congressional assistance in having it approved by the ED bureaucrats.

3. We all need to monitor the SPRE so that it fits what we in Kansas want. The bill as amended provides a strong framework for oversight because of the sunset provision.

There are a myriad of details I would be willing to address if you ask. But I think this provides sufficient background of the seriousness of the issue and the need to designate a SPRE.

Status Report on State Postsecondary Review Programs (SPREs)

State	SPRE Designated	Agreement Received	Agreement Approved	Plan Received	Plan Approved
Ala.	SHEEO	✓	✓	✓	✓
Alaska	SHEEO	✓	✓	✓	✓
Ariz.	Arizona Commission for Postsecondary Education	✓	✓	✓	✓
Ark.	SHEEO	✓	✓	✓	✓
Calif.	SHEEO	✓	✓	✓	✓
Colo.	SHEEO	✓	✓	✓	✓
Conn.	SHEEO	✓	✓	✓	✓
Del.	SHEEO	✓	✓	✓	✓
D.C.	Education Licensure Commission	✓	✓	✓	✓
Fla.	Florida Department of Education	✓	✓	✓	✓
Ga.	Georgia Student Finance Commission	✓	✓	✓	✓
Hawaii	SPEC	✓	✓	✓	✓
Iowa	Iowa Coordinating Council for Post-High School Education	✓	✓	✓	✓
Idaho	SHEEO	✓	✓	✓	✓
Ill.	Illinois Student Assistance Commission	✓	✓	✓	✓
Ind.	SHEEO	✓	✓	✓	✓
Kans.	Pending legislative action				
Ky.	SHEEO	✓	✓	✓	✓
La.	Louisiana Postsecondary Review Commission	✓	✓	✓	✓
Maine	Maine Department of Education	✓	✓	✓	✓
Md.	SHEEO	✓	✓	✓	✓
Mass.	SHEEO	✓	✓	✓	✓
Mich.	Michigan Department of Education	✓	✓	✓	✓
Minn.	SHEEO	✓	✓	✓	✓
Miss.	SHEEO	✓	✓	✓	✓
Mo.	SHEEO	✓	✓	✓	✓
Mont.	SHEEO	✓	✓	✓	✓
Nebr.	SHEEO	✓		✓	
Nev.	SHEEO	✓	✓	✓	✓
N.H.	SHEEO	✓	✓	✓	✓
N.J.	SHEEO	✓	✓	✓	✓
N.M.	SHEEO	✓	✓	✓	✓
N.Y.	SHEEO	✓	✓	✓	✓
N.C.	State Postsecondary Eligibility Review Commission	✓	✓	✓	✓
N.Dak.	SHEEO	✓	✓	✓	✓
Ohio	Ohio State Postsecondary Review Entity	✓		✓	
Okla.	SHEEO	✓	✓	✓	✓
Oreg.	Office of Educational Policy and Planning	✓	✓	✓	✓
Pa.	SHEEO	✓	✓	✓	✓
P.R.	SHEEO	✓	✓	✓	✓
R.I.	Rhode Island Office of Higher Education	✓	✓	✓	✓
S.C.	SHEEO	✓	✓	✓	✓
S.Dak.	SHEEO	✓	✓	✓	✓
Tenn.	SHEEO	✓	✓	✓	✓
Tex.	SHEEO	✓	✓	✓	✓
Utah	SHEEO	✓	✓	✓	✓
Vt.	SHEEO	✓	✓	✓	✓
Va.	SHEEO	✓	✓	✓	✓
Wash.	SHEEO	✓	✓	✓	✓
W.Va.	SHEEO	✓	✓	✓	✓
Wis.	Higher Educational Aids Board	✓	✓	✓	✓
Wyo.	Wyoming Department of Education	✓	✓	✓	✓
SHEEO = State Higher Education Executive Officer					

*Received after published deadline.

Kansas State Board of Education

120 S.E. 10th Avenue, Topeka, Kansas 66612-1182

March 22, 1994

TO: Senate Education Committee

FROM: State Board of Education

SUBJECT: 1994 House Bill 2566

My name is Rod Bieker, and I am General Counsel for the State Department of Education. It is a pleasure for me to appear before this Committee on behalf of the State Board.

House Bill 2566 is a bill which is needed because of recent changes in the federal law concerning financial aid for students enrolled in postsecondary educational institutions. This includes public and private colleges and universities, community colleges, area vocational-technical schools, proprietary schools, and schools of barbering and cosmetology.

When Congress amended the federal Higher Education Act, it added provisions which impose new responsibilities upon each state. These provisions are intended to address student loan default problems.

Under these new federal provisions, each state is required to designate one entity to conduct reviews of postsecondary educational institutions which are referred to the state for review by the U.S. Secretary of Education. Also, under this new federal legislation, each state must enter into an agreement with the U.S. Secretary of Education under which the state agrees to comply with the federal law. Any state which does not enter into such an agreement is subject to financial consequences in regard to student aid.

The provisions of HB 2566 call for the State Board of Education to be designated as the entity in the state of Kansas that is responsible for carrying out those activities required by these new federal provisions. The functions that the State Board is to carry out under this bill are those which are specified in the federal legislation. Also, a committee is recommended to oversee the manner in which the State Board exercises the authority conferred upon it by this law. This committee serves in an oversight capacity.

Senate Education Committee
March 22, 1994
Page 2

So, in summary, the provisions of HB 2566 are presented to you for your favorable action so the state of Kansas can comply with this new federal law. This will allow postsecondary students in Kansas the opportunity to participate in federal student aid programs.

There are three amendments which the involved agencies have discussed and jointly recommend to you. These are shown on the pages attached to my testimony.

The first amendment is designed to allow the State the most flexibility authorized under the federal law.

The other two amendments are designed to assure the other governing agencies that the State Board of Education, when acting as the KPR board, will not encroach upon the powers and authority of the other agencies.

On behalf of the State Board, I request your favorable action on this bill, as amended.

1 into any agreement with the secretary that is necessary for partic-
 2 ipation by this state in the state postsecondary review program under
 3 federal law and to do all things necessary to meet the requirements
 4 of any such agreement so long as such requirements are not in
 5 conflict with the laws of this state. In accordance with the require-
 6 ments of an agreement entered into with the secretary, the KPR
 7 board shall: (1) Review or make arrangements for the review of
 8 postsecondary institutions referred by the secretary for the purpose
 9 of determining eligibility of such institutions for participation in fed-
 10 eral student aid programs, on a schedule to coincide with the dates
 11 set by the secretary to certify or recertify such institutions; (2) pre-
 12 pare a plan for performing and perform the functions authorized by
 13 the state postsecondary review program under federal law; and (3)
 14 keep such records and provide such information, data and statistics
 15 to the secretary as may be requested.

16 (c) In addition to those postsecondary institutions referred by the
 17 secretary for review, the KPR board may review, subject to approval
 18 by the secretary, other institutions ~~which meet one or more of the~~
 19 ~~criteria provided in federal law for initial review by the secretary if~~
 20 ~~the KPR board has data more recent than data available to the~~
 21 ~~secretary or if the KPR board has reason to believe that any such~~
 22 ~~institution is engaged in fraudulent practices. If the secretary fails~~
 23 ~~to approve or disapprove a request of the KPR board to review~~
 24 ~~additional institutions within 21 days, the KPR board may proceed~~
 25 ~~to review such institutions as if approved by the secretary.~~

26 (d) The KPR board shall develop, in consultation with postse-
 27 condary institutions, standards governing review of the institutions
 28 by the board.

29 (e) The KPR board shall publicize and make available to postse-
 30 condary institutions the criteria for initial review of the institutions
 31 by the secretary, the standards governing review of the institutions
 32 by the KPR board, and the procedures that may be utilized by the
 33 institutions for requesting verification of data used as justification for
 34 review or for disapproval of eligibility for participation in federal
 35 student aid programs.

36 (f) If the KPR board finds, upon review and after affording a
 37 postsecondary institution an opportunity for a hearing, that the in-
 38 stitution does not meet the standards developed for determining
 39 eligibility for participation in federal student aid programs, the KPR
 40 board shall notify the secretary of such findings and the actions that
 41 the KPR board is taking, or has taken, in response to such findings
 42 within a time period prescribed by the secretary by regulation. If
 43 the KPR board determines a postsecondary institution shall not be

as authorized by federal
law

The KPR board shall not
adopt any standard which
supercedes the authority
of a governing board of
a postsecondary
institution with respect
to the content of
academic programs.

1 (b) The KPR board shall have the power and authority to conduct
2 investigation and hearings relating to any matter arising under this
3 act or rules and regulations adopted by the KPR board.

4 (c) For the purpose of any investigation which the KPR board
5 conducts, the board shall have power to conduct such investigation,
6 administer oaths, take depositions, and issue subpoenas to compel
7 the attendance of witnesses and the production of books, papers,
8 documents and testimony. If any person refuses to obey any sub-
9 poena so issued, or refuses to testify or produce any books, papers,
10 or documents, the KPR board, or any member thereof, may present
11 a petition to the district court of the judicial district in which any
12 investigation is being conducted, setting forth the facts, and there-
13 upon the court, in a proper case, shall issue its subpoena to such
14 person, requiring attendance before the court and there to testify
15 or to produce such books, papers and documents as may be deemed
16 necessary and pertinent by the KPR board. Any person failing or
17 refusing to obey the subpoena or order of the district court may be
18 proceeded against for contempt in the same manner as for refusal
19 to obey any other subpoena or order of the court. Hearings before
20 the KPR board shall be conducted in accordance with the provisions
21 of the Kansas administrative procedure act.

Two

22 Sec. 7. (a) There is hereby established the Kansas postsecondary
23 review program oversight committee which shall consist of ~~twelve~~
24 ~~ten~~ members, as follows: (1) ~~Two~~ ~~Three~~ members appointed by the
25 state board of education, ~~one of whom shall represent area voca-~~
26 ~~tional schools and area vocational technical schools, one of whom~~
27 ~~shall represent community colleges, and one of whom shall rep-~~
28 ~~resent proprietary schools;~~ (2) two members appointed by the state
29 board of regents; (3) ~~two members~~ one member appointed by the
30 board of barbering; (4) ~~two members~~ one member appointed by
31 the board of cosmetology; (5) ~~two members~~ one member appointed
32 by the board of regents of Washburn University; and (6) two mem-
33 bers appointed by the executive committee of the Kansas Inde-
34 pendent College Association.

35 (b) Each member of the oversight committee shall serve until a
36 successor is appointed. Vacancies in the membership of the com-
37 mittee shall be filled in the same manner as membership was orig-
38 inally filled.

39 (c) A chairperson and vice-chairperson of the committee, and
40 such other officers as deemed appropriate by the committee, shall
41 be elected by the membership of the committee.

42 (d) The committee shall hold meetings at such times and places
43 as it deems necessary, on call of the chairperson or any three mem-

TESTIMONY
HARRY DICKERSON
KANSAS ASSOCIATION OF PRIVATE CAREER SCHOOLS
SENATE EDUCATION COMMITTEE
House Bill 2566
March 21, 1994

Mr. Chairman and Members of the Senate Education Committee. My name is Harry Dickerson. I am the owner of Bryan Institute in Wichita and I am pleased to appear before you on behalf of the Kansas Association of Private Career Schools.

The State Department of Education currently regulates and licenses some 39 in-state proprietary schools and probably half of those schools participate in Federal Title IV funding for their students.

We therefore join with those who have spoken before in urging your passage of House Bill 2566, to bring Kansas into compliance with the Federal requirement of a state postsecondary review board. We also support the oversight committee which includes representatives from all segments of Kansas postsecondary educational institutions. We would urge your support for HB 2566 and would be glad to respond to any questions.

Sen. Ed.
3/22/94
Attachment 5

Proposed amendment to HB 2566

On page 4, line 34 after the period, by adding "Members of the oversight committee shall be the chief executive officer of a postsecondary institution or their designee."

March 22, 1994

To: Senate Education Committee
From: Kansas Board Of Barbers
Subject: 1994 House Bill 2566

My name is Randy Rushing and I am the Director of Advanced Hair Tech, a barber college located in Kansas City, Kansas. It is a pleasure for me to appear before the Senate on Education. In appearing before this committee today, I am representing the Kansas Board of Barbering and the licensed barber colleges operating in the state of Kansas. At a recently held meeting, the members voted to have myself and Mr. John Jewell, owner of the Kansas School Of Hair Styling located in Wichita to represent their interest regarding House Bill 2566 and appointed us to serve on the Kansas Postsecondary Review Oversight Committee (in advance of its legislative approval) It is a forgone conclusion that House Bill No.2566 must be passed by the Kansas Legislature this session. In question with us is the composition of the committee representation. Therefore, for the sake of brevity, we ask that you consider the original House Bill No.2566. This request for consideration is based upon the following three reasons.

1. The entities appointed to represent Kansas schools fall into two distinct categories. Those who's interest is in schools awarding degrees upon completion (usually two years or longer) and schools awarding certificates or diplomas upon completion. (usually less than two years). Our goal is to provide an even playing field that takes into consideration the different types of students attending the different types of schools. The original bill provided equal representation for the two groups.

2. Degree granting schools in Kansas control and handle over 75% of the financial aid monies dispersed thru Kansas schools. SPRE was established to set instruments in place to control misuse of financial aid monies. Is it wise to give controlling vote on these matters to the group handling the majority of the money? This could be considered a conflict of interest.

3. As schools trip triggers put in place by this oversight committee, degree granting schools represent twenty six schools. Certificate or diploma granting schools represent over eighty schools. We are not asking for an advantage, just an opportunity to have an equal vote in these matter that could put eighty schools out of business.

Thank you for your time and attentiveness. If you have any questions, I would be happy to respond to them. Again, thank you.

Sen. Ed.
3/22/94
Attachment 6