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MEMORANDUM

To: Chairman Howe and members of the House Higher Education Budget Committee

From: Jill A. Wolters, First Assistant Revisor

Date: February 21, 2023

Subject: **HB2290**, concerning higher education; authorizing the affiliation of northwest Kansas technical college and north central Kansas technical college with Fort Hays state university (FHSU).

House Bill No. 2290 authorizes the affiliation of northwest Kansas technical college and north central Kansas technical college with FHSU. The institutions would be designated as FHSU – northwest Kansas technical college and FHSU – north central Kansas technical college and shall be governed by and operated as technical colleges within FHSU.

The governing bodies of such technical colleges shall become industry or regional advisory boards to the president of FHSU for each such technical colleges. All of the powers and duties established in the governing body of such technical colleges by law shall be transferred to FHSU, subject to the rules and regulations and supervision of the state board of regents. The president of FHSU shall appoint the members of the industry or regional advisory boards. The members of the advisory boards shall represent industry sectors or regions that correspond to the programs offered by such technical colleges.

The technical colleges shall offer programs approved by FHSU, including credential and degree programs that technical colleges are authorized by law to award. The industry or regional advisory boards shall: 1) Review non-credit and credit programs with the president and senior leadership of FHSU and the technical colleges to ensure such programs are aligned with current and emerging needs of industry and the community for an educated and trained workforce; 2) provide input relating to changes in each advisory board member's industry sector or region that affect academic programs; 3) perform any operational responsibilities or duties specified in the affiliation agreement; and 4) perform such other responsibilities as requested by the president of FHSU.

The bill provides that nothing in the bill shall be construed as altering any admission requirements applicable to the respective educational institutions, and each affiliating institution shall continue to be subject to any applicable admission requirements imposed by law. FHSU shall not admit degree-seeking first-time freshmen or transfer students to university programs who do not meet the applicable qualified admission standards.

Further, the newly affiliated technical colleges shall continue to be technical colleges and shall be eligible for funding and in the amounts that are currently available to technical colleges.

The bill contains the typical language clarifying that the newly affiliated technical colleges are the technical colleges referred to in statute, contracts and other documents, and that no lawsuit or other judicial proceeding will abate because of such changes.

The formal affiliation agreement between northwest Kansas technical college, north central Kansas technical college and FHSU shall include provisions relating to the manner and terms upon which faculty, employees and students may be transferred to FHSU. Such provisions shall specify terms of employment and include other personnel matters. Subject to the authorization of the state board of regents, all personnel of northwest Kansas technical college and north central Kansas technical college who are necessary to the operation of FHSU – northwest Kansas technical college and FHSU – north central Kansas technical college, in accordance with the needs of FHSU, may become personnel of FHSU. The employment of such personnel shall be deemed uninterrupted.

The affiliation shall be effective upon approval of a formal affiliation agreement that is consistent with these provisions by the state board of regents and the governing bodies of northwest Kansas technical college and north central Kansas technical college and on and after the date the higher learning commission of the north central association of colleges and schools approves the affiliation. If only one of the governing bodies of the technical colleges provides approval of a formal affiliation agreement, the provisions of this section shall still be considered effective as to the affiliation between Fort Hays state university and the technical college whose governing body provided approval of the formal affiliation agreement.

Sections 2 – 5 of the bill make conforming amendments to the statutes concerning such technical colleges.

The bill becomes effective upon the publication in the statute book.