

SENATE BILL No. 544

By Committee on Assessment and Taxation

3-12

1 AN ACT concerning postsecondary education; relating to scholarship
2 programs; establishing the Kansas ~~academic excellence~~ **education**
3 **opportunity** scholarship program to replace the Kansas ethnic minority
4 scholarship program; amending K.S.A. 74-3284, 74-3285, 74-3286, 74-
5 3287, 74-3288 and 74-3289 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 74-3284 is hereby amended to read as follows: 74-
9 3284. (a) *K.S.A. 74-3284 through 74-3289, and amendments thereto, shall*
10 *be known and may be cited as the Kansas ~~academic excellence~~ **education***
11 ***opportunity** scholarship program act.*

12 (b) As used in this act:

13 (a)(1) "Kansas ~~ethnic minority academic excellence~~ **education**
14 **opportunity** scholarship program" means a program under which the state,
15 in response to growing concerns over loss of talented ethnic minority
16 students to institutions of postsecondary education in other states, the need
17 to enhance the diversity of the student population at Kansas institutions of
18 postsecondary education, and the barriers to ethnic minority student
19 enrollment at Kansas institutions of postsecondary education and for the
20 purpose of enabling and encouraging talented ethnic minority students to
21 remain in Kansas for the attainment of educational goals and fulfillment of
22 career aspirations, provides financial assistance through the award of
23 Kansas ~~ethnic minority academic excellence~~ **education opportunity**
24 scholarships to Kansas ~~ethnic minority~~ **education opportunity** scholars
25 *who have demonstrated academic excellence.*

26 (b)(2) "Kansas ~~ethnic minority academic excellence~~ **education**
27 **opportunity** scholarship" means a financial award *made* by this state under
28 this act to a Kansas ~~ethnic minority academically talented~~ **education**
29 **opportunity** scholar.

30 (c)(3) "Kansas ~~ethnic minority academically talented~~ **education**
31 **opportunity** scholar" means a person who:

32 (1)(A) (i) Is a resident of Kansas;

33 (2) is a member of an ethnic minority group;

34 (3)(B)(ii) has been accepted for admission to or is enrolled full time
35 in an educational program at an eligible institution;

36 (4)(C)(iii) has established financial need; and

1 ~~(5)(D) has qualified for the award of a Kansas ethnic minority~~
2 ~~academic excellence scholarship on the basis of having demonstrated~~
3 ~~educational ability, or who~~

4 ~~(iv) is a first generation student or has a parent who is employed in~~
5 ~~Kansas as a teacher or paraprofessional for any of the grades pre-K~~
6 ~~through 12; or~~

7 ~~(B) has previously so qualified and remains qualified for the renewal~~
8 ~~of a Kansas ethnic minority academic excellence education opportunity~~
9 ~~scholarship on the basis of maintaining full-time enrollment in an~~
10 ~~educational program at an eligible institution, remaining in good standing,~~
11 ~~and making satisfactory progress toward completion of the requirements~~
12 ~~for the award of a degree or certificate of completion.~~

13 ~~(d)(4) "Eligible institution" means an institution of postsecondary~~
14 ~~education which maintains open enrollment, the main campus or principal~~
15 ~~place of operation of which is located in Kansas, and which qualifies as an~~
16 ~~eligible institution under the higher education act of 1965 (P.L. 89-329), as~~
17 ~~amended a state educational institution, as defined in K.S.A. 76-711, and~~
18 ~~amendments thereto, Washburn university postsecondary educational~~
19 ~~institution, as defined in K.S.A. 74-3201b, and amendments thereto, or~~
20 ~~an accredited independent institution, as defined in K.S.A. 72-3222, and~~
21 ~~amendments thereto.~~

22 ~~(e) "Ethnic minority group" means a group of persons categorized as:~~
23 ~~(1) American Indian or Alaskan Native; (2) Asian or Pacific Islander; (3)~~
24 ~~Black, non-Hispanic; or (4) Hispanic.~~

25 ~~(f) "American Indian or Alaskan Native" means a person having~~
26 ~~origins in any of the original peoples of North America and who maintains~~
27 ~~cultural identification through tribal affiliation or community recognition.~~

28 ~~(g) "Asian or Pacific Islander" means a person having origins in any~~
29 ~~of the original peoples of the far east, southeast Asia, the Indian~~
30 ~~subcontinent, or pacific islands. This includes, but not by way of~~
31 ~~limitation, persons from China, Japan, Korea, the Philippine Islands,~~
32 ~~Samoa, India and Vietnam.~~

33 ~~(h) "Black, non-Hispanic" means a person having origins in any of~~
34 ~~the black racial groups of Africa (except those of Hispanic origin).~~

35 ~~(i) "Hispanic" means a person of Mexican, Puerto Rican, Cuban,~~
36 ~~Central or South American or other Spanish culture or origin, regardless of~~
37 ~~raee.~~

38 ~~(j)(5) "Financial need" means the difference between the available~~
39 ~~financial resources of a Kansas ethnic minority academically talented~~
40 ~~education opportunity scholar and the scholar's total anticipated expenses~~
41 ~~to attend an eligible institution. A scholar's financial resources shall be~~
42 ~~determined on the basis of criteria provided under the federal methodology~~
43 ~~of need analysis. Financial need shall be determined annually.~~

1 ~~(k)~~(6) "**First generation student**" means an individual who does not
2 have a parent or guardian who has completed a baccalaureate degree.

3 (7) "Semester" means one of two principal terms when there are only
4 two principal terms in the academic year of an eligible institution whether
5 or not there are other shorter terms during the same academic year of the
6 eligible educational institution.

7 ~~(h)~~(7)(8) "Term" means one of two or more substantially equivalent
8 divisions of the academic year of an eligible institution.

9 ~~(m)~~(8)(9) "Program period" means the duration of the period of time,
10 or any division thereof, required for completion of a vocational or
11 technical education program which is given in at an eligible institution.

12 ~~(n)~~ "Open enrollment" means the policy of an institution of
13 postsecondary education which provides the opportunity of enrollment for
14 any student who meets its academic and other reasonable enrollment
15 requirements, without regard for race, gender, religion, creed, ethnicity or
16 national origin.

17 Sec. 2. K.S.A. 74-3285 is hereby amended to read as follows: 74-
18 3285. (a) In each academic year, to the extent that appropriations are
19 available for the Kansas ~~ethnic minority~~ **academic excellence education**
20 **opportunity** scholarship program and in accordance with the provisions of
21 this act, the state board of regents may select for designation as a Kansas
22 ethnic minority ~~academically talented education opportunity~~ scholar and
23 for the award of a Kansas ~~ethnic minority~~ **academic excellence education**
24 **opportunity** scholarship any person who is qualified for such designation
25 and award and. *The state board of regents shall renew the scholarship of*
26 *each Kansas ~~ethnic minority~~ academically talented education opportunity*
27 *scholar who remains qualified for a scholarship.*

28 (b) In selecting persons for designation as Kansas ~~ethnic minority~~
29 ~~academically talented education opportunity~~ scholars, the state board of
30 regents shall provide, insofar as possible and on the basis of a formulated
31 procedure, for equitable apportionment of Kansas ~~ethnic minority~~
32 ~~academic excellence education opportunity~~ scholarships among the ethnic
33 minority groups. The procedure formulated by the board of regents shall
34 take into account: ~~(1) the differences among applicants in level of financial~~
35 ~~need and availability of financial resources so that scholarships are~~
36 ~~targeted to those applicants having the greatest needs; (2) the proportion~~
37 ~~that the population of each ethnic minority group bears to the population~~
38 ~~of all ethnic minority groups in the state; and (3) the differences across~~
39 ~~ethnic minority groups in the proportion of members thereof who complete~~
40 ~~high school. Financial need shall be determined annually.~~

41 (c) An applicant who fails to be awarded a Kansas ~~ethnic minority~~
42 ~~academic excellence education opportunity~~ scholarship shall not be
43 disqualified from applying therefor in a later academic year so long as all

1 requirements for eligibility to apply for such award are met.

2 (d) The award or renewal of a Kansas ~~ethnic minority academic~~
3 ~~excellence~~ **education opportunity** scholarship shall be on an annual basis
4 and shall be effective for one academic year unless otherwise terminated.

5 Sec. 3. K.S.A. 74-3286 is hereby amended to read as follows: 74-
6 3286. (a) A Kansas ~~ethnic minority academic excellence~~ **education**
7 **opportunity** scholarship shall provide for payment to a Kansas ~~ethnic~~
8 ~~minority academically talented~~ **education opportunity** scholar of an
9 amount in each academic year not to exceed an amount equal to 75% of
10 the average amount of the total tuition and required fees of full-time, in-
11 state students. A Kansas ~~ethnic minority academically talented~~ **education**
12 **opportunity** scholar may receive a Kansas ~~ethnic minority academic~~
13 ~~excellence~~ scholarship for not more than eight semesters of undergraduate
14 study or the equivalent thereof, except that a Kansas ~~ethnic~~
15 ~~minority academically talented~~ **education opportunity** scholar may receive
16 a Kansas ~~ethnic minority academic excellence~~ **education opportunity**
17 scholarship for not more than an additional two semesters of study or the
18 equivalent thereof when the requirements of the program in which the
19 scholar is enrolled include the completion of a fifth year of study. The state
20 board of regents shall determine the equivalent of a semester when any
21 program period or all or part of the terms for which a Kansas ~~ethnic~~
22 ~~minority academically talented~~ **education opportunity** scholar is awarded
23 a Kansas ~~ethnic minority academic excellence~~ **education opportunity**
24 scholarship are not semesters.

25 (b) A Kansas ~~ethnic minority academically talented~~ **education**
26 **opportunity** scholar who is also eligible to receive a Kansas
27 comprehensive grant or a state scholarship may be awarded such grant or
28 scholarship, or both, in addition to a Kansas ~~ethnic minority academic~~
29 ~~excellence~~ **education opportunity** scholarship. In no event shall the
30 amount awarded to a Kansas ~~ethnic minority academically talented~~
31 **education opportunity** scholar under a Kansas ~~ethnic minority academic~~
32 ~~excellence~~ **education opportunity** scholarship or the total of any amounts
33 awarded thereunder and under a state scholarship or a Kansas
34 comprehensive grant, or both, exceed an amount equal to the amount of
35 the scholar's financial need for the period.

36 Sec. 4. K.S.A. 74-3287 is hereby amended to read as follows: 74-
37 3287. The state board of regents shall adopt rules and regulations for
38 administration of ~~the provisions of this act and shall:~~

39 (a) Publicize the Kansas ~~ethnic minority academic excellence~~
40 **education opportunity** scholarship program and the manner and method of
41 qualifying for designation as a Kansas ~~ethnic minority academically~~
42 ~~talented~~ **education opportunity** scholar and for the award of a Kansas
43 ~~ethnic minority academic excellence~~ **education opportunity** scholarship;

- 1 (b) provide application forms;
- 2 (c) determine residence, as provided by law, of applicants for Kansas
- 3 ~~ethnic minority academic excellence~~ **education opportunity** scholarships;
- 4 (d) ~~establish a system for identifying and categorizing members of~~
- 5 ~~ethnic minority groups;~~
- 6 (e) ~~determine eligibility of applicants for Kansas ethnic minority~~
- 7 ~~academic excellence~~ **education opportunity** scholarships;
- 8 (f)(e) determine the evidence deemed necessary to be submitted as
- 9 proof of educational ability;
- 10 (g)(f) designate Kansas ~~ethnic minority academically talented~~
- 11 **education opportunity** scholars;
- 12 (h)(g) notify each person who qualifies for designation as a Kansas
- 13 ~~ethnic minority academically talented~~ **education opportunity** scholar and
- 14 for the award of a Kansas ~~ethnic minority academic excellence~~ **education**
- 15 **opportunity** scholarship or who remains qualified as a Kansas ~~ethnic~~
- 16 ~~minority academically talented~~ **education opportunity** scholar for the
- 17 renewal of a Kansas ~~ethnic minority academic excellence~~ **education**
- 18 **opportunity** scholarship;
- 19 (i)(h) approve and award or renew Kansas ~~ethnic minority academic~~
- 20 ~~excellence~~ **education opportunity** scholarships;
- 21 (j)(i) determine the equivalent of a semester for the purpose of
- 22 awarding Kansas ~~ethnic minority academic excellence~~ **education**
- 23 **opportunity** scholarships for any program period or term that is not a
- 24 semester;
- 25 (k)(j) define ~~full-time~~ **full-time** enrollment;
- 26 (l)(k) provide for apportionment of Kansas ~~ethnic minority academic~~
- 27 ~~excellence~~ **education opportunity** scholarships if appropriations therefor
- 28 are insufficient for payment in full to all Kansas ~~ethnic minority~~
- 29 ~~academically talented~~ **education opportunity** scholars;
- 30 (m)(l) request any eligible institution to furnish any information
- 31 relating to and necessary for administration of this act;
- 32 (n)(m) determine the average amount of tuition and fees required of
- 33 full-time, in-state students for enrollment at the state educational
- 34 institutions; and
- 35 (o)(n) evaluate the Kansas ~~ethnic minority academic excellence~~
- 36 **education opportunity** scholarship program annually, and make a report
- 37 thereon to the governor and legislature.
- 38 Sec. 5. K.S.A. 74-3288 is hereby amended to read as follows: 74-
- 39 3288. In accordance with the rules and regulations of the state board of
- 40 regents, each ~~person~~ **individual** who desires to be designated as a Kansas
- 41 ~~ethnic minority academically talented~~ **education opportunity** scholar and
- 42 to receive a Kansas ~~ethnic minority academic excellence~~ **education**
- 43 **opportunity** scholarship shall:

1 (a) Complete and file an application for a Kansas ~~ethnic minority~~
2 ~~academic excellence~~ **education opportunity** scholarship;

3 (b) submit the evidence required as proof of educational ability; and

4 (c) report promptly any information requested relating to
5 administration of this act.

6 Sec. 6. K.S.A. 74-3289 is hereby amended to read as follows: 74-

7 3289. (a) Kansas ~~ethnic minority~~ ~~academic excellence~~ **education**

8 **opportunity** scholarships may be paid annually for two semesters or the

9 equivalent thereof, and may be allocated equally between the semesters or

10 the equivalent of semesters, or otherwise, as determined by the state board

11 of regents. Kansas ~~ethnic minority~~ ~~academic excellence~~ **education**

12 **opportunity** scholarships shall be paid at a time or times to be determined

13 by the state board of regents upon certification by an eligible institution

14 that a Kansas ~~ethnic minority~~ ~~academically talented~~ **education**

15 **opportunity** scholar is enrolled full time in an educational program.

16 Payments of Kansas ~~ethnic minority~~ ~~academic excellence~~ **education**

17 **opportunity** scholarships shall be made upon vouchers approved by the

18 administrative officer of the state board of regents designated by the state

19 board and upon warrants of the director of accounts and reports. Payments

20 of Kansas ~~ethnic minority~~ ~~academic excellence~~ **education opportunity**

21 scholarships may be made by the issuance of a single warrant to each

22 eligible institution ~~at which~~ ~~where~~ a Kansas ~~ethnic minority~~ ~~academically~~

23 ~~talented~~ **education opportunity** scholar is enrolled for the total amount of

24 Kansas ~~ethnic minority~~ ~~academic excellence~~ **education opportunity**

25 scholarships for all Kansas ~~ethnic minority~~ ~~academically talented~~

26 **education opportunity** scholars enrolled at that institution. The director of

27 accounts and reports shall cause such warrant to be delivered to the

28 eligible institution ~~at which~~ ~~where~~ such scholar or scholars are enrolled.

29 Upon receipt of such warrant, the eligible institution shall credit

30 immediately the account of each Kansas ~~ethnic minority~~ ~~academically~~

31 ~~talented~~ **education opportunity** scholar enrolled at that institution by an

32 amount specified by the board of regents for each such scholar.

33 (b) If a Kansas ~~ethnic minority~~ ~~academically talented~~ **education**

34 **opportunity** scholar discontinues attendance before the end of any

35 semester or equivalent thereof, after an eligible institution has received

36 payment under this section, the eligible institution shall pay to the state:

37 (1) The entire amount ~~which~~ ~~that~~ such scholar would otherwise

38 qualify to have refunded not to exceed the amount of the payment made

39 under a Kansas ~~ethnic minority~~ ~~academic excellence~~ **education**

40 **opportunity** scholarship for the semester or equivalent thereof; or

41 (2) if a Kansas ~~ethnic minority~~ ~~academically talented~~ **education**

42 **opportunity** scholar has received payments under any federal program of

43 student assistance in the semester, the state's pro rata share of the entire

1 amount ~~which~~ *that* such scholar would otherwise qualify to have refunded;
2 not to exceed the amount of the payment made under a Kansas ~~ethnic~~
3 ~~minority academic excellence~~ **education opportunity** scholarship for the
4 semester or equivalent thereof.

5 (c) All amounts paid to the state by an eligible institution under
6 subsection (b) shall be deposited in the state treasury and credited to the
7 Kansas ~~ethnic minority academic excellence~~ **education opportunity**
8 scholarship discontinued attendance fund, ~~which~~. *The Kansas ~~academic~~-*
9 *excellence education opportunity scholarship discontinued attendance*
10 *fund* is hereby created. All expenditures from the Kansas ~~ethnic minority~~
11 ~~academic excellence~~ **education opportunity** scholarship discontinued
12 attendance fund shall be for Kansas ~~ethnic minority academic excellence~~
13 **education opportunity** scholarships.

14 Sec. 7. K.S.A. 74-3284, 74-3285, 74-3286, 74-3287, 74-3288 and 74-
15 3289 are hereby repealed.

16 Sec. 8. This act shall take effect and be in force from and after its
17 publication in the Kansas register.