

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 544

As Amended by Senate Committee on
Education

Brief*

SB 544, as amended, would replace the Kansas Ethnic Minority Scholarship Program with the Kansas Education Opportunity Scholarship Program Act (Act).

Under the Act, first generation students who do not have a parent or guardian employed as a pre-K through grade 12 teacher in Kansas would be eligible for a scholarship.

The bill would be in effect upon publication in the *Kansas Register*.

Added and Updated Definitions (Section 1)

The bill would define the following terms:

- “Kansas Education Opportunity Scholarship Program” would mean a program under which the state provides financial assistance through the award of Kansas Education Opportunity Scholars;
- “Kansas Education Opportunity Scholarship” would mean a financial award made by the state under this Act to a Kansas Education Opportunity Scholar;
- “Eligible institution” would mean a state educational institution, as defined in KSA 76-711, and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

amendments thereto, Washburn University, or an accredited independent institution, as defined in KSA 72-3222, and amendments thereto;

- “First generation student” would mean an individual who does not have a parent or guardian who completed a baccalaureate degree;
- “Financial need” would mean the difference between the available financial resources of a Kansas Education Opportunity Scholar and the scholar’s total anticipated expenses to attend an eligible institution. A scholar’s financial resources would be determined on the basis of criteria provided under the federal methodology of need analysis; and
- “Program period” would mean the duration of the period of time, or any division thereof, required for completion of a vocational or technical education program at an eligible institution.

The bill would also remove the definition of “open enrollment.”

Student Eligibility (Section 1)

To be eligible for a Kansas Education Opportunity Scholarship, the bill would require a student to:

- Be a resident of Kansas;
- Have been accepted for admission to or is enrolled full-time in an educational program at an eligible institution;
- Have established financial need; and
- Meet one of the following criteria:

- Be a first generation student who does not have a parent who is employed in Kansas as a teacher or paraprofessional or any of the grades pre-K through 12; or
- Have previously so qualified and remains qualified for the renewal of a Kansas Education Opportunity Scholarship on the basis of maintaining full-time enrollment in an educational program at an eligible institution, remaining in good standing, and making satisfactory progress toward completion of the requirements for the award of a degree or certificate of completion.

Award of Scholarship (Section 2)

The bill would clarify that the Kansas Board of Regents (KBOR) will renew the Kansas Education Opportunity Scholarship of each Kansas scholar who remains qualified for a scholarship.

The bill would establish that financial need will be determined annually for the education opportunity scholar designation.

Technical and Conforming Amendments

The bill would remove all references to the Kansas Ethnic Minority Program. The bill would also make technical and conforming amendments.

Background

The bill was introduced by the Senate Committee on Assessment and Taxation at the request of Senator Baumgardner. The bill was referred to the Senate Committee on Education on March 13, 2024.

Senate Committee on Education

In the Senate Committee hearing on March 18, 2024, no oral **proponent** testimony was provided.

Written-only proponent testimony was provided by a representative of KBOR.

Written-only opponent testimony was provided by a representative of the Health Forward Foundation.

Neutral oral testimony was provided by a representative of the Kansas Independent College Association (KICA), who stated that KICA is supportive of increasing student aid and statewide efforts and addressing college affordability. However, the conferee expressed concerns that replacing the Kansas Ethnic Minority Scholarship may be premature due to the U.S. Supreme Court's ruling on *Students for Fair Admissions v. Harvard* that does not clarify if states and institutions were prohibited from designing need-based programs that serve minority students. There is also concern that the scholarship would replicate existing Kansas programs, specially the Kansas State Scholars Program.

The Senate Committee amended the bill to:

- Change the Kansas Academic Excellence Scholarship Program to the Act [*Note*: The bill, as introduced, would have replaced the Kansas Ethnic Minority Scholarship with the Kansas Academic Excellence Scholarship Program.];
- Replace the terms “academic excellence” and “academically talented” with “education opportunity” to remove the merit-based provisions from the Act (Sections 1-6);
- Replace the eligibility requirement of “demonstrated educational ability” with “is a first generation student who does not have a parent

who is employed in Kansas as a teacher or paraprofessional for any of the grades pre-K through 12”;

- Change the definition of “eligible institution” to be either a state education institution, Washburn University, or an accredited independent institution;
- Add the definition of “first generation student”; and
- Make technical and conforming amendments.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KBOR estimates additional funding of \$1.7 million from the State General Fund in both FY 2025 and FY 2026 would be needed if the bill is enacted. The current State General Fund appropriation for the Kansas Ethnic Minority Scholarship is \$296,498, which has not been enough to fund qualified applicants. KBOR states the bill would expand the number of qualified applicants, and the agency estimates the number of eligible applicants and scholarship renewals would exceed the current appropriation for the Kansas Ethnic Minority Scholarship. KBOR indicates administration of the scholarship could be absorbed within existing resources.

Any fiscal effect associated with SB 544 is not reflected in *The FY 2025 Governor’s Budget Report*.

Education; postsecondary education; scholarship programs; Kansas Academic Excellence Scholarship program