



**PROPOSER Testimony on SB 64
For the Senate Education Committee**

January 28, 2021

Matt Lindsey

President, Kansas Independent College Association

Chair Baumgardner and members of the committee, thank you for the opportunity to come before you to provide proponent testimony related to Senate Bill 64.

Kansas' Independent Colleges:

KICA represents the twenty independent colleges of Kansas, all of which are not-for-profit institutions of higher education, all of which offer undergraduate degrees, all of which have their principal campus in Kansas, all of whom are regionally accredited by the Higher Learning Commission, and all of whom maintain an open enrollment policy consistent with Kansas statutes.

The state of Kansas, via the Kansas Board of Regents, has specific obligations governing “private and out-of-state” educational institutions, per the Private and Out-of-State Post-Secondary Educational Institutions Act. All twenty KICA institutions are exempt from that statute. Thus, for the independent members of KICA, KBOR has no governing role (as it does for the six 4-year Regents universities), coordinating role (as it does for the community colleges, technical colleges, and Washburn University) nor regulatory role (as it does for any for-profit college or college based outside of Kansas that wishes to operate here). Furthermore, KICA institutions do not receive any direct institution funding from the state of Kansas, as befits our independent status.

Comments on SB 64:

As noted above, KICA institutions have traditionally been exempt from the Private and Out-of-State Post-Secondary Educational Institutions Act (via K.S.A. 74-32,164). For the majority of KICA members, we were exempt *en masse* by part (j) of the existing statute. In layman’s terms, we were grandfathered into the state’s approval because of our existence prior to the formation of the Board of Regents and prior approval to offer degrees. In one additional special case, which you learned about earlier this week, Cleveland University-Kansas City was explicitly exempted in part (i) of the existing statute.

We support the changes proposed in SB 64. In particular, we are glad to see each KICA institution individually exempted by name (rather than *en masse*). Being identified by name as explicitly exempt from this law assists in demonstrating to the United States Department of Education that our institutions satisfy various regulatory requirements for being “authorized” in the state in which we are based.

Thank you for the opportunity to express our support. I am happy to answer any questions you may have or provide additional data as you request.