AN ACT concerning postsecondary education; authorizing the merger and consolidation of Wichita state university and Wichita area technical college; amending K.S.A. 72-4472 and K.S.A. 2015 Supp. 71-1802, 71-1803, 71-1808, 72-4417, 72-4440, 72-4466, 72-4480 and 72-4490 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The Wichita area technical college, authorized and designated as a technical college pursuant to K.S.A. 72-4472, prior to its expiration, with a governing board established pursuant to K.S.A. 72-4470a, and amendments thereto, hereby is merged and consolidated with and made part of Wichita state university and the institutional infrastructure of the college hereby is officially designated as the Wichita state university school of technology and applied science. Except as otherwise provided herein, the Wichita state university school of technology and applied science shall be governed by and operated as a school within Wichita state university.

(b) The governing board of the Wichita area technical college, established pursuant to K.S.A. 72-4470a, and amendments thereto, shall become the industry advisory board to the president of Wichita state university for the Wichita state university school of technology and applied science and all the powers granted to the governing board of any technical college by law shall be transferred to Wichita state university subject to the rules and regulations and supervision of the board of regents. The president of Wichita state university shall appoint the members of the industry advisory board.

(c) The Wichita state university school of technology and applied science shall provide education and training, applied research and engaged service to enhance the business and economic competitiveness of Kansas. The Wichita state university school of technology and applied science shall offer programs that focus on critical areas of regional competitiveness, including credential and degree programs ranging from a general educational development (GED) credential to a doctoral degree. The industry advisory board shall review non-credit and credit programs with the president, provost, school dean or executive director and other senior staff of the school to ensure that such programs are aligned with the
current and emerging needs of industry for an educated and trained workforce, and shall provide input into changes in each advisory board member's industry sector that affect academic programs.

(d) Subject to K.S.A. 72-4418, and amendments thereto, persons from outside the state who are admitted by Wichita state university to career technical education courses or programs shall be admitted upon payment of tuition and fees, which shall be consistent with policies approved by the board of regents and shall, to the extent feasible, reflect the purposes and mission of the Wichita state university school of technology and applied science as a critical supplier of workforce education and training. Persons seeking a non-technical certificate, bachelors, masters or doctorate degree shall be subject to standard rules, regulations and supervision of Wichita state university and the state board of regents, including the setting of tuition and fees.

(e) The Wichita state university school of technology and applied science shall be eligible for such funding as is available to technical colleges to the extent provided by law.

(f) Whenever the Wichita area technical college, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Wichita state university school of technology and applied science.

(g) The merger effected by this section shall not affect any contract, agreement or assurance in effect on the effective date of this section. All lawful debts of the Wichita area technical college shall be assumed and paid by Wichita state university.

(h) Subject to authorization by the state board of regents, all personnel of the Wichita area technical college, who are necessary, in the opinion of the president of Wichita state university, to the operation of the Wichita state university school of technology and applied science, shall become personnel of Wichita state university. All such personnel shall retain all retirement benefits and all rights of employment which had accrued to or vested in such personnel prior to the merger effected by this section. The employment of such personnel shall be deemed to have been uninterrupted.

(i) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against the Wichita area technical college, or by or against any personnel of the Wichita area technical college, shall abate by reason of the merger effected by this section. Any such suit, action or other proceeding may be allowed to be maintained by or against Wichita state university. No criminal action commenced or which could have been commenced by the Wichita area technical college shall abate by reason of the merger effected by this section.
The provisions of this section shall be effective from and after the date on which the merger described in subsection (a) is approved by the higher learning commission of the north central association of colleges and schools.

Sec. 2. K.S.A. 2015 Supp. 71-1802 is hereby amended to read as follows: 71-1802. As used in K.S.A. 2015 Supp. 71-1801 through 71-1810, and amendments thereto:

(a) "Community college" means any community college established in accordance with chapter 71 of the Kansas Statutes Annotated, and amendments thereto.

(b) "Community college operating grant" means the operating grant provided for under subsection (a) of K.S.A. 71-620(a), and amendments thereto, prior to fiscal year 2012.

(c) (1) "Credit hour" means the basic unit of collegiate level instruction, as determined by the state board, in a subject or course offered by an eligible institution at a postsecondary level not higher than those programs or courses normally offered to freshmen and sophomores in four-year public institutions of postsecondary education, in a program that has been approved by the state board.

(2) The term "credit hour" does not include instruction in a program or course taken by a student enrolled for audit or not for postsecondary credit, or in any program or course not approved by the state board.

(3) The state board shall determine whether the programs and courses offered are at the level of freshmen and sophomore programs and courses offered in the state educational institutions and shall not approve for funding any program or course offered at a higher level.

(d) "Eligible institution" or "institution" means any community college, technical college or, the institute of technology or any entity resulting from the merger or consolidation of any community college, technical college or institute with a state educational institution.

(e) "Institute of technology," "institute" or "Washburn institute of technology" means the institute of technology at Washburn university.

(f) "Non-tiered course" means any postsecondary credit-bearing course offered by an eligible institution and identified by the state board as not meeting the definition of a tiered technical course. Non-tiered courses include courses that are generally designed to: (1) Contribute to academic knowledge or skills across multiple disciplines and occupations, such as communication, writing, mathematics, humanities, social or behavioral science and natural or physical science courses, some of which may be considered for transfer as general education credit toward a baccalaureate degree; (2) contribute to general knowledge or skills in areas such as critical thinking and reasoning, problem solving, use of technology and teamwork skills; (3) provide instruction in basic or foundational skills
necessary for individuals to effectively participate in technical programs;
(4) prepare individuals for certification or licensure exams or re-
certifications and skill updates; or (5) allow individuals to explore various
career opportunities. Seminars, workshops or other courses that are
supplemental to the primary instruction required for the occupationally
specific technical program shall be considered non-tiered courses, unless
otherwise specified by the state board.

(g) "State board of regents" or "state board" means the state board of
regents provided for in the constitution of this state and established by
K.S.A. 74-3202a, and amendments thereto.
(h) "State educational institution" shall have the same meaning as
that term is defined in K.S.A. 76-711, and amendments thereto.
(i) "Technical college" means a technical college designated
pursuant to K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or 72-
4477a, and amendments thereto.
(j) "Technical program" means any program of study comprised of
a sequence of tiered technical courses and non-tiered courses, which
program is identified by the state board as a technical program for funding
purposes. Technical programs must: (1) Be designed to prepare individuals
for gainful employment in current or emerging technical occupations
requiring other than a baccalaureate or advanced degree; (2) lead to
technical skill proficiency, an industry-recognized credential, a certificate
or an associate degree; and (3) be delivered by an eligible institution.
(k) "Tiered technical course" means a postsecondary credit-bearing
course included in the sequence of courses comprising a technical
program, which course is itself designed to provide competency-based
applied instruction to prepare individuals with occupationally specific
knowledge and skills necessary for employment, and which the state board
has identified as a tiered technical course.
(l) "Tiered technical course credit hour" means a credit hour in a
 tiered technical course.
(m) "Washburn institute of technology operating grant" means any
legislative appropriation designated for non-tiered courses delivered by the
Washburn institute of technology.

Sec. 3. K.S.A. 2015 Supp. 71-1803 is hereby amended to read as
follows: 71-1803. (a) In each fiscal year, commencing with the 2012 fiscal
year, each community college, technical college and the Washburn
institute of technology institution that is eligible for postsecondary tiered
technical education state aid from the state general fund for postsecondary
tiered technical course credit hours approved by the state board and
delivered by the institution to students who are residents of the state of
Kansas, in an amount to be determined by the state board using a credit
hour cost calculation model that: (1) Is tiered to recognize and support cost
differentials in providing high-demand, high-tech training; (2) takes into consideration target industries critical to the Kansas economy; (3) is responsive to program growth; (4) takes into consideration local taxing authority for credit hours generated by in-district students; and (5) includes other factors and considerations as deemed necessary or advisable by the state board. The state board shall establish the rates to be used as the state's share in a given year, as well as in the actual distribution.

(b) For purposes of K.S.A. 2015 Supp. 72-1801 through 71-1810, and amendments thereto, residency for all community college students shall be determined in accordance with K.S.A. 71-406 and 71-407, and amendments thereto, and residency for all technical college and Washburn institute of technology students at other eligible institutions shall be determined in accordance with laws or policies applicable to those institutions.

(c) In fiscal year 2012, any portion of the appropriation for postsecondary tiered technical education state aid that an institution actually receives that is in excess of the amount of community college operating grant or postsecondary aid that the institution received for fiscal year 2011 shall be considered new state funds for purposes of K.S.A. 74-3202d, and amendments thereto.

Sec. 4. K.S.A. 2015 Supp. 71-1808 is hereby amended to read as follows: 71-1808. (a) There is hereby established a postsecondary technical education fund in each community college and at Washburn university for the Washburn institute of technology. All moneys received by a community college or for the institute of technology for establishing, conducting, maintaining and administering any technical program shall be deposited in the postsecondary technical education fund, unless required by federal or state law to be deposited in the institution’s general fund. The expenses of a community college or the institute of technology that are attributable to career technical education shall be paid from the postsecondary technical education fund.

(b) There is hereby established a general operating fund in each technical college budget. All moneys received by a technical college for delivering tiered technical course credit hours and non-tiered course credit hours shall be deposited in the general operating fund of the college. The expenses of a technical college that are attributable to career technical education shall be accounted for separately from the expenses of the college that are not attributable to career technical education.

(c) For any eligible institution that is not subject to the provisions of subsection (a) or (b), all moneys received by such institution for establishing, conducting, maintaining and administering any technical program shall be deposited in the general operating fund for such institution. The expenses of such institution that are attributable to career
technical education shall be paid from the general operating fund of such institution.

(e) (d) Community colleges, technical colleges and the Washburn Institute of Technology Eligible institutions shall maintain fund accounting procedures as may be necessary to assure proper accounting for funds for career technical education courses, whether received directly from the federal government or any of its agencies, or received through the state or any of its agencies.

Sec. 5. K.S.A. 2015 Supp. 72-4417 is hereby amended to read as follows: 72-4417. (a) Students admitted to a career technical education course or program which is conducted by the school district in which the student is enrolled may be charged fees but shall not be charged tuition.

(b) Postsecondary students admitted to a career technical education course or program shall pay tuition and fees as provided by laws applicable thereto.

(c) (1) Secondary students admitted to a career technical education course or program which is conducted by a community college, technical college or institute of technology or state educational institution that has merged or consolidated with a community college, technical college or institute may be charged fees, but shall not be charged tuition.

(2) Each school year, to the extent there are sufficient moneys appropriated to the career technical education secondary program, the state board of regents shall distribute state funds to community colleges, technical colleges and, the Washburn Institute of Technology and any state educational institution that has merged or consolidated with a community college, technical college or institute for the cost associated with secondary students enrolled in postsecondary career technical education programs as determined by the state board of regents.

(3) For purposes of this subsection:

(A) "Community college" means any community college established in accordance with chapter 71 of the Kansas Statutes Annotated, and amendments thereto.

(B) "Fees" means those charges assessed against a student by a community college, technical college or, the institute of technology or state educational institution for student services, such as health clinics, athletic activities and technology services, or for books, supplies or other materials necessary for a particular course or program, the expense of which is not covered by tuition.

(C) "Institute of technology" means the institute of technology at Washburn University.

(D) "Secondary student" means a pupil who: (i) Has not attained a high school diploma or a general educational development (GED) credential; and (ii) is regularly enrolled in and attending a public or private
secondary school.

(E) "State educational institution" shall have the same meaning as that term is defined in K.S.A. 76-711, and amendments thereto.

(F) "Technical college" means a technical college designated pursuant to K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or 72-4477a, and amendments thereto.

(G) "Tuition" means those charges assessed against a student by a community college, technical college or institute of technology or any state educational institution that has merged or consolidated with a community college, technical college or institute on a per credit hour, per course or per term basis, and that are charged to cover the general expense of providing instructional services.

(d) Students admitted to a vocational education course or program which is not conducted by the school district in which the student is enrolled shall be charged tuition and fees determined in accordance with subsection (e), subject however to the following: (1) Tuition or fees, or tuition and fees may be paid for the student in accordance with any agreement made under K.S.A. 72-4421, and amendments thereto; or

(2) if tuition of a student is not paid under paragraph (1) of this subsection, the tuition of the student shall be paid by the school district in which the student is enrolled. No school district shall pay tuition for a student who is a postsecondary student, and no school district shall be required to pay tuition or fees of a student who is eligible to have tuition and fees for the course or training the student selects paid by any state or federal agency from moneys, funds or appropriations made available under any one or more state or federal programs. Any state agency administering any one or more such programs shall pay such tuition and fees upon proper application by a student therefor.

(e) All tuition and fees charged for career technical education by any board shall be in such amounts as are authorized by rules and regulations adopted by the state board which shall establish general guidelines for tuition and fee schedules in career technical education courses and programs, except that tuition of postsecondary students shall be fixed in accordance with K.S.A. 72-4433, and amendments thereto. The particular tuition and fee schedule of every career technical education program shall be subject to annual approval of the state board. A current complete schedule of tuition and fees for each career technical education course shall be maintained on file in the office of the state board, and shall be open for public inspection at any reasonable time. The governing board of the community college, technical college, institute of technology or state educational institution shall establish tuition and fees for career technical education courses at rates per credit hour enrolled.
Sec. 6. K.S.A. 2015 Supp. 72-4440 is hereby amended to read as follows: 72-4440. As used in this act:
(a) "Board," "state board," "school year" and "technical college" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
(b) "Career technical education capital outlay aid" means state financial aid distributed under this act by the state board to an eligible institution for the purpose of construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of buildings, architectural expenses incidental thereto, the acquisition of buildings and building sites and the acquisition of equipment.
(c) "Eligible institution" or "institution" means any technical college, Coffeyville community college, Cowley county community college, Dodge City community college, Highland community college, Hutchinson community college, Johnson county community college, Kansas City, Kansas community college, Pratt community college, Seward county community college and the institute of technology at Washburn university and any state educational institution that has merged or consolidated with any technical college or one of the aforementioned community colleges.
(d) "State educational institution" shall have the same meaning as that term is defined in K.S.A. 76-711, and amendments thereto.
Sec. 7. K.S.A. 2015 Supp. 72-4466 is hereby amended to read as follows: 72-4466. As used in this act:
(a) "Community college," "technical college" and "institute of technology" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.
(b) "Career technical education institution" means any community college, technical college or, the institute of technology or any entity resulting from the merger or consolidation of any community college, technical college or institute with a state educational institution.
(c) "Board" means the state board of regents.
(d) "Program" means Kansas technology innovation and internship program.
(e) "State educational institution" shall have the same meaning as that term is defined in K.S.A. 76-711, and amendments thereto.
Sec. 8. K.S.A. 72-4472 is hereby amended to read as follows: 72-4472. (a) The Wichita area vocational school, also known as the Wichita area vocational-technical school, is authorized to be converted to and established as a technical college and, upon such conversion and establishment as provided by law, shall be officially designated as the Wichita area technical college.
(b) Whenever the Wichita area vocational school, or the Wichita area vocational-technical school, is referred to or designated by or in any
statute, contract or other document, such reference or designation shall be
demed to apply to the Wichita area technical college.

c) The provisions of this section shall expire on the date on which
the provisions of section 1, and amendments thereto, become effective
pursuant to subsection 1(f), and amendments thereto.

Sec. 9. K.S.A. 2015 Supp. 72-4480 is hereby amended to read as
follows: 72-4480. (a) In each fiscal year, commencing with the 2012 fiscal
year, each technical college, as defined in K.S.A. 2015 Supp. 71-1802, and
amendments thereto, is eligible for a grant from the state general fund, in
an amount to be determined by the state board of regents, for non-tiered
course credit hours, as defined in K.S.A. 2015 Supp. 71-1802, and
amendments thereto, approved by the state board and delivered by the
technical college. The method of distribution of such funds shall be
established by the state board after dialogue with the technical college
presidents.

(b) No amount of grant under this section shall be based upon any
credit hour for which the technical college is receiving or is eligible to
receive postsecondary tiered technical education state aid in accordance
with K.S.A. 2015 Supp. 71-1803, and amendments thereto. Only the credit
hours of students who are residents of the state of Kansas enrolled in
courses for postsecondary credit shall be considered for funding.

c) Each state educational institution, as defined in K.S.A. 76-711,
and amendments thereto, that merges or consolidates with a technical
college, as defined in K.S.A. 2015 Supp. 71-1802, and amendments
thereto, is eligible for a grant from the state general fund, in the amount
the technical college being consolidated with would have been eligible for
had it not consolidated, for non-tiered course credit hours, as defined in
K.S.A. 2015 Supp. 71-1802, and amendments thereto, approved by the
state board and delivered by the technical college the year the merger or
consolidation is completed. Thereafter, the amount so determined for the
initial year of merger or consolidation shall be included in the state
educational institution's base appropriations.

d) The state board of regents shall identify and approve core
indicators of quality performance for technical colleges and shall establish
and implement a data management system that includes a process and
format for collecting, aggregating and reporting common and institution-
specific information documenting effectiveness of the colleges in meeting
the role and mission thereof.

(e) One-half of the distribution of the appropriation for grants
under this section to technical colleges eligible for such grants shall be
made on August 1, and the remaining one-half shall be made on January 1
of each fiscal year, or as soon thereafter as possible. The state board shall
certify, on or before July 20 and December 20 of each fiscal year, to the
director of accounts and reports the amount due on August 1 or January 1, as the case may be, to each technical college eligible for a grant, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the technical college for such amount. Upon receipt of the warrant, the treasurer of the technical college shall credit the amount of the warrant to the general fund of the technical college.

Sec. 10. K.S.A. 2015 Supp. 72-4490 is hereby amended to read as follows: 72-4490. (a) (1) Any eligible postsecondary educational institution may certify to the board of regents:

(A) The number of individuals who received a general educational development (GED) credential from such institution while enrolled in an eligible career technical education program;

(B) the number of individuals who received a career technical education credential from such institution; and

(C) the number of individuals who were enrolled in an eligible career technical education program at such institution and who are pursuing a general educational development (GED) credential.

(2) Certifications submitted pursuant to this subsection shall be submitted in such form and manner as prescribed by the board of regents, and shall include such other information as required by the board of regents.

(b) Each fiscal year, upon receipt of a certification submitted under subsection (a), the board of regents shall authorize payment to such eligible postsecondary educational institution from the postsecondary education performance-based incentives fund. The amount of any such payment shall be calculated based on the following:

(1) For each individual who has received a general educational development (GED) credential, $500;

(2) for each individual who has received a career technical education credential, $1,000; and

(3) for each individual enrolled in an eligible career technical education program who is pursuing a general educational development (GED) credential, $170.

(c) That portion of any payment from the postsecondary education performance-based incentives fund that is made based on subsection (b)(2) shall be expended for scholarships for individuals enrolled in an eligible career technical education program and operating costs of eligible career technical education programs. Each eligible postsecondary educational institution shall prepare and submit a report to the board of regents which shall include the number of individuals who received scholarships, the aggregate amount of moneys expended for such scholarships and the number of those individuals who received a scholarship that also received a career technical education credential.
(d) (1) Of that portion of any payment from the postsecondary education performance-based incentives fund that is made based on subsection (b)(3), an amount equal to $150 for each individual shall be expended by the eligible postsecondary educational institution for the general educational development (GED) test.

(2) If any individual enrolled in an eligible career technical education program for which an eligible postsecondary educational institution has received a payment under this section fails to take the general educational development (GED) test, then such institution shall notify the board of regents in writing that no such test was administered to the individual. For each such notification received, the board of regents shall deduct an amount equal to $150 from such institution's subsequent incentive payment.

(e) All payments authorized by the board of regents pursuant to this section shall be subject to the limits of appropriations made for such purposes. If there are insufficient appropriations for the board of regents to authorize payments in accordance with the amounts set forth in subsection (b), the board of regents shall prorate such amounts in accordance with appropriations made therefor.

(f) There is hereby created the postsecondary education performance-based incentives fund. Expenditures from the postsecondary education performance-based incentives fund shall be for the sole purpose of paying payments to eligible postsecondary educational institutions as authorized by the board of regents. All expenditures from the postsecondary education performance-based incentives fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board of regents, or the president's designee.

(g) As used in this section:

1. "Board of regents" means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto.
2. "Career technical education credential" means any industry-recognized technical certification or credential, other than a general educational development (GED) credential, or any technical certification or credential authorized by a state agency.
3. "Eligible career technical education program" means a program operated by one or more eligible postsecondary educational institutions that is identified by the board of regents as a program that allows an enrollee to obtain a general educational development (GED) credential while pursuing a career technical education credential.
4. "Eligible postsecondary educational institution" means any community college, technical college or, the institute of technology at
Washburn university or any entity resulting from the merger or consolidation of any community college, technical college or institute with a state educational institution, except such term shall not include Johnson county community college.

(5) "State agency" means any state office, department, board, commission, institution, bureau or any other state authority.

(6) "State educational institution" shall have the same meaning as that term is defined in K.S.A. 76-711, and amendments thereto.

Sec. 11. K.S.A. 72-4472 and K.S.A. 2015 Supp. 71-1802, 71-1803, 71-1808, 72-4417, 72-4440, 72-4466, 72-4480 and 72-4490 are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the Kansas register.