

**HOUSE BILL No. 2643**

By Committee on Higher Education Budget

2-6

1 AN ACT concerning postsecondary education; relating to residency for  
2 purposes of tuition and fees; relating to the Kansas foster child  
3 educational assistance act; requiring tuition differences to be applied to  
4 such act; amending K.S.A. 2017 Supp. 75-53,114 and 76-729 and  
5 repealing the existing sections; also repealing K.S.A. 2017 Supp. 76-  
6 731a.

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

9 Section 1. K.S.A. 2017 Supp. 75-53,114 is hereby amended to read as  
10 follows: 75-53,114. (a) No eligible foster child who is enrolled at a Kansas  
11 educational institution and who is participating in the program shall be  
12 charged the amount of tuition or required fees charged by the Kansas  
13 educational institution for enrollment in courses necessary to satisfy the  
14 requirements of an educational program.

15 (b) Notwithstanding the provisions of subsection (a) an eligible foster  
16 child shall not have waived the amount of tuition or required fees waived  
17 for any course repeated or taken in excess of the requirements for  
18 completion of the educational program in which such foster child is  
19 enrolled.

20 (c) Within the limits of appropriations available therefor, the secretary  
21 may make expenditures to reimburse each eligible foster child who is  
22 enrolled in a Kansas educational institution and who is participating in the  
23 program for room and board, technical equipment and course required  
24 books.

25 (d) Each eligible foster child who is enrolled in a Kansas educational  
26 institution and who is participating in the program shall be responsible for  
27 all fees charged by the Kansas educational institution that are not directly  
28 related to and required for the courses in the educational program of the  
29 eligible foster child.

30 (e) *Each Kansas educational institution shall determine the*  
31 *difference between the amount that a student would have paid in tuition*  
32 *and fees if such student would have qualified as a resident for fee purposes*  
33 *pursuant to K.S.A. 76-731a, prior to its repeal, and the amount of tuition*  
34 *and fees that such student actually paid to the Kansas educational*  
35 *institution as a nonresident for fee purposes, and shall apply such*  
36 *difference to help offset the amount of tuition or required fees that are*

1 *waived by a Kansas educational institution for an eligible foster child to*  
2 *participate in the program.*

3 Sec. 2. K.S.A. 2017 Supp. 76-729 is hereby amended to read as  
4 follows: 76-729. (a) (†) Persons enrolling at the state educational  
5 institutions under the control and supervision of the state board of regents  
6 who, if such persons are adults, have been domiciliary residents of the  
7 state of Kansas or, if such persons are minors, whose parents have been  
8 domiciliary residents of the state of Kansas for at least 12 months prior to  
9 enrollment for any term or session at a state educational institution are  
10 residents for fee purposes. A person who has been a resident of the state of  
11 Kansas for fee purposes and who leaves the state of Kansas to become a  
12 resident of another state or country shall retain status as a resident of the  
13 state of Kansas for fee purposes if the person returns to domiciliary  
14 residency in the state of Kansas within 60 months of departure. All other  
15 persons are nonresidents of the state of Kansas for fee purposes.

16 ~~(2) The provisions of this subsection shall not apply to a person who~~  
17 ~~is deemed a resident for fee purposes pursuant to K.S.A. 2017 Supp. 76-~~  
18 ~~731a, and amendments thereto.~~

19 (b) The state board of regents may authorize the following persons, or  
20 any class or classes thereof, and their spouses and dependents to pay an  
21 amount equal to resident fees:

22 (1) Persons who are employees of a state educational institution;

23 (2) persons having special domestic relations circumstances;

24 (3) persons who have lost their resident status within six months of  
25 enrollment;

26 (4) persons who are not domiciliary residents of the state, who have  
27 graduated from a high school accredited by the state board of education  
28 within six months of enrollment, who were domiciliary residents of the  
29 state at the time of graduation from high school or within 12 months prior  
30 to graduation from high school, and who are entitled to admission at a  
31 state educational institution pursuant to K.S.A. 76-717b, and amendments  
32 thereto;

33 (5) persons who are domiciliary residents of the state, whose  
34 domiciliary residence was established in the state for the purpose of  
35 accepting, upon recruitment by an employer, or retaining, upon transfer  
36 required by an employer, a position of full-time employment at a place of  
37 employment in Kansas, but the domiciliary residence of whom was not  
38 timely enough established to meet the residence duration requirement of  
39 subsection (a), and who are not otherwise eligible for authorization to pay  
40 an amount equal to resident fees under this subsection.

41 (c) Pursuant to K.S.A. 2017 Supp. 48-3601, and amendments thereto,  
42 a veteran, an active duty member of the armed forces and the spouse and  
43 dependent child of such veteran or active duty member of the armed forces

1 shall be deemed residents of the state for fee purposes.

2 (d) As used in this section:

3 (1) "Parents" means and includes natural parents, adoptive parents,  
4 stepparents, guardians and custodians.

5 (2) "Guardian" has the meaning ascribed thereto by K.S.A. 59-3051,  
6 and amendments thereto.

7 (3) "Custodian" means a person, agency or association granted legal  
8 custody of a minor under the revised Kansas code for care of children.

9 (4) "Domiciliary resident" means a person who has present and fixed  
10 residence in Kansas where the person intends to remain for an indefinite  
11 period and to which the person intends to return following absence.  
12 *"Domiciliary resident" does not include any alien who is not lawfully*  
13 *present in the United States.*

14 (5) "Full-time employment" means employment requiring at least  
15 1,500 hours of work per year.

16 (6) "Dependent" means: (A) A birth child, adopted child or stepchild;  
17 or

18 (B) any child other than the foregoing who is actually dependent in  
19 whole or in part on the person in military service and who is related to  
20 such individual by marriage or consanguinity.

21 (7) "Academic year" means the twelve-month period ending June 30.

22 Sec. 3. K.S.A. 2017 Supp. 75-53,114, 76-729 and 76-731a are hereby  
23 repealed.

24 Sec. 4. This act shall take effect and be in force from and after its  
25 publication in the statute book.