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

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

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

(b) As used in this act:

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

(2) "Kansas ethnic minority academic excellence education opportunity scholarship" means a financial award made by this state under this act to a Kansas ethnic minority academically talented education opportunity scholar.

(3) "Kansas ethnic minority academically talented education opportunity scholar" means a person who:

(A) is a resident of Kansas;

(B) is a member of an ethnic minority group;

(C) has been accepted for admission to or is enrolled full time in an educational program at an eligible institution;

(D) has established financial need; and
(5)(D) has qualified for the award of a Kansas ethnic minority academic excellence scholarship on the basis of having demonstrated educational ability, or who
(iv) is a first generation student or has a parent who is employed in Kansas as a teacher or paraprofessional for any of the grades pre-K through 12; or
(B) has previously so qualified and remains qualified for the renewal of a Kansas ethnic minority academic excellence 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.
(d)(4) "Eligible institution" means an institution of postsecondary education which maintains open enrollment, the main campus or principal place of operation of which is located in Kansas, and which qualifies as an eligible institution under the higher education act of 1965 (P.L. 89-329), as amended a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, Washburn university postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, or an accredited independent institution, as defined in K.S.A. 72-3222, and amendments thereto.
(e) "Ethnic minority group" means a group of persons categorized as:
(1) American Indian or Alaskan Native; (2) Asian or Pacific Islander; (3) Black, non-Hispanic; or (4) Hispanic.
(f) "American Indian or Alaskan Native" means a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.
(g) "Asian or Pacific Islander" means a person having origins in any of the original peoples of the far east, southeast Asia, the Indian subcontinent, or pacific islands. This includes, but not by way of limitation, persons from China, Japan, Korea, the Philippine Islands, Samoa, India and Vietnam.
(h) "Black, non-Hispanic" means a person having origins in any of the black racial groups of Africa (except those of Hispanic origin).
(i) "Hispanic" means a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
(j) "Financial need" means the difference between the available financial resources of a Kansas ethnic minority academically talented education opportunity scholar and the scholar's total anticipated expenses to attend an eligible institution. A scholar's financial resources shall be determined on the basis of criteria provided under the federal methodology of need analysis. Financial need shall be determined annually.
"First generation student" means an individual who does not have a parent or guardian who has completed a baccalaureate degree.

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

"Term" means one of two or more substantially equivalent divisions of the academic year of an eligible institution.

"Program period" means the duration of the period of time, or any division thereof, required for completion of a vocational or technical education program which is given in an eligible institution.

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

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

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

(c) An applicant who fails to be awarded a Kansas ethnic minority academic excellence education opportunity scholarship shall not be disqualified from applying therefor in a later academic year so long as all
requirements for eligibility to apply for such award are met.

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

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

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

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

(a) Publicize the Kansas–ethnic minority academic excellence education opportunity scholarship program and the manner and method of qualifying for designation as a Kansas–ethnic minority academically talented education opportunity scholar and for the award of a Kansas–ethnic minority academic excellence education opportunity scholarship;
(b) provide application forms;
(c) determine residence, as provided by law, of applicants for Kansas ethnic minority academic excellence education opportunity scholarships;
(d) establish a system for identifying and categorizing members of ethnic minority groups;
(e) determine eligibility of applicants for Kansas ethnic minority academic excellence education opportunity scholarships;
(f) determine the evidence deemed necessary to be submitted as proof of educational ability;
(g) designate Kansas ethnic minority academically talented education opportunity scholars;
(h) notify each person who qualifies for designation as a Kansas ethnic minority academically talented education opportunity scholar and for the award of a Kansas ethnic minority academic excellence education opportunity scholarship or who remains qualified as a Kansas ethnic minority academically talented education opportunity scholar for the renewal of a Kansas ethnic minority academic excellence education opportunity scholarship;
(i) approve and award or renew Kansas ethnic minority academic excellence education opportunity scholarships;
(j) determine the equivalent of a semester for the purpose of awarding Kansas ethnic minority academic excellence education opportunity scholarships for any program period or term that is not a semester;
(k) define full-time full-time enrollment;
(l) provide for apportionment of Kansas ethnic minority academic excellence education opportunity scholarships if appropriations therefor are insufficient for payment in full to all Kansas ethnic minority academically talented education opportunity scholars;
(m) request any eligible institution to furnish any information relating to and necessary for administration of this act;
(n) determine the average amount of tuition and fees required of full-time, in-state students for enrollment at the state educational institutions; and
(o) evaluate the Kansas ethnic minority academic excellence education opportunity scholarship program annually, and make a report thereon to the governor and legislature.

Sec. 5. K.S.A. 74-3288 is hereby amended to read as follows: 74-3288. In accordance with the rules and regulations of the state board of regents, each person individual who desires to be designated as a Kansas ethnic minority academically talented education opportunity scholar and to receive a Kansas ethnic minority academic excellence education opportunity scholarship shall:
(a) Complete and file an application for a Kansas—ethnic minority academic excellence education opportunity scholarship;
(b) submit the evidence required as proof of educational ability; and
(c) report promptly any information requested relating to administration of this act.

Sec. 6. K.S.A. 74-3289 is hereby amended to read as follows: 74-3289. (a) Kansas—ethnic minority academic excellence education opportunity scholarships may be paid annually for two semesters or the equivalent thereof, and may be allocated equally between the semesters or the equivalent of semesters, or otherwise, as determined by the state board of regents. Kansas—ethnic minority academic excellence education opportunity scholarships shall be paid at a time or times to be determined by the state board of regents upon certification by an eligible institution that a Kansas—ethnic minority academically talented education opportunity scholar is enrolled full time in an educational program. Payments of Kansas—ethnic minority academic excellence education opportunity scholarships shall be made upon vouchers approved by the administrative officer of the state board of regents designated by the state board and upon warrants of the director of accounts and reports. Payments of Kansas—ethnic minority academic excellence education opportunity scholarships may be made by the issuance of a single warrant to each eligible institution at which a Kansas—ethnic minority academically talented education opportunity scholar is enrolled for the total amount of Kansas—ethnic minority academic excellence education opportunity scholarships for all Kansas—ethnic minority academically talented education opportunity scholars enrolled at that institution. The director of accounts and reports shall cause such warrant to be delivered to the eligible institution at which such scholar or scholars are enrolled. Upon receipt of such warrant, the eligible institution shall credit immediately the account of each Kansas—ethnic minority academically talented education opportunity scholar enrolled at that institution by an amount specified by the board of regents for each such scholar.
(b) If a Kansas—ethnic minority academically talented education opportunity scholar discontinues attendance before the end of any semester or equivalent thereof, after an eligible institution has received payment under this section, the eligible institution shall pay to the state:
(1) The entire amount which that such scholar would otherwise qualify to have refunded not to exceed the amount of the payment made under a Kansas—ethnic minority academic excellence education opportunity scholarship for the semester or equivalent thereof; or
(2) if a Kansas—ethnic minority academically talented education opportunity scholar has received payments under any federal program of student assistance in the semester, the state's pro rata share of the entire
amount which that such scholar would otherwise qualify to have refunded; not to exceed the amount of the payment made under a Kansas—ethnic minority—academic—excellence education opportunity scholarship for the semester or equivalent thereof.

(c) All amounts paid to the state by an eligible institution under subsection (b) shall be deposited in the state treasury and credited to the Kansas—ethnic minority—academic—excellence education opportunity scholarship discontinued attendance fund, which. The Kansas—academic—excellence education opportunity scholarship discontinued attendance fund is hereby created. All expenditures from the Kansas—ethnic minority—academic—excellence education opportunity scholarship discontinued attendance fund shall be for Kansas—ethnic minority—academic—excellence education opportunity scholarships.

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

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