



Proposed

KANSAS BOARD OF REGENTS

NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS

A public hearing will be conducted on Tuesday, October 6, 2015 at 10:00 a.m. in the Board of Regents Board room, 1000 S.W. Jackson, Suite 520, Topeka, to consider the amendment of regulations concerning the tuition rates that may be charged to active members of the military, veterans and their respective spouses and dependent children.

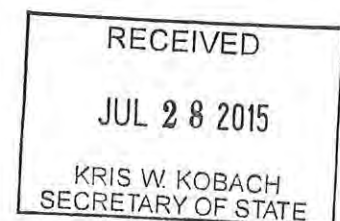
This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comment on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Theresa Schwartz, Kansas Board of Regents, 1000 S.W. Jackson, Suite 520, Topeka, Kansas 66612-1368, tschwartz@ksbor.org. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Renee Burlingham at (785) 296-3689.

Copies of the regulations and the economic impact statements may be found at http://www.kansasregents.org/about/rules_regulations or by contacting Renee Burlingham. A summary of the proposed regulations and the economic impact follows:

The overall purposes of the proposed amendments to these three regulations is to implement the provisions of 2015 HB 2154. This Legislative action impacts the tuition rate available to and paid by current military, veterans and their respective spouses or dependent children. The Board has crafted and is proposing the following amendments to existing regulations:

K.A.R. 88-3-8a is being amended. The proposed amendments are necessitated by the provisions of 2015 HB 2154. This is the main regulation used by state universities when determining if the in-state tuition rate that is available to Kansas residents is also available to specific individuals who qualify for that rate because of military service. The current regulation only addresses active military but as amended it now also includes veterans.



K.A.R. 88-3-12 is being revoked. This regulation concerns veterans eligible for in state tuition rates at the state universities. The amendments being made to K.A.R. 88-3-8a will include and cover veterans and their spouses and dependent children. Thus, having this separate regulation just for veterans becomes unnecessary.

K.A.R. 88-26-7 is being amended. This regulation impacts residency decisions made by community and technical colleges. The proposed amendment refers local boards making tuition decisions based upon residency to the newly enacted provisions of 2015 HB 2154, to insure that they consider the provisions which impacts the tuition rates that may be charged to active members of the military, veterans and their respective spouses and dependent children.

2. Reason or reasons the proposed regulation is required, including whether or not the regulation is mandated by federal law.

These proposed amendments implement and arise from the enactment of 2015 HB 2154, and are promulgated pursuant to the Board's authority under the residency and tuition statutes cited in the history to these regulations. The regulations are not mandated by federal law.

3. Anticipated economic impact upon the Kansas State Board of Regents.

There is no anticipated economic impact on the Board, as its duties will not significantly expand with the promulgation of these regulation amendments.

4. Anticipated financial impact upon other governmental agencies and upon private business or individuals.

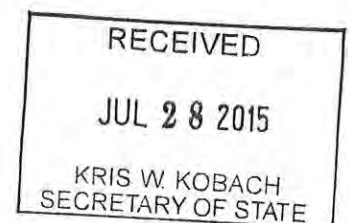
The fiscal impact on the universities, community and technical colleges, and upon the impacted individuals who will now qualify for in-state tuition rates cannot be measured at this time. There is no reliable way to predict how this change in state law will impact or change the future decisions of out-of-state residents who would not have chosen to attend a Kansas school but for the availability of in-state tuition rates. There will be no economic impact on other agencies as a result of these regulations.

5. Anticipated economic impact upon private citizens.

See response to paragraph number 4, above.

6. Less costly or intrusive methods that were considered, but rejected, and the reason for rejection.

See response to paragraph number 4, above.



88-3-8a. Military personnel and veterans. (a) “Armed forces” and “veteran” shall have the meanings specified in L. 2015, ch. 76, sec. 3, and amendments thereto.

(b) The resident fee privilege shall be accorded to any person who meets the following conditions:

(1) Is enrolled at any state educational institution, as defined by K.S.A. 76-711 and amendments thereto; and

(2) meets one of the following conditions:

(A) ~~Is actively currently serving in any the armed service of the United States for 30 or more days immediately preceding enrollment and meets one of the following conditions: forces or is a veteran of the armed forces who is eligible for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans; or~~

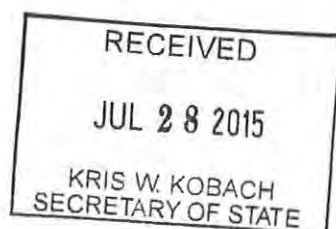
~~(i) Resides in Kansas; or~~

~~(ii) is assigned to a permanent duty station located in Kansas;~~

~~(B) is a member of the Kansas army or air national guard; or~~

~~(C) is the spouse or dependent child of a person who meets both of the following conditions: qualifies for resident tuition rates and fees pursuant to paragraph (b)(2)(A) and who, if qualifying through a veteran, is eligible for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans.~~

~~(i) Is actively serving in any armed service of the United States or the Kansas army or air national guard for 30 or more days immediately preceding enrollment; and~~



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~~(ii) either resides in Kansas or is assigned to a permanent duty station located in Kansas.~~

~~(b) The resident fee privilege accorded to a person who meets the requirements of paragraph (a)(2)(A), or to the spouse or dependents of the person, shall continue if the person is reassigned to a duty station outside the state as long as the person or the person's spouse or dependents maintain continuous enrollment at the institution.~~

~~(c) The resident fee privilege shall be accorded to a spouse and the qualifying dependents of a person who meets the requirements of paragraph (a)(2)(B) only if the spouse or dependents reside in Kansas.~~

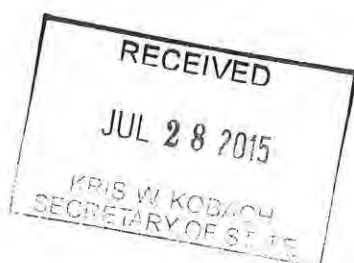
~~(d) (c) This regulation shall not be construed to prevent a person in the military service covered by this regulation from acquiring or retaining a bona fide residence in Kansas.~~

(d) Each person seeking the resident fee privilege pursuant to this regulation shall be responsible for providing the appropriate office at the state educational institution at which the person seeks admission or is enrolling with the information and written evidence necessary to support the claim that the person meets the applicable requirements of L. 2015, ch. 76, sec. 3 and K.S.A. 76-729, and amendments thereto, and this regulation. This evidence shall include the following:

(1) If claiming current status in the armed forces, written evidence of that status;

(2) if claiming veteran status, the following:

(A) Written evidence of official separation from the armed forces and receipt of either an honorable discharge or a general discharge under honorable conditions;



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(B) written evidence that the veteran qualifies for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans;

(C) written evidence that the veteran lives or will live in Kansas while attending the state educational institution; and

(D) a letter signed by the veteran attesting an intent to become a resident of Kansas;

(3) if claiming spouse or dependent child status based upon the relationship to a current member of the armed forces, the following:

(A) Written evidence of the required relationship to the current member of the armed forces; and

(B) written evidence that the member of the armed forces is currently serving; and

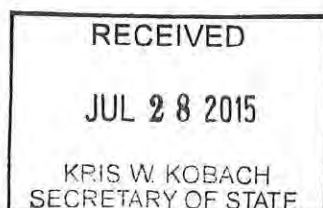
(4) if claiming spouse or dependent child status based upon a relationship with a veteran, the following:

(A) Written evidence of the required relationship to the veteran;

(B) written evidence that the veteran was separated from the armed forces and received either an honorable discharge or a general discharge under honorable conditions;

(C) written evidence that the spouse or dependent child qualifies for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans;

(D) written evidence that the spouse or dependent child of the veteran lives or will live in Kansas while that person is a student attending the state educational institution; and



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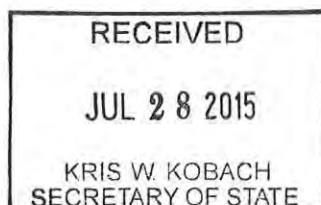
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K.A.R. 88-3-8a

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(E) a written letter signed by the spouse or dependent child of the veteran, attesting that the spouse or dependent child intends to become a resident of Kansas. (Authorized by K.S.A. 76-730; implementing K.S.A. ~~2011~~ 2014 Supp. 76-729, as amended by L. 2015, ch. 76, sec. 4, and K.S.A. 76-730; effective July 27, 2007; amended Jan. 18, 2013; amended, T- _____, _____; amended P- _____.)



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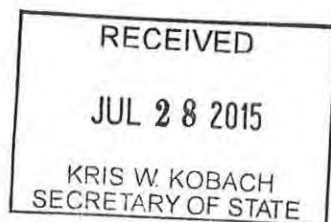
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88-3-12. (Authorized by K.S.A. 76-730; implementing K.S.A. 2006 Supp. 76-729, as amended by 2007 HB 2425, §1 and 2007 HB 2185, §10; effective Nov. 14, 1988; amended Nov. 18, 1991; amended July 27, 2007; revoked, T-_____, _____; revoked P-_____.)



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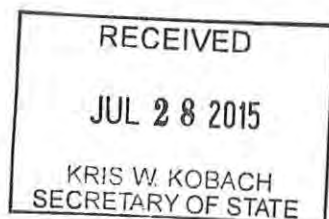
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88-26-7. Residence determination for state aid purposes. (a) Each institution shall determine residency, for state aid purposes, pursuant to statutes or regulations that apply to determination of residency by the institutions, including, for community colleges, K.S.A. 71-406 and K.S.A. 71-407 and amendments thereto. The factors that may be considered in determining residency for state aid purposes shall include, when applicable or appropriate, a Kansas driver's license, evidence of payment of Kansas real estate taxes, payment of Kansas income taxes, reliance on Kansas sources for support, acceptance of permanent employment in Kansas, ownership of a home in Kansas, registration to vote in Kansas, and commitment to an educational program that indicates an intent to maintain a permanent presence in Kansas upon graduation.

(b) The governing board of each institution shall ~~determine the tuition for all students.~~ consider L. 2015, ch. 76, sec. 3, and amendments thereto, when setting tuition rates based on residency. (Authorized by K.S.A. 71-406, 72-7514, 74-32,140, and K.S.A. 2014 Supp. 74-32,141; implementing K.S.A. 71-406, 71-407, K.S.A. 2014 Supp. 71-620, 71-1803, and 72-4480; effective Oct. 29, 2004; amended April 10, 2015; amended, T-_____, _____; amended P-_____.)



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ECONOMIC IMPACT STATEMENT FOR K.A.R. 88-3-8a, 88-3-12 & 88-26-7

1. Summary of proposed regulations, including purposes.

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K.A.R. 88-3-8a is being amended. The proposed amendments are necessitated by the provisions of 2015 HB 2154. This is the main regulation used by state universities when determining if veterans and current military personnel are to be considered Kansas residents for tuition and fee purposes. The current regulation only addresses current military but as amended it now also includes veterans.

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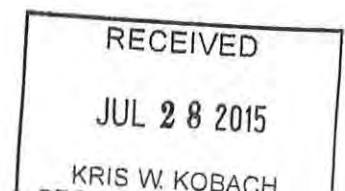
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3. Anticipated economic impact upon the Kansas State Board of Regents.

There is no anticipated economic impact on the Board, as its duties will not significantly expand with the promulgation of these regulation amendments.

4. Anticipated financial impact upon other governmental agencies and upon private business or individuals.

The fiscal impact on the universities, community and technical colleges, and the impacted individuals who will now qualify for in-state tuition rates will be the same fiscal impact



that results from enactment of 2015 HB 2154 and will turn upon the number of out-of-state residents who would not have chosen to attend a Kansas school but for the availability of in-state tuition rates, and the number of students who are already attending Kansas institutions at the non-resident rate who will now begin paying the resident rate. There will be no identifiable economic impact on other agencies as a result of these regulations.

5. Anticipated economic impact upon private citizens.

See response to paragraph number 4, above.

6. Less costly or intrusive methods that were considered, but rejected, and the reason for rejection.

See response to paragraph number 4, above.

