



Proposed

KANSAS BOARD OF REGENTS

NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS

A public hearing will be conducted on May 15, 2018 at 10:00 a.m. in the Board of Regents board room, 1000 S.W. Jackson, Suite 520, Topeka, to consider the amendment of K.A.R. 88-3-8a.

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 Julene Miller, Kansas Board of Regents, 1000 S.W. Jackson, Suite 520, Topeka, Kansas 66612-1368, jmiller@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) 430-4239.

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 regulation and the economic impact follows:

K.A.R. 88-3-8a is being amended. The main amendment clarifies the type of documentation required to establish that an ROTC student qualifies for in-state tuition. There are also some language changes made for clarification purposes, however, these make no substantive changes to this regulation.

Economic Impact:

The fiscal impact on the state universities and the impacted individuals who qualify for resident tuition rates will depend upon the number of new non-resident state university students who will be members of the ROTC and sign contracts obligating them to serve in the military. Any additionally paid tuition and fees would be a gain to the institutions from these students. The fiscal impact would also depend on the number of ROTC students already attending the state university who are currently paying the non-resident rate, but under this clarifying amendment would begin paying the lower resident rate, resulting in lower tuition revenues. The Board of Regents is unable to identify or predict the net tuition revenue change to the institutions. There

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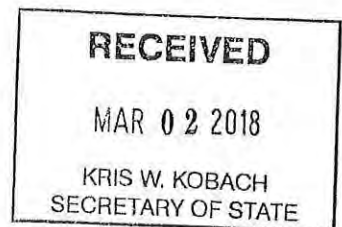
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will be no identifiable economic impact on the Board of Regents or other agencies as a result of this regulation.

Blake Flanders, Ph.D.
President and CEO



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88-3-8a. Military personnel and veterans. (a) "Armed forces" and "veteran" shall have the meanings specified in K.S.A. ~~2015~~ 2017 Supp. 48-3601, 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)(i) Is currently serving in the armed forces; or

(ii) is a veteran of the armed forces who files with the postsecondary educational institution at which the veteran is enrolled a letter of intent to establish residence in Kansas, lives in Kansas while attending the postsecondary educational institution at which the veteran is enrolled, and is eligible for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans;

(B) is the spouse or dependent child of a person who qualifies for resident tuition rates and fees pursuant to paragraph (b)(2)(A)(i) or who, if qualifying through a veteran pursuant to paragraph (b)(2)(A)(ii), files with the postsecondary educational institution at which the spouse or dependent child is enrolled a letter of intent to establish residence in Kansas, lives in Kansas while attending the postsecondary educational institution at which the spouse or dependent child is enrolled, and 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

(C) is a person who is living in Kansas at the time of enrollment and is one of the following:

(i) A veteran who was permanently stationed in Kansas during service in the armed forces or



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had established residency in Kansas before service in the armed forces; or

(ii) the spouse or dependent of a veteran who was permanently stationed in Kansas during service in the armed forces or had established residency in Kansas before service in the armed forces.

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

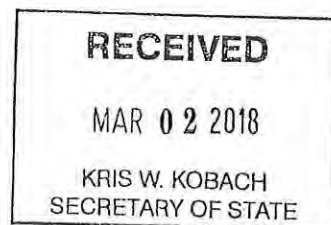
(d) Each person seeking the resident fee privilege pursuant to this regulation shall be responsible for providing the appropriate office at the state educational institution at which the person seeks admission or is enrolling with the information and written documentation necessary to verify that the person meets the applicable requirements of K.S.A. 2015 2017 Supp. 48-3601 and K.S.A. 76-729, and amendments thereto, and this regulation. This documentation shall include one of the following:

(1) If claiming current status in the armed forces, written documentation verifying that status. For each reserve officers' training corps (ROTC) cadet and midshipman, this documentation shall include a copy of the person's current contract for enlistment or reenlistment in the armed forces;

(2) if claiming veteran status pursuant to paragraph (b)(2)(A)(ii), the following:

(A) Written documentation verifying 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;

(B) written documentation verifying that the veteran lives or will live in Kansas while attending the state educational institution; and



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(C) 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 documentation verifying the required relationship to the current member of the armed forces; and

(B) written documentation verifying that the member of the armed forces is currently serving;

(4) if claiming spouse or dependent child status based upon a relationship with a veteran pursuant to paragraph (b)(2)(B), the following:

(A) Written documentation verifying the required relationship to the veteran;

(B) written documentation verifying 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;

(C) written documentation verifying 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

(D) 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; or

(5) if claiming status as a veteran pursuant to paragraph (b)(2)(C)(i) who is not otherwise eligible for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans, or the spouse or dependent of the veteran pursuant to paragraph (b)(2)(C)(ii), written documentation verifying both of the following:

(A) The ~~veteran's previous assignment~~ veteran was previously assigned to a permanent



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station in Kansas while on active duty, or the ~~establishment of~~ veteran established Kansas
residency ~~of the veteran~~ before the veteran's service in the armed forces; ~~and~~ .

(B) ~~the fact that~~ The veteran, or spouse, or dependent of the veteran, who is seeking residency
status is living in Kansas at the time of enrollment. (Authorized by K.S.A. 76-730; implementing
K.S.A. ~~2016~~ 2017 Supp. 48-3601, K.S.A. ~~2016~~ 2017 Supp. 76-729, and K.S.A. 76-730; effective
July 27, 2007; amended Jan. 18, 2013; amended, T-88-8-10-15, Aug. 10, 2015; amended Dec.
18, 2015; amended May 26, 2017; amended P-_____.)

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ECONOMIC IMPACT STATEMENT FOR K.A.R. 88-3-8a

1. Summary of proposed regulations, including purposes.

The purpose for the proposed amendment to this regulation is to ensure that in-state resident status (for purposes of qualifying for in-state tuition rates at state universities) is given to members of the ROTC attending a Kansas state university who have signed current contracts obligating them to service.

2. K.A.R. 88-3-8a is being amended. The main amendment clarifies the type of documentation required to establish that an ROTC student qualifies for in-state tuition. There are also some language changes made for clarification purposes, however, these make no substantive changes to this regulation.

3. Reason or reasons the proposed regulation is required, including whether or not the regulation is mandated by federal law. The proposed amendments are not mandated or required by federal or state law.

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

There is no anticipated economic impact on the Board, as its duties to the universities will not significantly expand with the promulgation of this amendment to the regulation.

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

The fiscal impact on the state universities and the impacted individuals who qualify for resident tuition rates will depend upon the number of new non-resident state university students who will be members of the ROTC and sign contracts obligating them to serve in the military. Any additionally paid tuition and fees would be a gain to the institutions from these students. The fiscal impact would also depend on the number of ROTC students already attending the state university who are currently paying the non-resident rate but under this clarifying amendment would begin paying the lower resident rate, resulting in lower tuition revenues. The Board of Regents is unable to identify or predict the net tuition revenue change to the institutions. There will be no identifiable economic impact on the Board of Regents or other agencies as a result of this regulation.

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.

