

KANSAS BOARD OF REGENTS

March 17-18, 2010

2009-2010

Jill Docking, Chair
Gary Sherrer, Vice Chair

STANDING COMMITTEES

Academic Affairs

Gary Sherrer, Chair
Dick Hedges
Janie Perkins
Donna Shank

Fiscal Affairs and Audit Committee

Jerry Boettcher, Chair
Dan Lykins
Christine Downey-Schmidt

Regents Retirement Plan

Dan Lykins, Chair
Jerry Boettcher

The Kansas Board of Regents shall pursue measurable continuous improvement in the quality and effectiveness of the public postsecondary educational system in Kansas, while expanding participation for all qualified Kansans. To achieve that mission, the Board will demand accountability, focus resources, and advocate powerfully.

TABLE OF CONTENTS

MEETING SCHEDULE	3
BOARD AGENDA	4
MINUTES OF PREVIOUS MEETING.....	8
CONSENT AGENDA.....	33
DISCUSSION AGENDA.....	50
CONSENT AGENDA.....	58
DISCUSSION AGENDA.....	62
OTHER AGENDAS	
Board Academic Affairs Standing Committee.....	78
Board Fiscal Affairs and Audit Standing Committee	79
Council of Presidents.....	80
Council of Faculty Senate Presidents.....	84
RESOURCES	
Board Meeting Schedule and Deadlines for Submission of Agenda Items	90
Board Committee Listing	91

**KANSAS BOARD OF REGENTS
MEETING SCHEDULE**

March 17-18, 2010
Curtis State Office Building
1000 S.W. Jackson, Suite 520
Topeka, KS

Wednesday, March 17, 2010

9:00 – 11:00 a.m. Board Academic Affairs Standing Committee – *Kathy Rupp Conference Room*

10:30 – 11:30 a.m. Board Fiscal Affairs and Audit Standing Committee – *Board Room*

10:00 – 12:00 noon Council of Faculty Senate Presidents – *Kan-Ed Conference Room*

11:00 – 12:00 noon Council of Presidents – *Suite 530*

12:00 – 1:15 p.m. **Lunch – Board of Regents and President Robinson** – *Conference Room B*

12:00 – 1:15 p.m. Lunch – Council of Chief Academic Officers – *Kathy Rupp Conference Room*

1:30 p.m. **Board of Regents** – *Board Room*

4:00 p.m. or Adjnmt Students' Advisory Committee – *Kathy Rupp Conference Room*

6:00 p.m. **Dinner – Board of Regents, State University CEOs and President Robinson** – *Chez Yasu*

Thursday, March 18, 2010

8:30 a.m. **Board of Regents** – *Board Room*

11:30 a.m. **Lunch – Board of Regents and President Robinson** – *Conference Room B*

**KANSAS BOARD OF REGENTS
AGENDA
March 17-18, 2010
1000 S.W. Jackson, Suite 520
Topeka, KS**

WEDNESDAY, March 17, 2010

I. CALL TO ORDER

Chairman Jill Docking

- A. Approve Minutes/Board Meeting on February 17-18, 2010 *Page 8*
- B. Approve Minutes/Special Board Meeting on February 22, 2010 *Page 31*
- C. Approve Minutes/Special Board Meeting on March 5, 2010 *Page 32*

II. GENERAL REPORTS

- A. Introductions
- B. Report from the Chair
- C. Report from the President and CEO
- D. Report from State University/KBOR CEO Evaluation Consultants

**Chairman Jill Docking
President Reggie Robinson
Regent Gary Sherrer**

III. STANDING COMMITTEE REPORTS

- A. Academic Affairs
- B. Fiscal Affairs and Audit

**Regent Gary Sherrer
Regent Jerry Boettcher**

IV. APPROVAL OF CONSENT AGENDA

- A. *Academic Affairs*
Regent Gary Sherrer

**Gary Alexander
Vice President for Academic Affairs**

- 1. Act on Request for Approval of Additional Degree Granting Authority for Capella University (Online) to Offer a Doctor of Social Work (DSW): General Social Work *Page 33*
- 2. Act on Request for Approval of Additional Degree Granting Authority for DeVry University (Kansas City, MO and Naperville, ILL on-line School) to offer: *Page 35*
 - a. Bachelor of Science in Justice Administration
 - b. Administration Bachelor of Science in Liberal Studies
 - c. Bachelor of Science in Management
 - d. Bachelor of Science in Multimedia Design
 - e. Bachelor of Science in Technical Management

3. Act on Request for Approval of Additional Degree Granting Authority for DeVry University (Kansas City, MO; Phoenix, AZ; Westminster, CO; and Irving, TX) to offer: *Page 37*
 - a. Bachelor of Science in Justice Administration
 - b. Bachelor of Science in Liberal Studies
 - c. Bachelor of Science in Management
 - d. Bachelor of Science in Multimedia Design & Development

4. Act on Request for Approval of Additional Degree Granting Authority for Pinnacle Career Institute (South Kansas City, MO) for the following degrees: *Page 39*
 - a. Associate of Occupational Studies in Personal Trainer
 - b. Associate of Occupational Studies in Business Advertising, Marketing and Public Relations
 - c. Associate of Occupational Studies in Medical Billing and Coding
 - d. Associate of Occupational Studies in Business Administration and Human Resources

5. Act on Request for Approval of Additional Degree Granting Authority for Cleveland Chiropractic College (Overland Park, KS and Los Angeles, CA) to offer a Master of Science in Health Promotion *Page 41*

Blake Flanders
Vice President for Workforce Development

6. Act on Request for Degree and Certificate Programs Submitted from Community Colleges and Technical Colleges for: Barton County Community College, Certificate in Welding (CIP 48.0508); Neosho County Community College, Technical Certificate and Associate of Applied Science in Surgical Technology (51.0909); Highland Community College, Technical Certificate in Viticulture (01.1199) and Enology (01.0309); and Independence Community College, Associate of Applied Science in Veterinary Technology (51.0808) *Page 43*

V. CONSIDERATION OF DISCUSSION AGENDA

A. *Academic Affairs* **Blake Flanders**
Regent Gary Sherrer **Vice President for Workforce Development**

1. Act on Request for Approval for Degree and Certificate Program Submitted from Community Colleges and Technical Colleges for Neosho County Community College, Associate of Applied Science in Occupational Therapy Assistant (51.0803) *Page 50*

Julene Miller
General Counsel

2. Adopt Amendments to Regulation Establishing Fees for Issuance of Private and Out-of-State Postsecondary Institution Certificates of Approval – Roll Call Vote Required *Page 53*

B. *Other Matters*

Blake Flanders
Vice President for Workforce Development

1. Receive Report from Kansas Postsecondary Technical Education Authority

Regent Jerry Boettcher

2. Receive Request for Access to Postsecondary Aid and Related Comments from Affected Institutions *Page 55*

Kip Peterson
Director of Government Relations and Communications

3. Receive Legislative Update

Regent Gary Sherrer

4. Consider Proposed Resolution to Appoint Technical Education Taskforce

THURSDAY, March 18, 2010

VI. REPORTS

- A. Introductions
- B. Report from Council of Presidents
- C. Report from Council of Faculty Senate Presidents
- D. Report from Students' Advisory Committee

President Ed Hammond
Dr. Jeff Burnett
Zach Gearhart

VII. APPROVAL OF CONSENT AGENDA

- A. *Fiscal Affairs and Audit*
Regent Jerry Boettcher

Diane Duffy
Vice President for Finance and Administration

Eric King
Director of Facilities

1. Approve Final Plans and Specifications for Building No. 4 on the KU Edwards Campus – KU *Page 58*

2. Authorize the Transfer Property from the KU Endowment Association to the University of Kansas – KU *Page 58*

3. Approve Final Plans and Specifications for Memorial Union Renovation – ESU *Page 59*

B. *Other Matters*

**Ed Phillips, KUMC
Chair, Student Health Insurance Advisory Committee**

1. Approve Recommendation for KBOR Student Health Insurance Plan Year 2010-2011 and the Recommendation to Extend the KBOR Student Health Insurance Contract for One Additional Year *Page 60*

VIII. CONSIDERATION OF DISCUSSION AGENDA

A. *Other Matters*

**Reggie Robinson
President and CEO**

1. Presentation on the Campus Graduate Research Summit

B. *Fiscal Affairs and Audit*
Regent Jerry Boettcher

**Julene Miller
General Counsel**

1. Adopt Bond Resolution – Memorial Union Renovation – ESU *Page 62*

2. Adopt Bond Resolution – Edwards Campus Building Number 4 – KU *Page 68*

3. Adopt Refunding Bond Resolution – Various Capital Improvements – KU *Page 73*

C. *Other Matters*

**Reggie Robinson
President and CEO**

1. Preliminary Discussion Regarding the Framework for Development of Tuition Proposals, and Distribution of FY 2011 American Recovery and Reinvestment Act Funding

2. Consider Strategic Agenda for Higher Education in Kansas

3. Adopt Resolution to Designate Dr. Jon Wefald as President Emeritus At Kansas State University

IX. ADJOURNMENT

WEDNESDAY, March 17, 2010

I. CALL TO ORDER

Chairman Jill Docking

- A. Approve Minutes/Board Meeting on February 17-18, 2010
- B. Approve Minutes/Special Board Meeting on February 22, 2010
- C. Approve Minutes/Special Board Meeting on March 5, 2010

KANSAS BOARD OF REGENTS

MINUTES

February 17-18, 2010

The February 17, 2010, meeting of the Kansas Board of Regents was called to order by Chairman Jill Docking at 1:31 p.m. The meeting was held in Board offices located in the Curtis State Office Building, 1000 S.W. Jackson, Suite 520, Topeka. Proper notice was given according to law.

MEMBERS PRESENT: Jill Docking, Chairman
 Gary Sherrer, Vice Chairman
 Jerry Boettcher
 Christine Downey-Schmidt
 Dick Hedges
 Dan Lykins
 Donna Shank

MEMBER ABSENT: Janie Perkins

APPROVAL OF MINUTES

Regent Sherrer moved that the minutes of the January 20-21, 2010 meeting be approved. Following the second of Regent Lykins, the motion carried.

INTRODUCTIONS

Allen Rawitch from the University of Kansas Medical Center introduced Amber Messmer, the President of the Graduate Student Council. Ms. Messmer invited the Regents to attend the Capitol Graduate Research Summit to be held on Thursday, March 25, 2010.

AMEND AGENDA

Chairman Docking announced that the agenda would be amended to move the report from the Students' Advisory Committee from Thursday to Wednesday after the report from the Council of Faculty Senate Presidents. Additionally, an Executive Session regarding matters deemed confidential in the attorney-client relationship was added to Wednesday's discussion agenda under new section C, *Other Matters*.

GENERAL REPORTS

REPORT FROM CHAIR

Regent Docking reported that she attended the Technical Education Authority's Process Management Committee meeting, which was held in Wichita on February 3, 2010. She announced that Governor Parkinson has appointed Ed McKechnie to the Board of Regents to fill the vacancy created by Bill Thornton's resignation. Mr. McKechnie's confirmation hearing is scheduled for Tuesday, February 23, 2010. Regent Docking also announced that President Robinson is resigning, effective at the end of the fiscal year.

REPORT FROM PRESIDENT AND CEO

President Robinson reported that he and five of the university CEOs attended the State Legislative Higher Education Caucus. Its members include legislators who are concerned about and are supportive of higher education. President Robinson also attended a Kansas Bioscience Authority (KBA) meeting and stated that Regent Boettcher will give a report on the KBA meeting later in the agenda.

REPORT FROM COUNCIL OF PRESIDENTS

President Hammond briefed the Board on the Council of Presidents' meeting. The Council received reports from the Council of Business Officers and the Council of Chief Academic Officers. The Council of Business Officers reported on the campus property insurance, the health insurance rate, and their meeting with the State Budget Director. The Council of Chief Academic Officers updated COPs on the distance learning policy, program review, and the University Press of Kansas.

The Council of Presidents discussed the Governor's policy on cell phone usage. The University attorneys and the Board's General Council are working on how the universities might implement the policy. COPs also discussed the facilities policy, which is on the Board's agenda today, and the fiscal management reviews/audits policy. Additionally, the Board's budget message was discussed.

At the January Board meeting, the Board asked the Council of Presidents to present its recommendations on the sale of tobacco products on the campuses of the universities. President Hammond reported that by July 1, 2010 no tobacco products will be sold on any state university campus. The Board directed the Council to develop a policy that bans the on-campus sale of tobacco products and then present the proposed policy to the Board for consideration at a future meeting.

The Council of Presidents voted to reappoint President Hammond as its representative on the Regents Retirement Plan Committee.

REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

The Council of Faculty Senate Presidents report was given by Dr. Jeff Burnett. The Council discussed the faculty senate legislation for Spring 2010 and ways to coordinate with the students and university presidents on spreading the Board's budgetary message. Faculty members at the institutions are sending letters to the local chamber of commerce, legislators, and private citizens. The Council wants to distribute a fact sheet on the higher education budget cuts and is gathering information from the Regents, presidents, and students.

REPORT FROM STUDENTS' ADVISORY COMMITTEE

Zach Gearhart briefed the Board on the Students' Advisory Committee activities. The SAC members met with state legislators to discuss higher education issues at the annual State Higher Education Day. Mr. Gearhart reported that each student government adopted a Resolution concerning the support of funding for higher education. The SAC members are also working with their local chambers of commerce and their university president to distribute the Board's message. Additionally, Mr. Gearhart reported that the SAC is participating in a Kansas Corps project at the Ronald McDonald House later in the day.

STANDING COMMITTEE AND OTHER REPORTS

Academic Affairs

Regent Sherrer reported the Boards Academic Affairs Standing Committee (BAASC) is working with the Council of Chief Academic Officers on the distance education plan and the new admission standards.

Fiscal Affairs and Audit

Regent Boettcher briefed the Board regarding the Fiscal Affairs and Audit Standing Committee meeting. The Committee discussed the Board's Facilities Policy and made one minor change, which will be presented during the Board's Discussion Agenda today. The Committee also reviewed the proposed management reviews/audits policy.

P-20 Council

Regent Downey-Schmidt briefed the Board about the P-20 Council meeting that was held earlier in the week. The results of a study that compared math and English standards of Kansas to the common core standards, which are relevant broad standards across the nation, were reviewed by the Council. The study concluded that the standards were aligned. The next step was to establish whether the common standards are aligned with higher education. A survey was conducted at higher education institutions in Kansas that concluded there are concerns that students have not mastered math and English skills before entering higher education.

The Council continues to review the following three gaps: 1) preschool to K-12; 2) K-12 to postsecondary education; and 3) postsecondary education to workforce. The Council gave recommendations to the Governor on the preschool initiative. The next step is to develop a plan for moving the gap analysis forward on K-12, higher education and workforce. Regent Downey-Schmidt also reported the P-20 Council submitted the Race to the Top Grant Proposal, which is part of the federal stimulus package. Forty states including Kansas submitted applications for Phase 1. Kansas requested \$466 million.

Kansas Bioscience Authority

Regent Boettcher reported on the Kansas Bioscience Authority (KBA) meeting. The KBA received a report on the status of three Bioscience Centers of Innovations. It discussed the possibility of establishing another center focused on animal health and discussed how it can help the University of Kansas obtain the designation as a national cancer center. He also reported the President Obama's proposed FY 2011 budget included a \$40 million appropriation for the National Bio- and Agro-Defense Facility (NBAF).

APPROVAL OF CONSENT AGENDA

Regent Docking moved, with the second of Regent Lykins, that the Consent Agenda be approved. The motion carried.

*Fiscal Affairs and Audit***FY 2010 CAPITAL IMPROVEMENTS PLAN REGARDING MODIFICATIONS TO BRAMLAGE COLISEUM AND BILL SNYDER FAMILY STADIUM – KSU**

Kansas State University received approval to amend its FY 2010 Capital Improvements Plan regarding modifications to Bramlage Coliseum and Bill Snyder Family Stadium. The modified scope of work will focus on the \$20 million indoor basketball training facility and the \$2.1 million restroom project on the upper deck of the east stadium of Bill Snyder Family Stadium. The projects will be financed by revenue bonds to be repaid from athletics revenue and private gift fund. All additional utilities, custodial, routine, and special maintenance costs associated with the projects will be paid by the Department of intercollegiate Athletics.

FY 2010 CAPITAL IMPROVEMENTS PLAN REGARDING RENOVATIONS OF OLD MEMORIAL STADIUM – KSU

Approval was given to Kansas State University to include in its FY 2010 Capital Improvements Plan a \$17 million privately funded renovation of the East side of the old Memorial Stadium. Previously, \$10 million was approved to renovate both the East and West sides of the stadium, but during programming it became apparent this amount was insufficient to complete both projects. The East side project will be supported by private funds on deposit with the KSU Foundation, and the West side project will remain a component of K-State's 5-year deferred maintenance plan.

HVAC EQUIPMENT BID PACKAGE FOR MEMORIAL STUDENT UNION REMODEL & ADDITION – ESU

Emporia State University received approval to issue an early bid package for selected air handling equipment items for the Memorial Student Union remodel and addition. The equipment will cost approximately \$800,000 and will be funded by the Memorial Student Union's "cash on hand." Future maintenance and operations will be the responsibility of the Memorial Student Union. The final construction documents for the Memorial Student Union remodel and addition will be presented to the Board at its March 2010 meeting.

FINAL PLANS AND SPECIFICATIONS FOR THE PARKING FACILITY NO. 4 PROJECT – KUMC

The University of Kansas Medical Center received approval of final plans and specifications for Parking Facility No. 4. The facility will be constructed on the current surface parking lot at Cambridge and Olathe Boulevard. It will provide parking for the new medical office building that is being constructed by the KU

Hospital Authority. The project budget is \$9,100,000 which will be funded by parking revenue and bonds issued by the Kansas Development Finance Authority.

AMENDMENT OF LEASE AGREEMENT WITH THE KU ENDOWMENT ASSOCIATION FOR THE SUPPORT SERVICES FACILITY – KUMC

The University of Kansas received authorization to amend a lease agreement with the KU Endowment Association for the Support Services building at the Medical Center. The amended lease includes \$2.1 million in deferred maintenance for parking lot resurfacing (\$850,000), roof replacement (\$750,000), HVAC system replacement (\$310,000), and interior repairs (\$190,000). With the current payment of \$660,000 per year, the additional \$2.1 million will extend the lease to 2018. Upon completion of the lease, the building will be transferred to the Medical Center. Funds that are currently budgeted for the lease payment will maintain the building once it is transferred.

CLINICAL RESEARCH CENTER REMODELING PROJECT DEMOLITION BID PACKAGE – KU

Approval was given to the University of Kansas for interior demolition work in the facility at 4350 Shawnee Mission Parkway in Fairway, Kansas. This is the first phase of the project to renovate the facility to house the Clinical Research Center. The estimated cost of the project is \$550,000, and it will be funded with Johnson County Educational Research Triangle Authority (JCERTA) funds.

AMENDED ARCHITECTURAL PROGRAM FOR THE PHARMACY AND STANDARDIZED PATIENT TRAINING PROJECT – KU

The University of Kansas received approval to amend the architectural program for the Pharmacy and Standardized Patient Training project at the KU School of Medicine-Wichita Campus. Due to favorable construction bids, the University has sufficient funds in the approved project budget to finish the remaining 8,500 square feet shelled space in the Center for Primary Care building. The estimated cost of the project is \$850,000.

PURCHASE OF REAL PROPERTY AT 1603 S. ELM, PITTSBURG, KS – PSU

Pittsburg State University received authorization to proceed with the requisite procedures provided by K.S.A. 75-3043a relative to the purchase of real property located at 1603 S. Elm, Pittsburg, Kansas. The property will be converted to campus parking, and the purchase will be financed from parking bond proceeds that were issued in FY09. The purchase price is to be negotiated at no more than \$275,000 as supported by appraisal. Final acquisition is contingent upon board staff approval and is expected to occur during FY10.

The legal description of the properties follows:

The South one-half of Lot Number Thirteen (13) and the West Forty (40) feet of the South one-half of Lot Number Eleven (11) in Block Number Seven (7) in

Broadway Park Addition to the City of Pittsburg, Crawford County, Kansas, according to the recorded Plat thereof.

CONSIDERATION OF DISCUSSION AGENDA

Academic Affairs

ADOPT AMENDMENT TO INTELLECTUAL PROPERTY POLICY

General Counsel Miller presented the amendment to the Board's Intellectual Property Policy, noting that it is a clarification rather than a substantive change. Regent Sherrer moved to approve the policy. Following the second of Regent Docking, the motion carried.

The following changes were made:

b. Patent and Copyrightable Software Policy

Patents obtained on inventions or the ownership of copyrightable software with an actual or projected market value in excess of \$10,000 annually resulting from institutionally sponsored research shall be retained by the institution or may be assigned to an organization (hereinafter called the Organization) independent of the institution and created for the purpose of obtaining patents on inventions, receiving gifts, administering or disposing of such patents, and promoting research and the development of intellectual property at the institution by every proper means. The following regulations shall be followed with respect to inventions or software: (10-19-00)

- (1) Anyone who conceives an invention or who develops copyrightable software that is not included in mediated courseware resulting from a research project sponsored by the institution shall report the matter to the appropriate research administrator at the institution, who will recommend whether or not to forward it to the Organization. (10-19-00)
- (2) If the institution or the Organization decides that the invention does not warrant patenting, the inventor is free to patent it. In such case, however, the institution does not relinquish its right to publish any of the data obtained in the research project. If the institution or the Organization decides not to further the use of the copyrightable software, it shall assign the rights therein to the creator(s).
- (3) When any revenue is obtained by or on behalf of the institution from the development or assignment of any patent or from royalties, license fees or other charges based on any patent or copyrightable software, not less than twenty-five (25) percent of revenues shall be paid to the inventor(s) or creator(s). Revenue sharing shall begin only after the institution recoups costs as set forth in this policy.
- (4) The remainder of any revenue mentioned in Paragraph 3 shall be used to sponsor further research and research-related activities in the institution. The institution may agree that the Organization may retain a portion of the funds.

- (5) In case of cooperative research sponsored in part by an outside corporation or individual, a written contract shall be made between the institution and the cooperating agency. This contract should include a statement of policy substantially equivalent to that outlined below:

“It is agreed by the parties to this contract that all results of experimental work, including inventions, carried on under the direction of the scientific staff of the institution, belong to the institution and to the public and shall be used and controlled so as to produce the greatest benefit to the public. It is understood and agreed that if patentable inventions or copyrightable software grow out of the investigation and such inventions or software have commercial value, the cooperating agency shall receive preferential consideration as a prospective licensee, with a view to compensating said cooperating agency in part for the assistance rendered in the investigation.”

“It is further agreed that the name of the institution shall not be used by the cooperating agency in any advertisement, whether with regard to the cooperative agreement or any other related matter.”

- (6) In case of a research project where it is proposed that all costs including overhead, salary of investigator, reasonable rent on the use of equipment, etc., are to be paid by an outside party, ~~the outside party and~~ the institution shall negotiate with the outside party the appropriate assignment disposition of all any resulting patent or copyrightable software rights prior to the provision of any funding by the outside party. “Appropriate disposition” shall include an option to negotiate a license to any resulting intellectual property. The institution shall reserve ~~the~~ a royalty-free right to publish all data of fundamental value to science and technology and to use the patent or copyrightable software rights for teaching, research or other educational and academic purposes.
- (7) Changes in the above policies may be made by the institution to conform to the requirements of the United States Government when contracting with the United States Government or a Federal Government Agency.

Fiscal Affairs and Audit

ADOPT AMENDMENT TO APPENDIX C TO REQUIRE ANNUAL REPORTING OF CAMPUS SAFETY AND SECURITY STATUS

General Counsel Miller presented the amendment to Appendix C of the Board’s Policy Manual. The amendment requires state universities to report campus safety and security status to the Fiscal Affairs and Audit Committee in November each year.

The following changes were made:

Appendix C

ROUTINE REPORTING SCHEDULE (9-17-09)

The following subject matter listings indicate routine reports to be submitted to the Board office by each state university. All dates and required number of copies are subject to change for administrative efficiency. Additional reports not reflected in these listings may be required of any or all institutions.

Due

ACADEMIC AFFAIRS:

Program Review	May Agenda
Performance Reports	March 1
Report on Regents Distinguished Professors.....	May 1 & Dec. 1
.....	Oct. 1 as specified in Section II.F.4.a.(6)
Performance Agreements.....	July 1
Western Kansas Partnership Program (ACCESS US).....	Aug. 1
Kansas Partnership for Faculty of Distinction.....	Sept. 1
TSE/SPEAK/TOEFL report	as specified in Section II.F.3.a., b., & c.
Academic extension courses/programs.....	as specified in Appendix F.4.a.(5), b.(1)
Institutional affiliations with state universities.....	as specified in Appendix H.12.

FACILITIES:

Capital improvement requests (1 copy to Board office, 1 copy to each Regent)	Apr. 1
Inventory of Physical Facilities & Space Utilization (report even numbered years biennial; Table 1	
annually) copies of selected pages by campuses	Nov. 1
<u>Campus safety and security summary status report (to Committee on Fiscal Affairs and Audit)</u>	<u>Nov. 1</u>
Rehabilitation and Repair Projects for Institutions of Higher Education for allocation, at December Board meeting (for following July 1 availability).....	Dec. 1

FISCAL MANAGEMENT:

Delegations of contracting authority (to KBOR General Counsel).....	July 1
Annual Operating Budget and Legislative Budget Report.....	Sept. 15
Reports from state universities participating in the pilot project on purchasing	Oct. 1
Housing occupancy report	Nov. 1
Fee waiver report	Nov. 1
Annual financial report.....	Dec. 31

MISCELLANEOUS

Attrition and Graduate Report	Oct. 1
Kansas Higher Education Enrollment Report (KHEER).....	Mar. 1, Oct. 1

Legislative proposals (non-appropriations) Nov. agenda
 Sustainability report..... Nov. agenda
 Report on pending or completed Legislative Post Audits Dec. 31
 Consolidated Unclassified Reports..... Dec. 1
 Institutional Research Reports..... as specified at:
<http://www.kpspsd.org/IR/common/documents/Report%20List%20for%20Academic%20Year%202010.pdf>

ADOPT AMENDMENTS TO UPDATE AND CLARIFY FACILITIES POLICY

General Counsel Miller presented the proposed amendment to the Board’s Facilities Policy. Following discussion and additional amendments, Regent Shank made a motion to approve the policy as amended. Regent Lykins seconded and the motion carried.

Below is the amended Facilities Policy:

C. FACILITIES

1. PROJECT PLANNING (K.S.A. 76-7,103 and 76-7,105)

- a. Each state university shall maintain a Campus Master Plan that documents concepts and guiding principles for future land use and development of campus facilities and infrastructure.
- b. New Campus Master Plans, or significant modifications to existing Campus Master Plans, shall
 - (1) address deferred maintenance needs;
 - (2) include a plan to ensure compliance with space utilization standards established by the Board; and
 - (3) be submitted to the Board for approval.

2. SUMMARY OF APPROVAL REQUIREMENTS

	<u>Board of Regents</u>	<u>Building Committee</u>	<u>Full Legislature</u>	<u>Program Statement required?</u>	<u>Execution process (architect/contractor)</u>
<u>Capital Improvements > \$750,000</u>					
<u>Endowment/Foundation/Research</u>	<u>approve</u>	<u>advise</u>		<u>yes</u>	<u>Campus</u>
<u>State General Fund</u>	<u>approve</u>	<u>advise</u>	<u>approve (418)</u>	<u>yes</u>	<u>State selection/bid</u>
<u>All Other Non-State Funds</u>	<u>approve</u>	<u>advise</u>		<u>yes</u>	<u>K.S.A. 76-7,125 et seq (SB 9)</u>
<u>Revenue Bonds</u>	<u>approve</u>	<u>advise</u>	<u>approve (418)</u>	<u>yes</u>	<u>State selection/bid</u>
<u>Federal Grants</u>	<u>approve</u>	<u>advise</u>		<u>yes</u>	<u>K.S.A. 76-7,125 et seq (SB 9)</u>
<u>Educational Building Fund</u>	<u>approve</u>	<u>advise</u>	<u>***¹</u>	<u>yes</u>	<u>State selection/bid</u>

¹ If new project or major renovation.

<u>Rehabilitation and Repair Projects</u> ²				
<u>Endowment/Foundation/Research</u>	<u>approve</u>	<u>advise</u>	<u>no</u>	<u>Campus</u>
<u>State General Fund/EBF</u>	<u>approve</u>	<u>advise</u>	<u>no</u>	<u>State selection/bid</u>
<u>All Other Non-State Funds</u>	<u>approve</u>	<u>advise</u>	<u>no</u>	<u>K.S.A. 76-7,125 et seq (SB 9)</u>
<u>Federal Grants</u>	<u>approve</u>	<u>advise</u>	<u>no</u>	<u>K.S.A. 76-7,125 et seq (SB 9)</u>
<u>Deferred Maintenance Projects</u>				
<u>Infrastructure Maintenance Funds</u>	<u>approve</u>	<u>advise</u>	<u>no</u>	<u>State selection/bid</u>
<u>University Interest</u>	<u>approve</u>	<u>advise</u>	<u>no</u>	<u>K.S.A. 76-7,125 et seq (SB 9)</u>
<u>Tax Credits</u>	<u>approve</u>	<u>advise</u>	<u>no</u>	<u>State selection/bid</u>
<u>Energy Performance Contracting</u>	<u>approve</u>	<u>advise</u>		<u>K.S.A. 75-37,111 through 37,114 and 75-37,125</u>
<u>Building Razing</u>	<u>approve</u>	<u>advise</u> ³		

3. CAPITAL IMPROVEMENT PROJECTS

a. Definitions

(1) Capital improvement projects are those the costs for which exceed \$750,000, regardless of funding source, including new buildings, remodeling or alterations, annual maintenance, and utility projects. Deferred maintenance projects are governed by subsection 4., below.

(2) Educational Building Fund, or EBF, means the fund created pursuant to K.S.A. 76-6b01 et seq. and funded by the annual mill levy authorized by Article 6, Section 6 of the Kansas Constitution. Moneys in the EBF may only be expended as authorized by K.S.A. 76-6b02.

b. Process

(1) Initial Request: ~~The~~ Each state university shall include initial concept requests for authorization of a capital improvement projects and its funding are received by the Board through with the university's legislative requests five year plan submitted to the Board for consideration on April 1 of each year. Capital improvements are generally defined as projects exceeding \$750,000 and include new buildings, major remodelings/alterations or significant utility projects. Each project that will require the services of an architect and/or engineer shall have a written architectural program statement included with the request. The request shall identify each anticipated source of funding for the project. For improvements that include new space for which private moneys are to finance at least 51% of the cost, the request shall include a plan for paying the annual maintenance and operation costs for the project from either private funds or existing university resources. (K.S.A. 76-790) For improvements that include new space for which private moneys are to finance less than 51% of the cost, the request shall include a plan for paying annual maintenance and operation costs that identifies the resources to be used for such costs. Such annual maintenance and operation costs plans shall be included in the program statement and will adhere to standards prescribed by

² Projects < \$500,000 require only Director's approval.

³ Not required by law.

~~the Board's Director of Facilities. The Board will determine the projects to be submitted to the Governor and the Legislature. The Each request, as approved by the Board, is then submitted in the format determined by the State Budget Director and shall be filed with the appropriate state offices on or before July 1 in the format determined by the State Budget Director. An institution~~ Each state university is prohibited from pursuing gubernatorial or legislative approval of any project not previously approved by the Board. (6-24-99; 10-19-06)

(2) Amendments: Amendments to the current year capital improvements project list may be submitted to the Board at times other than those specified above. Once approved, each university shall be responsible for ensuring that appropriate legislative approvals are obtained, including advising the Joint Committee on Building Construction.

(3) Licensed Professional Consultants: The design and construction administration for all new buildings and major renovations on state property shall be performed by ~~associate architects~~ licensed professional consultants retained in accordance with Kansas statutes. A written program for each building project shall be submitted and approved by the Board and by the Legislature or legislative building committee as set forth in Section 2, before such services are obtained. (9-19-69; 10-19-06)

~~(2)-(4) Architectural Program Statements:~~ Minimum requirements for architectural program statements include introductions, ~~space projections, space summaries, space descriptions,~~ project budgets, and project schedules. For new construction or major renovations the program statement must also include space projections, space summaries, space descriptions, a discussion of the impact the additional space will have on overall campus space, and new buildings operating costs and the proposed source of funding for such operating costs (or a statement that such will not be requested). Additional information that the institutions deem necessary may be included. (6-24-99)

~~(3) (5) Preliminary Design Development Plans:~~ Following Legislative and Board approval of a specific capital improvement project, ~~preliminary design development~~ plans for a building or project and the location of the new building shall be submitted to the President and ~~Chief Executive Officer~~ CEO for review and approval before final plans are prepared. The President and CEO, upon the recommendation of the Director of Facilities, may approve said preliminary design development plans for the Board. (7-22-49; 10-21-83; 9-19-91)

~~(4) Final Plans and Specifications:~~ Final plans and specifications of a project must be submitted for Board approval.

~~(5) Construction Contracts:~~ Board approval of construction contracts is required if there are federal funds involved in the financing of a project.

c. Funding

(1) Funding Sources: ~~for Buildings and Construction Projects~~ Capital improvement projects may be provided paid for from General Revenue state general funds, tuition, educational building funds, revenue bond proceeds (in accordance with Section II.B. of this Policy Manual), restricted fees, research overhead funds and other resources as approved by the Board.

Capital improvement projects that are also approved deferred maintenance projects may be paid for in whole or in part by tuition interest earnings, contributions received pursuant to the postsecondary educational institution tax credit program (K.S.A. 79-32,261), and other funds earmarked by the Board or Legislature for the purpose of addressing deferred maintenance.

(2) Federal Grant Requests: All institutional requests for federal grants for capital improvements shall be submitted to the Board President and CEO of Regents for review and approval before the request is submitted to the appropriate federal agency. (6-23-88);

(3) *Private Funds*: No capital improvement project which is funded in part or totally from private funds may proceed to signature of contract unless and until all private funds have been deposited in an account for the use of the project or a letter of credit has been received by the Board President and ~~Chief Executive Officer~~ CEO that guarantees the availability of the funds necessary to complete the project.

(4) *Fund Raising: Notification* ~~In addition to the project approval required in subsection 3.b.1. of this section, notification~~ of all capital improvement projects to be funded in part or in whole from private resources must be submitted to the Board's President and CEO before fund raising efforts are publicly announced. (9-16-04)

d. Annual Maintenance

Beginning with projects initiated after January, 2007, and except as otherwise specifically provided for by law or approved by the Board, state universities shall not seek new state general funds to finance annual maintenance and operation costs for any new capital improvement project.

2. 4. REPAIR & REHABILITATION & REPAIR PROJECTS

a. Definition

Rehabilitation and repair projects are those projects that cost \$750,000 or less, including new buildings, remodeling or alterations, annual maintenance, or utility projects. Deferred maintenance projects are governed by subsection 5., below.

b. Process-Funding

~~Repair and rehabilitation projects are generally defined as routine maintenance or minor remodeling not exceeding \$750,000.~~ The Board receives an annual line item appropriation from the Educational Building Fund for rehabilitation and repair projects. This appropriation is allocated by the Board to the ~~institutions under its control~~ state universities pursuant to an "adjusted square footage" formula, which factors in gross square footage, building age and complexity of the physical plant.

Additionally, the universities may provide funds for rehabilitation and repair projects from state general fund revenues, tuition, restricted fees, research overhead funds and other resources as approved by the Board. (6-24-99; 10-19-06)

Rehabilitation and repair projects that are also approved deferred maintenance projects may be paid for in whole or in part by tuition interest earnings, contributions received pursuant to the postsecondary educational institution tax credit program (79-32,261), and other funds earmarked by the Board or Legislature for the purpose of addressing deferred maintenance.

b. c. Process

The ~~Regents institutions~~ state universities are authorized by the Board and the Legislature to proceed with rehabilitation and repair projects on a fiscal year basis. Upon request of the university with concurrence of the Board's Director of Facilities, the President and ~~Chief Executive Officer~~ CEO has the authority to revise such authorizations during the fiscal year; provided, however, that any project requiring expenditures of ~~\$250,000~~ \$500,000 or more must be considered by the Board. (6-24-99)

5. 2007 STATE EDUCATIONAL INSTITUTION LONG-TERM INFRASTRUCTURE MAINTENANCE PROGRAM

a. Definitions (K.S.A. 76-7,102)

(1) Deferred maintenance projects are those projects involving the maintenance, construction or rehabilitation of any one or more of the following:

- (a) a building located at a state educational institution;
 - (b) any utility system and other infrastructure relating to such building;
 - (c) any life-safety upgrade to such building; or
 - (d) any improvements necessary to be made to such building in order to comply with the requirements of the Americans with Disabilities Act or other federal or state law.
- (2) Deferred maintenance projects shall not include:
- (a) construction of new buildings;
 - (b) the maintenance, repair, reconstruction or rehabilitation of any building used as an athletic facility, residential housing or other auxilliary that does not directly support the delivery of academic pursuits; or
 - (c) the maintenance, repair, reconstruction or rehabilitation of the residence of the president or chancellor of a state university.
- (3) 2007 State educational institution long-term infrastructure maintenance program refers to K.S.A. 76-7,101 through 76-7,107, and amendments thereto. This program was enacted by the Legislature in 2007 to address funding for state university deferred maintenance projects and provides for demand transfers by the Director of Accounts and Reports from the state general fund to the infrastructure maintenance fund in fiscal years 2009, 2010, 2011 and 2012. The 2007 Legislature also enacted a tax credit program (K.S.A. 79-32,261) and expanded availability of university interest earnings (K.S.A. 76-719(c), (d), (e)) to assist with funding deferred maintenance projects.
- b. Process (K.S.A. 76-7,103 and 76-7,105)
- (1) Each state university shall maintain a list of deferred maintenance projects that have been approved by the Board. The list shall prioritize the most critical deferred maintenance projects and reflect the deficiencies identified in the Board's 2007 or subsequent deferred maintenance studies. The listed projects shall not:
 - (a) provide for additional space requirements;
 - (b) reflect new program requirements or changes of use; or
 - (c) include exceptional levels of finish, equipment or other similar enhancements.
 - (2) Requests for changes to the Board approved list of deferred maintenance projects shall be submitted to the Board for consideration and approval. Each request for a change shall include justification for adding the project as one of the university's priority deferred maintenance needs. The state universities are authorized by the Board and the Legislature to proceed with deferred maintenance projects on a fiscal year basis. Upon request of the university with concurrence of the Board's Director of Facilities, the President and CEO has the authority to revise such authorizations during the fiscal year; provided, however, that any project change requiring expenditures of \$500,000 or more requires Board approval.
 - (3) Each state university shall provide quarterly status and expenditures reports to the Board. The report shall include information showing the progress made during the reporting period to reduce the university's deferred maintenance backlog as identified in the university's Board approved deferred maintenance projects list, and information showing the effect that the expenditures have had on the campus of the university. The original estimate for each project shall remain constant, however actual expenditures shall also be shown.
 - (4) Each state university, in coordination with the Board office, shall advise and consult with the Joint Committee on State Building Construction before expending any moneys from the Infrastructure Maintenance Fund, or from any account of accounts of the Infrastructure Maintenance Fund of the university.

- (5) Each state university, in coordination with the Board office, shall advise and consult with the Joint Committee on State Building Construction before expending any moneys received by the university as a contribution that qualifies as an income tax credit pursuant to the postsecondary educational institution tax credit program.
- (6) Any project in excess of \$750,000 must have a written program statement. Design development plans for the project must be submitted to the Board for approval.

c. Funding (K.S.A. 76-7,103, 76-7,104, 76-719(c), (d), (e) and 79-32,261)

Allocations of funds from the Infrastructure Maintenance Fund will be based on a maintenance allocation formula that factors gross square footage, building age, and complexity of each university's physical plant. Such funds, as well as funds in each state university's deferred maintenance support fund, may be used only to help finance Board approved deferred maintenance projects on the state university's list. Projects that exceed the strict scope of the deferred maintenance initiative due to program changes, additional space requirements, and expectations for exceptional levels of finish, equipment, etc. will require other funding sources above and beyond the state-provided deferred maintenance pool of funding.

6. ENERGY CONSERVATION MEASURES (K.S.A. 2009 Supp. 75-37,125)

a. Definition

Energy conservation measure means an energy study, audit, improvement or equipment which is designed to provide energy and operational cost savings at least equivalent to the amount expended by the participating state university for such energy study, audit, improvement or equipment over a period of not more than 30 years after the date such improvement or equipment is installed or becomes operational.

b. Process

(1) When an energy conservation measure is to be financed with revenue bond proceeds pursuant to K.S.A. 2009 74-8960, the applicable processes for approval of and issuance of revenue bonds shall be followed.

(2) When an energy conservation measure is to be financed by means other than with revenue bond proceeds pursuant to K.S.A. 2009 74-8960, the provisions of K.S.A. 2009 Supp. 75-37,125 and any other applicable statutory provisions shall be followed and the project shall be presented to the Board for approval prior to entering into any contract, lease-purchase agreement or other financing arrangement.

7. OBSOLETE BUILDINGS (K.S.A. 76-7,108)

Each state university shall evaluate all buildings in the university's inventory to determine if any building is obsolete. If a building is found to be obsolete, the state university shall request approval of the Board to retire the building from service and shall make a recommendation to the Board regarding the prudence of razing the building. Such recommendations shall include all pertinent information such as a justification statement, costs and funding source(s), environmental issues and anticipated use of the vacated property.

3.8. INSPECTIONS

a. State Fire Marshal

Except as provided in this subsection, an annual inspection of all buildings at institutions under the jurisdiction of the Board each state university shall be made by the State Fire Marshal with copies of the inspection report to be sent to the institution university. Within 30 days of receipt, the institution-state university shall provide a written summary of the State Fire Marshal's annual inspection report and the institution's university's response thereto to the President and Chief Executive Officer CEO of the Board; provided, however, that any notice of citation, potential sanction, violation, cease and desist order or hazard

requiring follow up by the ~~institution~~ state university shall be immediately reported to the President and CEO. (9-27-57; 6-27-91)

In lieu of the State Fire Marshal conducted inspection provided above, a state university may enter into a memorandum of agreement with the State Fire Marshal pursuant to the State Fire Marshal Commissioned Inspector Act, K.S.A. 31-701 et seq. Annual inspections conducted by a university commissioned inspector shall be performed in accordance with the Act and the university's memorandum of agreement.

b. Department of Administration

Each state university shall obtain such Department of Administration inspections for new construction or renovation as are required by Chapter 7, Section 5 of the Department's 2009 Building Design and Construction Manual, as amended.

c. Boiler and Other Inspections Required by Law

Each state university shall provide for such boiler and other inspections as are required by law. (K.S.A. 44-913 et seq.)

4-9. NAMING OF BUILDINGS

a. Authority for Naming

The naming of any state university building is the province of the Board of Regents. The authority to re-name or remove the name of any state university building also resides in the Board. Any documentation used by any state university or affiliate corporation of any state university for fund raising purposes shall clearly state that proposed names are subject to Board action, and shall reserve to the Board the right to remove any name bestowed upon a facility. Possible reasons for removal of a name include, but are not limited to, circumstances causing damage to the reputation of the university, change of law regarding naming authority, or if the building is razed or given over to a new use.

b. Criteria

(1) Generally, buildings are named for distinguished individuals who have made extraordinary contributions of a scholarly, professional, or public service nature related to the university's mission.

(2) In some cases, buildings may be named for major donors to the construction of the building.

(3) Before forwarding a name to the Board for consideration, the state university shall undertake a thorough degree of due diligence to avoid commercial influence or conflict of interest.

(4) Buildings will not be named for sitting presidents, chancellors or Board members.

c. Process

~~Buildings shall be named by the Board upon the recommendation of the~~ Buildings shall be named by the Board upon the recommendation of the ~~chief executive officer of the Regents institution and the committee of the whole considering items related to facilities~~ state university shall recommend an appropriate name to the Board for consideration. At the time the agenda item is submitted, the name shall not be included; however, the state university shall send the proposed name and a brief narrative shall be sent individually to Regents and the President and Chief Executive Officer CEO at least one week prior to ~~at the same time the state university sends its agenda material requests to the Board office for the Board meeting at which the name is to be considered.~~ at the same time the state university sends its agenda material requests to the Board office for the Board meeting at which the name is to be considered. No public communication of a proposed name shall be made until the name is presented for consideration to the open meeting of the ~~Committee~~ Board. (2-18-83) (6-24-99)

~~5.10.~~ PRIVATE HOUSING (6-28-07)

Unless directly authorized to do so by the Board, state universities shall not do any of the following:

- (1) enter into agreements, written or verbal or implied relating to private housing;
- (2) give preference to any owner or operator of private housing;
- (3) guarantee occupancy in or payments for private housing; or
- (4) provide public funds for the supervision, maintenance or operation of private housing. (6-24-99)

~~6.11.~~ REPORTS DUE

A listing of required submittals and their respective due dates is included in Appendix C and incorporated herein.

7.12. LAND TRANSACTIONS (6-28-07)

a. Leases (Including Oil and Gas Agreements)

(1) All leases of real property ~~must~~ shall be approved by ~~either Board or~~ university counsel as to form, ~~and shall be approved by~~ submitted to the Board for approval in accordance with paragraph (4) of this subsection, and shall be submitted to other state agencies for approval where required by statute law. (K.S.A. 75-3739(1), 75-3743, ~~and~~ 75-3744, and 76-165)

(2) No real property owned or controlled by the state of Kansas shall be leased unless a notice of intention to lease said property has been published at least thirty days prior to execution of any documents; provided, however, that this requirement shall not be imposed on leases with another state agency or a political subdivision. (K.S.A. 75- 430a(d)).

(3) No lease of land for the production of oil, gas or other minerals shall be for a period of more than ten years and so long as oil, gas or other minerals are produced in paying quantities thereon, ~~and~~ shall be awarded only upon competitive bids pursuant to K.S.A. 76-165, and shall retain to the state a royalty interest of not less than one-eighth part of all oil, gas or other minerals produced. When a state university leases land for the production of oil, gas, sand, gravel or any other mineral, the university shall provide information to the state geological survey in accordance with K.S.A. 76-323b. (K.S.A. 76-164 through 76-168)

(4) State university leases of state-owned property to third parties not associated with the state university may be executed by the state university's chief executive officer without Board approval unless

- (a) the lease involves construction on state property;
- (b) the lease is an oil, gas or mineral lease covered by K.S.A. 76-165;
- (c) the lease is for a term of more than 10 years; or
- (d) the lease is for an amount in excess of \$25,000 per year.

(5) Leases with state university endowments, foundations, and other related organizations are governed by subsection ~~(e)~~, below.

b. Easements

(1) The state universities' chief executive officers, shall act on behalf of the Board in granting or conveying right-of-way easements across any land under the custody and control of the Board. Easements may be granted with or without receiving consideration therefore, and may permit use of the land for purposes of access, convenience or necessity and such other right-of-way purposes as are customarily related to such easements. (K.S.A. 74-3264 and 75-2131)

(2) Easement documents ~~must~~ shall be submitted to the Attorney General for approval as to form (K.S.A. 74-3264 and 75-2131). (6-27-96)

c. Sale of Real Property

(1) Following receipt of the appraisals required by law, All any sales of real property owned or controlled by the Board of Regents or a state university must be approved by the Board of Regents and authorized by the legislature and approved by the Board of Regents following receipt of appraisals. Such legislative authorization includes K.S.A. 74-3254 may serve as pre-authorization by the legislature to dispose of certain devises. (K.S.A. 75-3043a and 74-3254) (10-19-06)

(2) No real property owned or controlled by the Board of Regents or a state university shall be sold unless a notice of intention to sell said property has been published at least thirty days prior to execution of any documents. (K.S.A. 75-430a(d))

(3) No real property owned or controlled by the Board of Regents or a state university shall be sold, and no transaction for the sale of such property shall be closed, until the property has been ~~appraised as required by law.~~ (K.S.A. 75-3043a) surveyed as required by law. (K.S.A. 75-6611)

(4) Sales of real property to state university endowments, foundations, and other related entities are governed by subsection ~~(e)~~ below.

d. Acquisition of Real Property

(1) The Board of Regents may acquire real property necessary to properly maintain and carry on a state university or the business thereof. ~~All purchases of real property must be authorized by the Legislature and approved by the Board of Regents~~ (K.S.A. 76-147)

(2) State universities shall submit a description of all properties which they desire to purchase, or otherwise acquire, to the Board for approval. Such description shall include a legal description of the property, anticipated use and the estimated cost of purchase and any cost relating to the razing or renovating and maintaining such property.

(3) No real property shall be purchased by the Board of Regents or a state university until the property has been appraised as required by law. (K.S.A. 75-3043a or 76-147) Prior to purchase, a warranty deed and ~~favorable~~ environmental assessment will be required. Exceptions to the requirement for a warranty deed may be made by the Board President and CEO. (10-19-06)

(4) Each state university shall record all deeds to real estate acquired, and any other instruments relating to the acquisition required by law to be recorded, with the register of deeds of the county where the real estate is located. All original instruments relating to land acquisitions shall be maintained in the Board office. (K.S.A. 75-3516)

(5) Acquisition of real property from state university endowments, foundations, and other related organizations are governed by subsection ~~(e)~~ below.

e. Real Property Transactions with State University Endowments, Foundations and Other Related Organizations

(1) State university endowments, foundations and other related organizations, ~~including the Wichita State University Board of Trustees~~, are organized under the laws of the State of Kansas and exist to support the state universities. While state law and organizational charters typically impose upon these related organizations special responsibilities for the administration of property received by the organizations, this policy shall establish the basis for all real property transactions described herein between all related organizations, the state universities and the Board. For purposes of this subsection e., the term "related organizations" includes all state university affiliated corporations as defined in Section II.G.6. of this Policy Manual

(a) ~~Sale and Transfer of Ownership~~: The approval of the Board of Regents shall be required prior to the acceptance by a state university of any gift of property from any related organization.

(b) In the event any related organization desires to sell to the Board or the university properties held by the related organization as a result of purchase, or a gift or devise which conveyed unrestricted and unqualified fee to the related organization, the purchase price shall not be more than the highest appraised value as determined by two independent real estate appraisers. (K.S.A. 76-147)

(c) ~~Real Estate Trades~~: Where trades of real property between the state and any related organization may benefit the state university and disposal of the state property has been approved by the Legislature, the Board of Regents may authorize the state university to negotiate a trade of the realty. The valuation of the related organization's property shall be determined in the same manner as that of state properties. (K.S.A. 75-3043a or 76-147)

(d) ~~Leasing~~: Leases of real property by the state universities from any related organizations shall be subject to the approval of the Board and to the following limitations:

(i) If the related organization holds properties in unrestricted accounts for which no remuneration is required under its fiduciary responsibility, or if the property is held on the basis of a gift or devise which so permits, the related organization may make the property available to the state university on a no-fee basis.

(ii) Any occupancy by the state university shall be subject to a written agreement.

(iii) For properties held by any related organization as investments for eventual development by the state university, the rental cost shall not exceed an amount calculated to amortize the investment, or the market value in a case where the state university seeks to occupy a property previously leased by the related organization on a private or commercial basis.

(e) State university transfers of real property received by devise to the state university's endowment or foundation in accordance with K.S.A. 2009 Supp.74-3254 shall be subject to approval by the Board and any conditions imposed by the testator.

(2) Construction of Buildings: When any related organization constructs a building on the organization's property for the state university's use and at the request of the state university, the state university is authorized to enter into lease agreements on an amortizing basis, subject to the advance approval of the Board of Regents. (6-28-90)

(3) Issuing Bonds: In the event any related organization proposes or is requested to issue bonds and the proceeds will be used to fund construction or improvement upon Board owned property, the state

university having possession of the property shall obtain Board approval of the project before the bond issuance process is initiated. (9-18-97)

G. GENERAL POLICY

6. **AFFILIATED CORPORATIONS**

- a. Affiliated corporations are incorporated entities, whether controlled or non-controlled by the university, which that are funded solely or primarily by monies other than state funds and whose the purpose of which is to enhance or support the mission and activities of ~~the institution~~ a state university. Affiliated corporations include, but are not limited to, alumni associations, incorporated student unions, ~~boards of trustees~~ Wichita State University Board of Trustees, endowment associations and athletic corporations.
- b. ~~Institutions~~ State universities shall not increase state funding for the operation of affiliated corporations beyond normal program maintenance increases without prior approval of the Board. (3-16-64; 2-15-85; 12-20-90)

ADOPT REFUNDING BOND RESOLUTION – FERRELL LIBRARY – KSU

General Counsel Miller introduced a refunding bond Resolution for Kansas State University. In 1995, Kansas State University was issued revenue bonds to pay a portion of the costs of the Farrell Library Expansion Project. Due to current economic conditions the Kansas Development Finance Authority has advised that an opportunity exists to achieve present value interest savings by refunding all or a portion of the Series 1995K bonds. A total of \$150,000 could be saved, which will be passed along to the students through a reduction in the student fees assigned to the repayment of this debt. Regent Boettcher moved to adopt the Resolution and to authorize the Chair and the President and CEO to execute the Resolution and related bond documents. Following the second of Regent Hedges, the motion carried.

(Resolution filed with Official Minutes)

EXECUTIVE SESSION

At 3:10 p.m., Regent Sherrer moved, followed by the second of Regent Lykins, that the Board recess into executive session for 30 minutes to receive legal advice from the Board’s General Counsel regarding pending litigation and other legal matters. Participating in the executive session were members of the Board, President Robinson, General Counsel Miller, Associate General Counsel Schwartz, Blake Flanders, and Diane Duffy. At 3:40 p.m., the Board resumed its open session and Regent Sherrer moved to extend the executive session for 20 minutes. Followed by a second from Regent Shank, the motion carried. The meeting returned to open session at 4:00 p.m.

RECESS

Chairman Docking recessed the meeting at 4:00 p.m., to resume the following morning.

RECONVENE

Chairman Docking reconvened the meeting at 8:30 a.m. on Thursday, February 18.

MEMBERS PRESENT:

Jill Docking, Chairman
 Gary Sherrer, Vice Chairman

Jerry Boettcher
Christine Downey-Schmidt
Dick Hedges
Dan Lykins
Janie Perkins
Donna Shank

INTRODUCTIONS

Todd Carter the Director of Research and Assessment at Seward County Community College was introduced by Dr. Duanne Dunn. Mr. Carter gave a presentation on the National Institutes of Health Bridges to the Baccalaureate Program. This program is a partnership between Dodge City Community College, Garden City Community College, Seward County Community College, and Kansas State University. It allows students who are enrolled in biomedical sciences at the community colleges to transition to Kansas State University to complete a bachelor degree. Mr. Carter listed the benefits the students receive at the community college and at the university. He also showed examples of students who have successfully completed the program.

(PowerPoint filed with Official Minutes)

APPROVAL OF CONSENT AGENDA

Regent Sherrer moved, with the second of Regent Lykins, that the Consent Agenda be approved. The motion carried.

Academic Affairs

ADDITIONAL DEGREE GRANTING AUTHORITY FOR CAPELLA UNIVERSITY

Capella University received approval to offer a Master of Science in Career Counseling (MS): General Career Counseling. This degree is attained through online distance education programming.

ADDITIONAL DEGREE GRANTING AUTHORITY FOR BROWN MACKIE COLLEGE

Brown Mackie College received approval to offer an Associate of Applied Science in Bioscience Laboratory Technology. This degree will be awarded at the Salina and Overland Park Campuses.

APPROVAL FOR DEGREE AND CERTIFICATE PROGRAMS FOR FORT SCOTT COMMUNITY COLLEGE

Fort Scott Community College received approval to offer a Certificate in Masonry (CIP 46.0101). The program will serve the needs of Southeast Kansas, Northeast Oklahoma and Southwest Missouri for brick, block and stone masons. Twenty-five area business and construction companies have pledged to support the program with donations of equipment and materials. The start-up costs will be funded by the Community Based Jobs Training Grant awarded to Fort Scott

Community College by the U.S. Department of Labor. Tuition and fees will fund the ongoing program costs beyond year one.

CONSIDERATION OF DISCUSSION AGENDA

Academic Affairs

ADULT EDUCATION ANNUAL REPORT

Dianne Glass, Director of Adult Education, presented her annual report to the Board. She stated that 17 community colleges, 2 technical colleges, 9 USDs, and 2 community based organizations provide services for adult education. Some of the services include basic literacy skills, GED preparation, and transition to postsecondary education. Ms. Glass provided statistical information on the demographic of adult learners served and broke down the challenges Kansas Adult Education faces. Additionally, Ms. Glass presented the following goals the Board's division of Adult Education would like to achieve by FY 2015: 1) to increase the number of participants served in adult education programs by 50% from FY 2009 to FY 2015; 2) to increase the number of GED recipients by 50% from 2008 to 2015; 3) to increase the number of adult education participants who transition to postsecondary education or training by 200% from FY 2009 to FY 2015; and 4) to increase the number of adult education participants who achieve a Kansas *WorkReady!* certificate by more than 1000% from FY 2009 to FY 2015.

Ms. Glass gave an update on the Next Step project and the KAN-GO initiative. The Next Step project is a two-year competitive grant that was received in September 2007. The grant created a partnership among the KBOR Adult Education, seven community colleges and the University of Kansas Center for Research on Learning. The adult education programs from this partnership have increased the number of participants entering postsecondary education by 50% from FY 2007 to FY 2009. The KAN-GO initiative is a result of incentive funding awarded to Adult Education and WIA Title IB programs for meeting their negotiated outcomes. The funding will be used to increase the number of adult education participants who transition from obtaining a GED to entering postsecondary technical education programs. Ten adult education programs are partnering with nine community and technical colleges and local Kansas Workforce Center to design and implement the programs.

(PowerPoint filed with Official Minutes)

Other Matters

REPORT FROM KANSAS POSTSECONDARY TECHNICAL EDUCATION AUTHORITY

Blake Flanders, Vice President for Workforce Development, briefed the Board on the last Technical Education Authority (TEA) meeting. The TEA is working on a new funding model for technical education. Institutional leaders have asked the TEA to go slow as it makes a recommendation to the Board for the implementation of new funding distributions. The TEA brought the following motion to the Board for consideration: In light of the current state budget environment, implementation of the technical education tiered cost model be deferred for a least one year or until FY 2012. Following discussion it was clarified that the implementation date would be pushed back and not the completion date. Additionally, Bill Quattlebaum, Vice Chair of the TEA, and Mark Conway spoke to the Board about the importance of technical education and the importance of developing skilled workers for Kansas.

RECESS

The Chairman called for a recess at 10:09 a.m. and resumed the meeting at 10:25 a.m.

LEGISLATIVE UPDATE

A status report on the Board of Regents legislative initiatives was provided by President Robinson. Those initiatives include: SB 2895 – Multi-Year Kan-ed Funding; SB 485 – Private & Out-of-State Postsecondary Institutions; HB 2414 – FHSU Land Sale; HB 2415 – State University Surplus Property; HB 2433 – State University Purchasing Pilot project; and HB 2446 – State University Investment Statutes Update.

President Robinson reported on two bills that were not part of the Board's legislative packet. Those bills were SB 416 – Eliminate Statement of Substantial Interest Requirement for State University Faculty and SB 548 – Technical College Taxing Authority. The Board discussed its position on the Technical College Taxing Authority legislation, and decided its position is that the Board needs to have more details and discussions with the stakeholders before it makes a decision on whether to support the proposed legislation.

(PowerPoint filed with Official Minutes)

STRATEGIC AGENDA FOR HIGHER EDUCATION IN KANSAS

A presentation for Foresight 2020: A Strategic Agenda for Higher Education in Kansas was given by President Robinson. Foresight 2020 sets goals and objectives to improve the quality and effectiveness of the postsecondary educational system in Kansas. It is constructed around the following five pillar: 1) Educational System Alignment; 2) Robust Participation in the Higher Education System; 3) Increased Persistence and Credential Production; 4) Sharp Focus on Learner Outcomes; and 5) Alignment with the Kansas Economy. If this document is adopted by the Board, it can be used as a mechanism for retaining focus on the objectives that are important for the State of Kansas, while also leaving space for institutions to pursue initiatives and objectives that are institutionally-driven.

Pillar one is to Achieve the Alignment of the State's K-12 Education and Higher Education Systems. President Robinson summarized why this pillar is important and stated that it is difficult to identify meaningful data that can be used as measurement on this issue. The objectives for this pillar includes (1) adopting a set of state university admissions standards by June 2011, that will send clear messages to the state's high school students about the level of preparation required to achieve success at institutions within the state university system, and (2) working with the Kansas P-20 Education Council to identify and eliminate the gaps that currently exist between the K-12 completion and postsecondary preparation expectations. The Regents would like to see a timeline for completion and ways to measure the results for the objectives. There were also questions regarding the role of the P-20 Council.

Pillar two is to Achieve Participation in the State's Higher Education System that is Increasingly Robust, Reflects the Demography of the State, and More Fully Engages Adult Learners. President Robinson reviewed the importance of this pillar, and went over the objectives and the challenges Kansas faces to achieve the objectives. The Foresight 2020 document sets a timeline of January 2012 for the Board to develop and submit for legislative consideration a proposal that would authorize new state funding to expand the state's Comprehensive Grant Program. This aid could target students who pursue studies that lead to jobs in high-demand areas of the state's economy. Additionally, by September 2012, the Board

can initiate a program called “Kansas: It’s a Great Place to Learn!” This program will use the Board’s newly-acquired tuition waiver authority to bring additional out-of-state students into Kansas for postsecondary studies. Following discussion, the Regents would like to add an income demographic to the pillar that can be measured by using financial aid to establish the student’s income level based on the family background.

Pillars three through five will be presented at the Board’s March meeting.

(PowerPoint filed with Official Minutes)

ADJOURNMENT

The Chairman adjourned the meeting at 11:34 a.m.

Reginald L. Robinson, President and CEO

Jill S. Docking, Chair

KANSAS BOARD OF REGENTS
MINUTES OF SPECIAL MEETING
February 22, 2010

The Kansas Board of Regents met by telephone conference call on Monday, February 22, 2010. Chairman Jill Docking called the meeting to order at 9:19 a.m. Proper notice was given according to law.

MEMBERS PRESENT: Jill Docking, Chairman
 Gary Sherrer, Vice Chairman
 Jerry Boettcher
 Christine Downey-Schmidt
 Dick Hedges
 Dan Lykins
 Janie Perkins
 Donna Shank

PROCESS FOR SELECTING THE NEXT KANSAS BOARD OF REGENTS PRESIDENT AND CEO

The Regents discussed the hiring process and the characteristics they are looking for in the Board's President and CEO.

EXECUTIVE SESSION

At 9:46 a.m., Regent Sherrer moved, followed by Regent Shank, that the Board of Regents recess into executive session for 10 minutes to discuss personnel matters of non-elected personnel related to an applicant for employment. Participating in the executive session were members of the Board. At 9:56 a.m., the meeting returned to open session. Regent Sherrer moved to extend the executive session for 10 minutes at 9:57 a.m. Followed the second of Regent Shank, the motion carried. At 10:07 a.m. the meeting returned to open session.

Regent Sherrer moved that the Board interview an identified candidate and subject to the result of that interview, will then determine whether a national search with a national search firm is in the best interests of the Board. Regent Shank seconded. Following discussion, the motion carried.

ADJOURNMENT

The Chairman adjourned the meeting at 10:16 a.m.

Reginald L. Robinson, President and CEO

Jill S. Docking, Chair

**KANSAS BOARD OF REGENTS
MINUTES OF SPECIAL MEETING
March 5, 2010**

The Kansas Board of Regents met on Friday, March 5, 2010. Chairman Jill Docking called the meeting to order at 9:04 a.m. Proper notice was given according to law.

MEMBERS PRESENT: Jill Docking, Chairman
 Gary Sherrer, Vice Chairman
 Jerry Boettcher
 Christine Downey-Schmidt
 Dick Hedges
 Dan Lykins
 Ed McKechnie (by conference call)
 Janie Perkins (by conference call)
 Donna Shank

KANSAS BOARD OF REGENTS PRESIDENT AND CEO

The Regents discussed the characteristics they are looking for in the Board's next President and CEO.

EXECUTIVE SESSION

At 9:22 a.m., Regent Sherrer moved, followed by Regent Lykins, that the Board of Regents recess into executive session for 2 hours to interview an applicant for employment and then discuss matters related to non-elected personnel. Participating in the executive session were members of the Board and the applicant. At 11:20 a.m., the meeting returned to open session. Regent Sherrer moved to extend the executive session for 40 minutes. Followed by the second of Regent Hedges, the motion carried. At 12:00 p.m. the meeting returned to open session. Regent Sherrer moved to extend the executive session for 15 minutes. Following the second of Regent Hedges, the motion carried. At 12:16 p.m. the meeting returned to open session.

Regent Lykins moved to offer the job of CEO and President of the Kansas Board of Regents to Andy Tompkins with details regarding pay and benefits to be worked out between Mr. Tompkins and the Board's executive officers. Following the second of Regent Downey-Schmidt, the motion carried

ADJOURNMENT

The Chairman adjourned the meeting at 12:21 p.m.

Reginald L. Robinson, President and CEO

Jill S. Docking, Chair

II. GENERAL REPORTS

- A. Introductions
- B. Report from the Chair
- C. Report from the President and CEO
- D. Report from State University/KBOR CEO Evaluation Consultants

Chairman Jill Docking
President Reggie Robinson
Regent Gary Sherrer

III. STANDING COMMITTEE REPORTS

- A. Academic Affairs
- B. Fiscal Affairs and Audit

Regent Gary Sherrer
Regent Jerry Boettcher

IV. APPROVAL OF CONSENT AGENDA

- A. *Academic Affairs*
Regent Gary Sherrer

Dr. Gary Alexander
Vice President for Academic Affairs

1. ACT ON REQUEST FOR APPROVAL OF ADDITIONAL DEGREE GRANTING AUTHORITY FOR CAPELLA UNIVERSITY (ONLINE) TO OFFER A DOCTOR OF SOCIAL WORK (DSW): GENERAL SOCIAL WORK

Summary and Staff Recommendation

Staff recommends that Capella University be given additional degree-granting authority for a Doctor of Social Work (DSW): General Social Work. This degree is attained through online distance education programming. After a thorough review of the institution’s staff qualifications, website platform, record keeping systems, coursework, and materials, staff recommends approval. *2/16/2010*

Background

Capella University is an online university with established schools in Education, Business and Technology, Human Services, and Psychology. The University, founded in 1991, is owned by Capella Education Company, a publicly traded company. It offers bachelor’s, master’s, specialist, and doctoral degrees. It employs 1,100 administrative staff at its Minneapolis, Minnesota, headquarters and more than 1,100 faculty members throughout the country that serve more than 31,000 adult professionals.

Capella University is accredited by The Higher Learning Commission of North Central Association of Colleges and Schools (HLC). This accrediting agency is recognized and approved by the United States Department of Education. This accreditation, according to K.S.A. 74-32,168 of the Postsecondary Educational Institution Act, may be accepted as evidence of compliance with the statutory standards for degree granting approval.

KBOR Response

The Kansas Private and Out-of-State Postsecondary Educational Institution Act (hereinafter “the Postsecondary Educational Institution Act”) gives the Board of Regents responsibility for authorizing schools to deliver instruction in Kansas. The scope of this responsibility includes most private institutions

located in the state of Kansas and extends to qualifying private and public colleges and universities located outside of Kansas.

Institutions that apply for degree and non-degree granting status are reviewed according to a process and set of standards required by the Postsecondary Educational Institution Act. The process may include on-site reviews to ensure proper facilities, equipment, materials, and adequate space are available to meet the needs of the student. Other standards include reviewing items such as:

- Courses, curriculum and instruction to ensure quality, content and length are reasonable and adequately achieve the stated objective(s).
- Proper maintenance of student transcripts, attendance records, and proper use of students' achievement records and/or entrance tests.

Each institution is required to submit a catalog including descriptions of the programs and courses offered. The catalog also contains a listing of instructors and their credentials, and a statement of the objectives of the program(s). Staff reviews these materials, along with resumes of administrators and instructors.

- 2. ACT ON REQUEST FOR APPROVAL OF ADDITIONAL DEGREE GRANTING AUTHORITY FOR DEVRY UNIVERSITY (KANSAS CITY, MO AND NAPERVILLE, ILL ON-LINE SCHOOL) TO OFFER:**
- a. BACHELOR OF SCIENCE IN JUSTICE ADMINISTRATION**
 - b. ADMINISTRATION BACHELOR OF SCIENCE IN LIBERAL STUDIES**
 - c. BACHELOR OF SCIENCE IN MANAGEMENT**
 - d. BACHELOR OF SCIENCE IN MULTIMEDIA DESIGN**
 - e. BACHELOR OF SCIENCE IN TECHNICAL MANAGEMENT**

Summary and Staff Recommendation

In accordance with KBOR policy, DeVry University is requesting additional degree granting authority for a Bachelor of Science in Network and Communications Management. After a thorough review of the institution's staff qualifications, facilities, record keeping systems, coursework and materials, staff recommends approval. This degree will be offered at the Kansas City, MO campus and at the Naperville, Ill on-line school.

2/1/2010

Background

DeVry University was founded more than 75 years ago. DeVry University has more than 90 [locations](#) in metro areas across the United States and Canada and on-line. The campuses seeking approval to offer the Bachelor of Science in Network and Communications Management degree are located in Kansas City, MO and on-line at Naperville, Ill. These courses are marketed directly to Kansas citizens and thus require Kansas Board of Regents approval.

DeVry University is accredited by The Higher Learning Commission of the North Central Association of Colleges and Schools. This accreditation, according to K.S.A. 74-32,168 of the Postsecondary Educational Institution Act, may be accepted as evidence of compliance with the statutory standards for approval.

KBOR Response

The Kansas Private and Out-of-State Postsecondary Educational Institution Act (hereinafter “the Postsecondary Educational Institution Act”) gives the Board of Regents responsibility for authorizing schools to deliver instruction in Kansas. The scope of this responsibility includes most private institutions located in the state of Kansas and extends to qualifying private and public colleges and universities located outside of Kansas.

Institutions that apply for degree and non-degree granting status are reviewed according to a process and set of standards required by the Postsecondary Educational Institution Act. The process may include on-site reviews to ensure proper facilities, equipment, materials, and adequate space are available to meet the needs of the student. Other standards include reviewing items such as:

- Courses, curriculum and instruction to ensure quality, content and length are reasonable and adequately achieve the stated objective(s).

- Proper maintenance of student transcripts, attendance records, and proper use of students' achievement records and/or entrance tests.

Each institution is required to submit a catalog including descriptions of the programs and courses offered. The catalog also contains a listing of instructors and their credentials, and a statement of the objectives of the program(s). Staff reviews these materials, along with resumes of administrators and instructors.

3. **ACT ON REQUEST FOR APPROVAL OF ADDITIONAL DEGREE GRANTING AUTHORITY FOR DEVRY UNIVERSITY (KANSAS CITY, MO; PHOENIX, AZ; WESTMINSTER, CO; AND IRVING, TX) TO OFFER:**
 - a. **BACHELOR OF SCIENCE IN JUSTICE ADMINISTRATION**
 - b. **BACHELOR OF SCIENCE IN LIBERAL STUDIES**
 - c. **BACHELOR OF SCIENCE IN MANAGEMENT**
 - d. **BACHELOR OF SCIENCE IN MULTIMEDIA DESIGN & DEVELOPMENT**

Summary and Staff Recommendation

In accordance with KBOR policy, DeVry University is requesting additional degree granting authority for the Bachelor of Science in Justice Administration, Bachelor of Science in Liberal Studies, Bachelor of Science in Management, and Bachelor of Science in Multimedia Design & Development. After a thorough review of the institution’s staff qualifications, facilities, record keeping systems, coursework and materials, staff recommends approval. These degrees will be offered at the Kansas City, Missouri; Phoenix, Arizona; Westminster, Colorado; and Irving, Texas locations.

2/23/2010

Background

DeVry University was founded more than 75 years ago. DeVry University has more than 90 [locations](#) in metro areas across the United States and Canada and online. The campuses seeking approval to offer the Bachelor of Science in Justice Administration, Bachelor of Science in Liberal Studies, Bachelor of Science in Management, and Bachelor of Science in Multimedia Design & are located in Kansas City, Missouri; Phoenix, Arizona; Westminster, Colorado; and Irving, Texas. These courses are marketed directly to Kansas citizens and thus require Kansas Board of Regents approval.

DeVry University is accredited by The Higher Learning Commission of the North Central Association of Colleges and Schools. This accreditation, according to K.S.A. 74-32,168 of the Postsecondary Educational Institution Act, may be accepted as evidence of compliance with the statutory standards for approval.

KBOR Response

The Kansas Private and Out-of-State Postsecondary Educational Institution Act (hereinafter “the Postsecondary Educational Institution Act”) gives the Board of Regents responsibility for authorizing schools to deliver instruction in Kansas. The scope of this responsibility includes most private institutions located in the state of Kansas and extends to qualifying private and public colleges and universities located outside of Kansas.

Institutions that apply for degree and non-degree granting status are reviewed according to a process and set of standards required by the Postsecondary Educational Institution Act. The process may include on-site reviews to ensure proper facilities, equipment, materials, and adequate space are available to meet the needs of the student. Other standards include reviewing items such as:

- Courses, curriculum and instruction to ensure quality, content and length are reasonable and adequately achieve the stated objective(s).

- Proper maintenance of student transcripts, attendance records, and proper use of students' achievement records and/or entrance tests.

Each institution is required to submit a catalog including descriptions of the programs and courses offered. The catalog also contains a listing of instructors and their credentials, and a statement of the objectives of the program(s). Staff reviews these materials, along with resumes of administrators and instructors.

4. ACT ON REQUEST FOR APPROVAL OF ADDITIONAL DEGREE GRANTING AUTHORITY FOR PINNACLE CAREER INSTITUTE (SOUTH KANSAS CITY, MO) FOR THE FOLLOWING DEGREES:

- a. ASSOCIATE OF OCCUPATIONAL STUDIES IN PERSONAL TRAINER
- b. ASSOCIATE OF OCCUPATIONAL STUDIES IN BUSINESS ADVERTISING, MARKETING AND PUBLIC RELATIONS
- c. ASSOCIATE OF OCCUPATIONAL STUDIES IN MEDICAL BILLING AND CODING
- d. ASSOCIATE OF OCCUPATIONAL STUDIES IN BUSINESS ADMINISTRATION AND HUMAN RESOURCES

Summary and Staff Recommendation

After a thorough review of the school and its proposed degree programs, KBOR Staff recommends Pinnacle Career Institute (PCI) be given additional degree-granting authority for an Associate of Occupational Studies in Personal Trainer, Associate of Occupational Studies in Business Advertising, Marketing and Public Relations, Associate of Occupational Studies in Medical Billing and Coding, and an Associate of Occupational Studies in Business Administration and Human Resources. If approved, these degrees will be awarded on Pinnacle Career Institute’s South Kansas City, MO campus. KBOR staff has reviewed the coursework and outcomes and finds they meet KBOR’s standards. PCI also demonstrates they have proper facilities, equipment, materials, record keeping systems, degreed staff, and adequate space to meet the needs of students enrolled in the proposed degree programs. 02/23/10

Background:

Pinnacle Career Institute started its first resident class in October, 1953, under the name of Electronics Institute, Inc. a Missouri corporation. The school operated as a subsidiary of the National School of Aeronautics, Inc. Kansas City, MO. Currently, the school has two other locations in North Kansas City, MO and Lawrence, KS. PCI is approved by the Kansas Board of Regents and contracted for training by the Missouri and Kansas Rehabilitation Commissions. Pinnacle Career Institute provides training under the Veterans Administration, Vocational Rehabilitation and Workforce Investment Act.

Pinnacle Career Institute is accredited by the Accrediting Commission of Career Schools and Colleges, a national accrediting agency recognized by the U.S. Department of Education. This accreditation, according to K.S.A. 74-32,168 of the Postsecondary Educational Institution Act, may be accepted as evidence of compliance with the statutory standards for approval.

KBOR Response

The Kansas Private and Out-of-State Postsecondary Educational Institution Act (hereinafter “the Postsecondary Educational Institution Act”) gives the Board of Regents responsibility for authorizing schools to deliver instruction in Kansas. The scope of this responsibility includes most private institutions located in the state of Kansas and extends to qualifying private and public colleges and universities located outside of Kansas.

Institutions that apply for degree and non-degree granting status are reviewed according to a process and set of standards required by the Postsecondary Educational Institution Act. The process may include on-site reviews to ensure proper facilities, equipment, materials, and adequate space are available to meet the needs of the student. Other standards include reviewing items such as:

- Courses, curriculum and instruction to ensure quality, content and length are reasonable and adequately achieve the stated objective(s).
- Proper maintenance of student transcripts, attendance records, and proper use of students' achievement records and/or entrance tests.

Each institution is required to submit a catalog including descriptions of the programs and courses offered. The catalog also contains a listing of instructors and their credentials, and a statement of the objectives of the program(s). Staff reviews these materials, along with resumes of administrators and instructors.

5. ACT ON REQUEST FOR APPROVAL OF ADDITIONAL DEGREE GRANTING AUTHORITY FOR CLEVELAND CHIROPRACTIC COLLEGE (OVERLAND PARK, KS AND LOS ANGELES, CA) TO OFFER A MASTER OF SCIENCE IN HEALTH PROMOTION

Summary and Staff Recommendation

Staff recommends that Cleveland Chiropractic College be given additional degree-granting authority for the Master of Science in Health Promotion (MSHP). This degree will be awarded on their Overland Park, Kansas campus. After a thorough review of the institution’s staff qualifications, website platform, record keeping systems, coursework, and materials, staff recommends approval. *2/23/2010*

Background

Founded in 1922, Cleveland Chiropractic College was originally located in Kansas City, Missouri. The College was chartered the same year and has been in continuous operation since that time. The Kansas City campus was relocated to a 34-acre campus in Overland Park, Kansas in January 2008. A second campus, in Los Angeles, California, was chartered in 1955. In 1991, the two Cleveland Chiropractic Colleges joined together to form a multi-campus system.

Cleveland Chiropractic College is accredited by The Higher Learning Commission of the North Central Association of Colleges and Schools (HLC). This accrediting agency is recognized and approved by the United States Department of Education. This accreditation, according to K.S.A. 74-32,168 of the Postsecondary Educational Institution Act, may be accepted as evidence of compliance with the statutory standards for degree granting approval.

KBOR Response

The Kansas Private and Out-of-State Postsecondary Educational Institution Act (hereinafter “the Postsecondary Educational Institution Act”) gives the Board of Regents responsibility for authorizing schools to deliver instruction in Kansas. The scope of this responsibility includes most private institutions located in the state of Kansas and extends to qualifying private and public colleges and universities located outside of Kansas.

Institutions that apply for degree and non-degree granting status are reviewed according to a process and set of standards required by the Postsecondary Educational Institution Act. The process may include on-site reviews to ensure proper facilities, equipment, materials, and adequate space are available to meet the needs of the student. Other standards include reviewing items such as:

- Courses, curriculum and instruction to ensure quality, content and length are reasonable and adequately achieve the stated objective(s).
- Proper maintenance of student transcripts, attendance records, and proper use of students’ achievement records and/or entrance tests.

Each institution is required to submit a catalog including descriptions of the programs and courses offered. The catalog also contains a listing of instructors and their credentials, and a statement of the objectives of the program(s). Staff reviews these materials, along with resumes of administrators and instructors.

Blake Flanders
Vice President for Workforce Development

- 6. ACT ON REQUEST FOR DEGREE AND CERTIFICATE PROGRAMS SUBMITTED FROM COMMUNITY COLLEGES AND TECHNICAL COLLEGES FOR: BARTON COUNTY COMMUNITY COLLEGE, CERTIFICATE IN WELDING (CIP 48.0508); NEOSHO COUNTY COMMUNITY COLLEGE, TECHNICAL CERTIFICATE AND ASSOCIATE IN SURGICAL TECHNOLOGY (51.0909); HIGHLAND COMMUNITY COLLEGE, TECHNICAL CERTIFICATE IN VITICULTURE (01.1199) AND ENOLOGY (01.0309); AND INDEPENDENCE COMMUNITY COLLEGE, ASSOCIATE OF APPLIED SCIENCE IN VETERINARY TECHNOLOGY (51.0808)**

Summary and Staff Recommendation

Each month community colleges and technical colleges submit requests for the approval of new certificate and degree programs. The Board office received multiple program requests to be implemented in 2010. The programs submitted addressed all criteria requested and have been subject to the 14 day comment period required by policy. The programs have been reviewed by the Technical Program and Curriculum Committee and the Postsecondary Technical Education Authority recommends approval.

3/1/10

Background

Community colleges and technical colleges submit requests for new certificate and degree programs each month utilizing forms approved by staff. Criteria addressed during the application process include, but are not limited to, the following:

- Student and employer demand for the program
- Current and projected job openings and anticipated wages
- Level of program duplication across institutions, based on Classification of Instructional Program (CIP) code, and any efforts to collaborate to provide the needed program
- Rationale for why collaboration is not a viable option and/or need for a duplicative program
- Program description and designation of required and elective courses
- Measurable program outcomes and course competencies
- Process and frequency for review of program content, level of program success, and process for addressing any areas of concern
- Any specialized accreditation required and/or available for the proposed program
- Faculty qualifications and proposed student to faculty ratio
- Description of facilities and equipment needed and available
- Projected program costs and designation of adequate resources
- Membership of a steering/advisory committee for the program
- Approval by institutional academic committee and local governing board

Description of Proposed Programs

Barton Community College requests approval for the following new program:
Welding (CIP 48.0508) at the Technical Certificate level (16 credits).

The proposed welding program is similar in many respects to the recently proposed program in Computer Aided Drafting from Barton which was approved by KBOR on 1/20/10.

The proposed program is a collaborative effort between Barton Community College, Hutchinson Community College and North Central Kansas Technical College in conjunction with the Kansas Department of Commerce, the Kansas Juvenile Justice Authority, Central Kansas Community Corrections, Local Workforce Investment Boards and the Kansas Department of Corrections. This program is designed to provide access to job relevant skills for the offender population in the Ellsworth Correctional Facility, the Larned Correctional Mental Health Facility and the Larned Juvenile Correctional Facility. The program would also be available to individuals assigned to Community Corrections within the Great Bend area. Students completing the program would be eligible for entry level positions as welders with area employers. Letters of support from area employers indicated a willingness to hire qualified graduates emerging from correctional facilities.

Funds set aside in the Community Based Jobs Training Grant awarded to Barton Community College by the U.S. Department of Labor to provide career and technical training to Kansas Department of Corrections inmates and Juvenile Justice Authority detainees will fund the development of the Welding Certificate Program. The college has established a base budget for the program which includes \$72,000 for supplies, \$16,200 for faculty compensation and \$3,000 for faculty development. Lab welding equipment purchased through a previous Department of Labor grant awarded to the Kansas Department of Corrections will be utilized for instruction. Anticipated enrollment for the implementation year is 16 full-time and 30 part-time students. While demand statewide for welders is projected to increase by approximately 5% during the 2006-2012 timeframe, demand for welders in Barton's service area is expected to increase by 10%.

While there are numerous educational programs across the state utilizing the same CIP code and offering the same coursework, the proposed program affords access to a "restricted" population. No letters of comment were received for the proposed program.

Barton Community College, Hutchinson Community College and North Central Kansas Technical College engaged in numerous conference calls with the Kansas Department of Corrections to jointly plan curriculum and share resources in support of the application for and the delivery of services associated with the Community Based Jobs Training Grant. In support of the grant, Hutchinson Community College will be serving the needs of inmates at the Hutchinson Correctional Facility.

The above new certificate program has been carefully reviewed by staff utilizing the above stated standards and criteria. Copies of the detailed program proposals are available for inspection.

Recommendation

This program was reviewed by the Technical Program and Curriculum Committee and approved during the February 24, 2010 meeting of the Postsecondary Technical Education Authority (TEA). The TEA recommends approval of this program.

Neosho County Community College requests approval for the following new program: Surgical Technology (51.0909) at the Technical Certificate level, (47 credits) and at the Associate of Applied Science level (64 credits). This program is to be offered at both the Ottawa and Chanute campuses.

Surgical Technology is a program that prepares individuals, under the supervision of a physician, to set up, maintain, monitor, and enforce the sterile field of a surgical procedure. The program includes instruction in instrumentation and equipment identification, handling and sterilization, wound exposure, surgical robot monitoring, and patient and team adherence to aseptic technique. Upon completion of the program the student will be eligible to sit for their Certified Surgical Technologist (CST) examination given by the National Board of Surgical Technology and Surgical Assisting (NBSTSA). The proposed program will follow the standards and guidelines for accreditation by the Commission on Accreditation of Allied Health Education Programs (CAAHEP), and the curriculum will meet the educational competencies defined in The Core Curriculum for Surgical Technology, developed by the Association of Surgical Technologists (AST). The proposed program will also follow the agreed upon curriculum alignment model for Surgical Technology programs.

Neosho County Community College (NCCC) received a Title III grant of \$1,997,131 from the U.S. Department of Education to fund start up costs, over a five year period, for two allied health programs. This program is the second of the two allied health programs. This grant will support facility renovation for a Surgical Technology lab at both NCCC's Ottawa and Chanute campuses, acquisition of program faculty, curriculum development, as well as equipment and supplies over a five year period. In grant year two, (2010-2011) NCCC will hire a program director that will be based primarily at the Ottawa campus, and in grant year three, (2011-2012) will hire a second faculty member who will be based primarily at the Chanute campus. NCCC will begin to assume the salaries of these faculty in grant year three at a rate of 25 percent per year, with full assumption by the end of the grant period. The college anticipates an enrollment of 36 students in the program by year three, and projects long term funding of the program with revenue generated from tuition, special fees, and state aid at a projected total of \$278,136 annually. Projected annual operating costs from the program are \$252,458, with projected net annual revenue of \$25,678.

Employment for Surgical Technologists is expected to grow by over 30 percent from 2008 to 2018, much faster than average. Currently there are on average 25 job openings annually for this position. The median salary in Kansas for a Surgical Technologist is \$35,620. Local hospitals surveyed in NCCC's service area responded that they are likely to have Surgical Technologist position vacancies in the future, that these positions may be difficult to fill, and are supportive of the proposed program.

There currently are Surgical Technology programs at Hutchinson Community College, Washburn Institute of Technology, Seward County Community College, and Wichita Area Technical College. Johnson County Community College has a cooperative agreement with Metropolitan Community College of Missouri to offer coursework supporting Metropolitan's Surgical Technology program. Seward County Community College has also initiated a satellite Surgical Technology program at Manhattan Area Technical College.

A potential area of concern would be the impact of 36 additional Surgical Technology students on existing clinical site availability. No comments were received regarding this program proposal.

Recommendation

This program was reviewed by the Technical Program and Curriculum Committee and approved during the February 24, 2010 meeting of the Postsecondary Technical Education Authority (TEA). The TEA recommends approval of this program.

Highland Community College requests approval for the following new programs:

Viticulture (01.1199) at the Technical Certificate level (21 credits) and Enology (01.0309) at the Technical Certificate level (24 credits).

The programs are designed to prepare well trained technical workers in grape-growing/vineyard management (viticulture) and wine-making/winery management (enology). Both technical certificates are designed to equip a novice with sufficient expertise to obtain employment in the industry or develop their own business plan as an entrepreneur to enter the industry. The proposed programs have access to a research and instruction vineyard near the college's Wamego center, which the college previously obtained grant funding to build.

An initial budget of \$55,000 has been identified for both programs with \$40,000 allocated for instructional costs and \$15,000 in support of equipment and supplies in support of both certificate programs. The college has procured grant funding in the amount of \$21,500 from the Kansas Department of Agriculture (KDA) and the Viticulture and Enology Science and Technology Alliance (VESTA) to offset a portion of program start-up costs. The balance of funding needed for the proposed programs would come from tuition revenue and strategic targeting of existing institutional resources. Anticipated enrollment for the implementation year is 10 full-time and 10 part-time students.

Economic data from Missouri, Illinois and Iowa suggests that the emergence of college programs in viticulture and enology have contributed to growth in excess of 100% in grape and wine production in those states, stimulating economic development in this sector of their agricultural economy. Enrollment in individual courses offered by the college at the Wamego campus center as well as interest expressed by members of the Kansas Grape Growers and Winemakers Association (KGGWA) suggests that the college would exceed its projected enrollment targets for the program.

Highland has collaborated extensively with VESTA member institution Redlands Community College in El Reno, Oklahoma regarding program development. The enology and viticulture courses in both certificates represent the curriculum endorsed by VESTA, ensuring that the proposed program will be aligned with emerging national standards within the industry. Highland has established strong industry partnerships with seven Kansas wineries and vineyards which have offered to grant student access to their operations in support of the proposed program.

The college will restrict enrollment in the enology program to those who are 21 years of age or older. Materials produced by students containing alcohol will be kept in a locked, secure environment.

The state does not currently have a program of study in viticulture or enology at any of our institutions. No comments were received regarding either the Viticulture or Enology program proposals.

Recommendation

This program was reviewed by the Technical Program and Curriculum Committee and approved during the February 24, 2010 meeting of the Postsecondary Technical Education Authority (TEA). The TEA recommends approval of this program.

Independence Community College requests approval for the following new program:
Veterinary Technology (51.0808) at the Associate of Applied Science level (81 credit hours).

The proposed program would seek and maintain accreditation from the American Veterinary Medical Association (AVMA) and support the need for veterinary technicians in Southeast Kansas and Northeast Oklahoma. A state wide survey sent to 386 veterinarians produced 122 responses, with 90 of the 122 responses stating that they would like to see Independence Community College develop the program. A survey of area high school students indicated that 47% would be interested in pursuing this program of study if it were available locally. The veterinary technician occupation is included among the top twenty growth occupations requiring an Associate's degree in Kansas. The United States Department of Labor Occupational Handbook notes that employment of veterinary technologists and technicians is expected to grow 36 percent over the 2008-18 projection period, which is much faster than the average for all occupations. The Occupational Handbook also states that many veterinary technicians remain in the field less than 10 years, so the need to replace workers who leave the occupation each year also will produce many job opportunities.

Total program start-up costs are estimated at \$237,900 with \$116,250 during the initial startup year designated for equipment and facility costs. Equipment and facility costs will be funded through a comprehensive review and reallocation of existing college resources and will be augmented by the fund-raising efforts of the Independence Community College Foundation Board. Annual operational costs will be offset by tuition and fees and by capturing salary and benefits that result from attrition in other operational areas of the college.

Colby Community College currently offers the veterinary technician program and Johnson Community College offers the program via a collaborative program with Metropolitan Community College in Kansas City, Missouri. Independence Community College approached Colby Community College and Kansas State University seeking collaboration and support for the proposed program. Tulsa Community College has partnered with Independence Community College sharing expertise and identifying clinical placement opportunities for students.

Two letters of support for the proposed program were received from Labette Community College. A letter of objection to the proposed program was received from Colby Community College.

The Technical Program and Curriculum Committee reviewed and discussed this program during their January 12, 2010 meeting and recommended additional discussion by the full Authority. The Technical Education Authority reviewed the proposal and posed questions to representatives from both Independence Community College and Colby Community College during the January 27th meeting of the full Authority. The Authority returned the proposal to the committee for further consideration.

Board staff contacted both colleges seeking additional information regarding the proposal. Independence was asked to resubmit a budget for the program providing additional clarity on start-up expenses. Colby

was asked to respond to questions regarding the number of graduates produced and their “county” of residence for the previous three years. Colby was also asked to provide additional information regarding their plans to offer their current program in El Dorado and Manhattan.

Both colleges submitted information requested by staff. An analysis of the new information provided and previous data cited in this process yielded the following observations which were shared with the Technical Program and Curriculum Committee during their meeting on February 9th.

- Kansas is in an “undersupply” position regarding veterinary technicians according to the September 2007 report *Positioning Kansas for Competitive Advantage*.

- The planned expansion of Colby Community College’s program into El Dorado and Manhattan and the pursuit by Brown Mackie in Salina and Kansas City of AVMA accreditation represents an attempt to expand program capacity in the state.

- During the period from 2007-2010 the current Colby program served one student from Southeast Kansas. During the same period, only three students from Southeast Kansas applied for access to the program. Southeast Kansas in this analysis is defined by the following counties: Cowley, Chautauqua, Elk, Greenwood, Coffey, Woodson, Wilson, Montgomery, Labette, Neosho, Allen, Anderson, Linn, Bourbon, Crawford and Cherokee.

- During the period from 2007-2009, (which represents three years of “graduates”) the Colby Community College program averaged 14 graduates per year, with a small percentage of these graduates choosing to pursue other careers.

- The U.S. Department of Labor Occupational Handbook states that veterinary technicians remain in this occupation no more than ten years and given that Kansas has approximately 600 veterinary technicians (2008 Federal Bureau of Labor Statistics for Kansas), the state will require 60 graduates a year to replace those leaving the occupation.

- Data supplied by Colby Community College suggests that their program primarily serves those students in the age range of 18-22.

- Independence Community College has submitted a revised budget for the program which identifies “lease options for equipment” as the rationale for the lower than anticipated start-up costs for the program.

- Independence Community College has amended their original program proposal, suggesting that they will also offer the program via online learning following the lead of St. Petersburg, Florida Community College and Cedar Valley College in the Dallas Community College District, allowing access to the program by students anywhere in the state who may be “place-bound” if they are able to procure access to a 15-20 hour per week position at a veterinary clinic for their clinical training, without the need to attend courses at a designated site for development of their clinical skills and competencies.

- Eight additional letters of support have been received by the board office during the past two weeks in support of the Independence Community College proposal from community colleges, veterinarians and legislators, including the current majority leader of the Kansas Senate.

During the February 9th conference call of the Technical Program and Curriculum Committee of the Technical Education Authority, Dr. Kreider, the president of Colby Community College, withdrew his letter of objection to the proposed program.

Given the “undersupply” of trained veterinary technicians and the need for graduates to support the growth needs of the industry, the program proposed by Independence Community College was approved

by the Technical Program and Curriculum Committee. The modified Independence Community College proposal, which extends access across the state to those who do not reside in a designated locale or who are place-bound, opens a new paradigm of design possibilities for other technical education programs in the state.

Recommendation

This program was reviewed by the Technical Program and Curriculum Committee and approved during the February 24, 2010 meeting of the Postsecondary Technical Education Authority (TEA). The TEA recommends approval of this program.

The above new certificate/degree programs have been carefully reviewed by staff utilizing the above stated standards and criteria. Copies of the detailed program proposals are available for inspection.

V. CONSIDERATION OF DISCUSSION AGENDA

A. *Academic Affairs*
Regent Gary Sherrer

Blake Flanders
Vice President for Workforce Development

1. ACT ON REQUEST FOR APPROVAL FOR DEGREE AND CERTIFICATE PROGRAM SUBMITTED FROM COMMUNITY COLLEGES AND TECHNICAL COLLEGES FOR NEOSHO COUNTY COMMUNITY COLLEGE, ASSOCIATE OF APPLIED SCIENCE IN OCCUPATIONAL THERAPY ASSISTANT (51.0803)

Summary and Staff Recommendation

Each month community colleges and technical colleges submit requests for the approval of new certificate and degree programs. The Board office received multiple program requests to be implemented in 2010. The programs submitted addressed all criteria requested and have been subject to the 14 day comment period required by policy. The programs have been reviewed by the Technical Program and Curriculum Committee and the Postsecondary Technical Education Authority recommends approval. 3/03/2010

Background

Community colleges and technical colleges submit requests for new certificate and degree programs each month utilizing forms approved by staff. Criteria addressed during the application process include, but are not limited to, the following:

- Student and employer demand for the program
- Current and projected job openings and anticipated wages
- Level of program duplication across institutions, based on Classification of Instructional Program (CIP) code, and any efforts to collaborate to provide the needed program
- Rationale for why collaboration is not a viable option and/or need for a duplicative program
- Program description and designation of required and elective courses
- Measurable program outcomes and course competencies
- Process and frequency for review of program content, level of program success, and process for addressing any areas of concern
- Any specialized accreditation required and/or available for the proposed program
- Faculty qualifications and proposed student to faculty ratio
- Description of facilities and equipment needed and available
- Projected program costs and designation of adequate resources
- Membership of a steering/advisory committee for the program
- Approval by institutional academic committee and local governing board

Description of Proposed Programs

Neosho County Community College requests approval for the following new program:

Occupational Therapy Assistant (51.0803) at the Associate of Applied Science level (64 credits).

The Occupational Therapy Assistant (OTA) works under the direction of an Occupational Therapist to provide rehabilitative services to patients with mental, physical, emotional or developmental impairments, with the goals of improving quality of life and the performance of activities of daily living. Upon completion of the program the student will be eligible to sit for a national certification examination given by the National Board for Certification in Occupational Therapy. OTA's are licensed in Kansas and regulated by the Kansas Board of Healing Arts. This proposed program will follow the Accreditation Council for Occupational Therapy Education (ACOTE) guidelines for accreditation by the American Occupational Therapy Association (AOTA). The college submitted a formal letter of intent to ACOTE to begin the accreditation process on January 11, 2010.

This program was selected as a suggested alternative to a previously proposed Physical Therapy Assistant (PTA) program by the same institution. It was recommended to Neosho County Community College they not pursue the PTA program due to the existence of several PTA programs in the state and the impact another program would have on employment for graduates, procurement of faculty, clinical training availability, and enrollment. However, Neosho County Community College had already secured a Federal Title III grant for \$1,997,131 from the U.S. Department of Education to fund the start-up of the PTA program and one other allied health education program. In November 2009, Dr. Vicky Smith, President of Neosho County Community College, and one KBOR staff member met with the Title III program officer in Washington DC to obtain permission to alter the Title III grant to support start-up funding for an OTA program in lieu of the prior proposed PTA program. This request was granted.

This Title III grant has a five year life span, to cover start up costs for this and one other allied health program. An initial budget of \$566,102 has been identified for this program: \$171,469 for program faculty salaries, which will begin to be absorbed by the institution in grant year three, (2011-2012) at 25% per year, with full assumption by year six, the end of the grant; \$350,494 for basic equipment for support labs; and \$44,139 for program supplies. Neosho County Community College will construct a 2,417 square foot addition to house OTA and one other allied health program at their Ottawa campus at a cost of \$115 per square foot to be funded with Title III grant funds, and \$135 per square foot to be funded by the institution. The college anticipates an enrollment of 25 students in the program by year three, and projects long term funding of the program with revenue generated from tuition, special fees, and state aid at a total of \$266,300 annually. Projected annual operating costs for the program are \$230,401, with projected net annual revenue of \$35,899.

Employment for OTA's is expected to grow by 30 percent from 2008 to 2018, much faster than average as demand for occupational therapy services increases and as Occupational Therapists increasingly use OTA's to reduce the cost of providing occupational therapy services. Mean annual salary for OTA's in Kansas is \$47,153.

A letter of comment was received from Washburn University regarding the "proximity" of the proposed program as a consequence of the intent to offer the program in Ottawa, Kansas.

Johnson Community College offers an AAS in OTA via a cooperative program with Metropolitan Community College in Kansas City, Missouri. The only other active OTA program in Kansas is located at Newman University in Wichita. Washburn University is in the “Applicant Status” stage of their new OTA program and Brown Mackie College is also pursuing an OTA program. There are no other OTA programs in the state.

Recommendation

This program was reviewed by the Technical Program and Curriculum Committee and approved during the February 24, 2010 meeting of the Postsecondary Technical Education Authority (TEA). The TEA recommends approval of this program.

**Julene Miller
General Counsel**

2. ADOPT AMENDMENTS TO REGULATION ESTABLISHING FEES FOR ISSUANCE OF PRIVATE AND OUT-OF-STATE POSTSECONDARY INSTITUTION CERTIFICATES OF APPROVAL – ROLL CALL VOTE REQUIRED

Summary and Staff Recommendation

K.S.A. 74-32,181 establishes the categories and the statutory maximums for the fees assessed for work done in connection with certifying and approving private and out-of-state postsecondary institutions wishing to operate or solicit students in Kansas. The proposed changes to K.A.R. 88-28-6 will increase the fees charged to the statutory maximum. The statutorily required process for implementation of new regulations has been followed and the only step left is for the Board to give final approval to these changes.

Staff recommends adoption. The Board’s vote on whether to adopt this regulation must be made by a roll call vote.

Background: The Board first adopted K.A.R. 88-28-6 in 2006, acting pursuant to K.S.A. 74-32,181. At that time, the fees for each category were set at half the allowed statutory maximum. Due to the marked increase in the number and complexity of private and out-of-state postsecondary institutions seeking to operate and/or solicit students in Kansas, there has been rapid growth in the amount of work and time it takes to process, review and regulate this sector of postsecondary education. The proposed amendment to K.A.R. 88-28-6, set out in full below, will increase the fees to their statutory maximum, allowing the Board, and division that performs the related work, to generate more income and thus more effectively and efficiently perform statutory duties.

Proposed Action: Approval of the regulation with the new fee amounts requires a roll call vote by the Board.

88-28-6. Certification and registration Fees. Fees for certificates of approval, and registration of representatives, and certain transcripts shall be collected by the state board in accordance with this regulation. (a) For institutions domiciled or having their principal place of business within the state of Kansas, the following fees shall apply:

(1)(A) Initial issuance of certificate of approval without degree-granting authority.....	\$850.00 <u>\$1,700</u>
(B) Renewal of certificate of approval without degree-granting authority.....	\$600.00 <u>\$1,200</u>
(2)(A) Initial issuance of certificate of approval with degree-granting authority.....	\$1,000.00 <u>\$2,000</u>
(B) Renewal of certificate of approval with degree-granting authority.....	\$800.00 <u>\$1,600</u>
(3)(A) Initial registration of representative.....	\$75.00 <u>\$150</u>
(B) Renewal of registration of representative.....	\$50.00 <u>\$100</u>

(b) For institutions domiciled or having their principal place of business outside the state of Kansas, the following fees shall apply:

(1)(A) Initial issuance of certificate of approval without degree-granting authority.....	\$1,700.00	<u>\$3,400</u>
(B) Renewal of certificate of approval without degree-granting authority.....	\$1,200.00	<u>\$2,400</u>
(2)(A) Initial issuance of certificate of approval with degree-granting authority.....	\$1,900.00	<u>\$3,800</u>
(B) Renewal of certificate of approval with degree-granting authority.....	\$1,400.00	<u>\$2,800</u>
(3)(A) Initial registration of representative	\$150.00	<u>\$300</u>
(B) Renewal of registration of representative.....	\$100.00	<u>\$200</u>

(c) For any institution that has ceased operation, the following fee shall apply:

Student transcript as requested or authorized by the student.....\$10

(Authorized by and implementing K.S.A. 2005 2008 Supp. 74-32,181; effective Oct. 20, 2006; amended P-_____.)

C. *Other Matters*

Blake Flanders
Vice President for Workforce Development

1. RECEIVE REPORT FROM KANSAS POSTSECONDARY TECHNICAL EDUCATION AUTHORITY

Regent Jerry Boettcher

2. RECEIVE REPORT FOR ACCESS TO POSTSECONDARY AID AND RELATED COMMENTS FROM AFFECTED INSTITUTIONS

Summary

Dodge City Community College, Pratt Community College and Cowley County Community College have asked the Board to consider funding certain of their vocational programs/courses from postsecondary aid rather than the community college operating grant. The Board will receive the request and any comments from other stakeholders who are affected by the request.

Background

Some time ago Dodge City Community College, Pratt Community College and Cowley County Community College expressed interest in accessing postsecondary aid. The colleges’ request stems from their belief that they have received an inequitable amount of funding for their vocational programs since the enactment of Senate Bill 345 in 1999. Dodge City Community College argues that as a community college that consolidated with an area vocational technical school in 1993, they are entitled to postsecondary aid pursuant to the consolidation statutes. While initially asserting that they were merged entities and also entitled to postsecondary aid pursuant to the consolidation statutes, K.S.A. 71-1701 *et seq.*, Pratt and Cowley are now arguing that they are area vocational schools as defined for purposes of the postsecondary aid statutes and therefore did not need to be consolidated for access to postsecondary aid.

The Board responded to the colleges’ expression of interest in two ways. The Board’s legal counsel researched the law and the history of the funding and advised that these colleges were not statutorily eligible for postsecondary aid funding, and the Board’s finance and technical education staff ratcheted up their work with the Technical Education Commission, the Technical Education Authority (TEA), the stakeholder colleges and others to develop a new cost model and ultimately a new funding approach to move away from current technical education funding mechanisms.

Rather than waiting for the development of thoughtful and well planned funding approach that would address the needs of the State while minimizing disruption to the system, the three colleges sued the Board in Shawnee County District Court last June. The Board responded to the law suit with a motion to dismiss, arguing that these three colleges do not meet the statutory criteria for eligibility for postsecondary aid. In February, the Court issued a memorandum opinion and order denying the Board’s motion. The Court’s memorandum opinion invites the Board to provide a process by which the request of the colleges can be heard and responded to in a less adversarial forum.

To provide a process that would be efficient and effective in light of the funding distribution schedule, the impact to all who participate in the two targeted funding streams, and the complexity of the issues

involved, Technical Education Authority Chairman Glassman and Board of Regents Chairman Docking have formed an ad hoc committee made up of Regents who have responsibility for and knowledge of fiscal and/or academic programming issues and TEA Members who have similar responsibilities and knowledge. This ad hoc committee, Chaired by Regent Boettcher, has been charged with working through the request and all the relevant information with a goal of providing a report and recommendation to the Board for final determination.

It is anticipated that the committee will work through the months of March and April, with the goal of having a report and recommendation to the Board by its April or May meeting.

Kip Peterson
Director of Government Relations and Communications

3. RECEIVE LEGISLATIVE UPDATE

Regent Garry Sherrer

**4. CONSIDER PROPOSED RESOLUTION TO APPOINT TECHNICAL
EDUCATION TASKFORCE**

THURSDAY, March 18, 2010

VI. REPORTS

- A. Introductions
- B. Report from Council of Presidents **President Ed Hammond**
- C. Report from Council of Faculty Senate Presidents **Dr. Jeff Burnett**
- D. Report from Students' Advisory Committee **Zach Gearhart**

VII. APPROVAL OF CONSENT AGENDA

- A. *Fiscal Affairs and Audit* **Diane Duffy**
Regent Jerry Boettcher **Vice President for Finance and Administration**

Eric King
Director of Facilities

1. APPROVE FINAL PLANS AND SPECIFICATIONS FOR BUILDING NO. 4 ON THE KU EDWARDS CAMPUS – KU

Building No. 4 at the Edwards campus in Johnson County will add 75,000 gross square feet to the approximately 160,000 square feet in three buildings which already exist on the Edwards campus. The new space will support the expansion of programs primarily focused on Business, Engineering, Science and Technology, and is estimated to cost \$24,950,000. The spaces include media equipped classrooms, space for Information Technology staff, computer equipment and faculty and administrative support spaces. Spaces used primarily for evenings and weekends for academic programs will be available during the day for business and community programs.

In November 2008, residents of Johnson County authorized an 1/8 cent sales tax to support the Johnson County Education Research Triangle which will fund projects at the Edwards campus, the Medical Center, and Kansas State University. The University proposes to issue bonds through the Kansas Development Finance Authority for this project. The bonds will be secured with a pledge of the sales tax revenues that will be made available for the Edwards campus. The sales tax revenues will also be used to operate and maintain the new building.

2. AUTHORIZE THE TRANSFER PROPERTY FROM THE KU ENDOWMENT ASSOCIATION TO THE UNIVERSITY OF KANSAS – KU B

In June 2005, the Board of Regents authorized the University to enter into a lease agreement with the Kansas University Endowment Association for a Facilities Operations Shop Facility and Storeroom addition on the West Campus. The project was the second phase of a long-range plan for relocating Facilities Operations from the Main Campus to the West Campus. It was anticipated that the lease would amortize the cost of the improvements over a period of seven years at an appropriate interest rate. At the end of the lease, the property was to be transferred to the University. The

final lease payment has been made and the University requests that the Board of Regents authorize the transfer of the property identified below from the KU Endowment Association to the Board of Regents for the benefit of the University of Kansas. Because this project was approved prior to January 2007, the university requests that funding for maintenance be provided by the annual Rehabilitation and Repair funding.

Legal Description:

Commencing at the southwest corner of Lot One, KUEA Storage Facility Addition, a tract of land in the northwest quarter of Section 2, Township 13 south, Range 19 east of the sixth principal meridian; thence north 26°52'46" east, along the west line of said Lot One, 186.40 feet; thence south 89°52'38" east, 155.45 feet to the point of beginning; thence north 00°11'24" east, 694.04 feet; thence south 89°57'55" east, 165.53 feet; thence south 00°02'09" west, 651.07 feet; thence south 89°54'34" east, 70.05 feet; thence south 00°03'21" west, 114.07 feet; thence north 89°59'30" west, 74.44 feet; thence north 00°03'14" west, 70.97 feet; thence north 9°52'38" west, 162.86 feet to the point of beginning. Contains 2.844 acres, more or less, all in the City of Lawrence, Douglas County, Kansas.

3. APPROVE FINAL PLANS AND SPECIFICATIONS FOR MEMORIAL UNION RENOVATIONS – ESU

Emporia State University requests approval of final plans and specifications for renovation of its Memorial Union. The project includes considerable updating of the building's interior and exterior appearance. Additionally a major component of the project involves renovation of the building's mechanical, electrical and plumbing systems. Approximately 131,000 sq. ft. of space will receive some level of renovation in this project. The estimated project budget is \$25,030,000, for Phase I, of which \$14,500,000 would be financed from revenue bonds. Project plans and construction documents have been submitted to the Board of Regents office for review and approval. The Board has previously authorized the project, including approval of its architectural program, scope of work and budget. Final plans are submitted to assure conformity with the project intent.

B. *Other Matters*

**Ed Phillips, KUMC
Chair, Student Health Insurance Advisory Committee**

1. APPROVE RECOMMENDATION FOR KBOR STUDENT HEALTH INSURANCE PLAN YEAR 2010-2011 AND THE RECOMMENDATION TO EXTEND THE KBOR STUDENT HEALTH INSURANCE CONTRACT FOR ONE ADDITIONAL YEAR

Summary and Staff Recommendation

In February 2007, the Board approved a contract with United Health Care – Student Resources to provide insurance coverage for students at the state universities. The premiums for Plan Year 2010-2011 have been received. The initial contract was for three years and expired on July 31, 2010, and the Board authorized extension of the contract for one additional year through July 31, 2010. The Board’s Student Advisory Committee recommends that the contract be extended for its final one year period through July 31, 2010. Additional, the Student Insurance Advisory Committee recommends that the Plan Year 2010-2011 premiums be approved. Staff supports these recommendations.

Student Insurance Plan

During its 2006 Session, the Kansas Legislature enacted a provision authorizing the Board of Regents to enter into group health insurance contracts to provide health and accident insurance coverage for health care services for all students attending a state educational institution and such students’ dependents. Previously, health insurance coverage for student employees was offered through the Kansas State Employees Health Care Commission.

In February 2007, the Board approved the recommendation of Board staff, the Council of Presidents and the Council of Business Officers to select UnitedHealthCare – Student Resources (SR) as the provider for the KBOR student health insurance plan for a three year contract beginning August 1, 2007. That contract expired on July 31, 2010. The Board approved an extension for one additional year as provided under the terms of the contract. That extension will expire on July 31, 2011. The contract provides for a final one year extension.

Student Insurance Advisory Committee

In June 2007, the Student Insurance Advisory Committee (SIAC) was created to serve in an advisory capacity to the Council of Business Officers (COBO) for the student insurance plan. Each of the seven state universities has its own university advisory subcommittee and the chair of each of those subcommittees sits on the SIAC. Two student representatives, nominated by the Student Advisory Council, also sit on the SIAC, which is chaired by a member of COBO or designee. The SIAC receives consulting services from Peoples Benefit Group out of Topeka, Kansas.

The SIAC has received premium information from SR for plan year 10-11. The initial proposal was for a \$1,003 annual student premium, or an increase of 9.62% based upon actual claims experience to date. The SIAC negotiated a reduction to that rate, as UHC-SR acknowledged it had experienced favorable years in the past with this program and KBOR is a valued client. As a result, the proposed rates were reduced by approximately 2% or \$20. The final proposed annual student premium is \$983, or a 7.43% increase from the previous year.

Recommendations

The SIAC and COBO recommend that the Plan Year 2010-2011 premiums be approved and that the contract with SR be extended for one additional year, the final year under the terms of the contract. This information will be reported to the Council of Presidents at their March meeting. If the recommendation to extend the contract for one year is not accepted and a contract is to be bid and negotiated, it needs to be in place by April 2011 in order for students and families to receive information for August 2011 coverage. That would require the contract procurement process to begin in the summer of 2010, and is the reason for bringing the issue to the Board at this time rather than closer to the time the current contract expires.

SR continues to meet and exceed all contractual performance guarantees. SR provides outstanding service to enrolled students and campus administrators and is very responsive to requests for change or assistance. Enrollment system-wide as of January 2010 was 7,138 which represents an increase of 80 students (1%) over January 2009.

Staff supports the recommendations to accept the Plan Year 2010-2011 premiums and to extend the existing contract for one additional year. If approved, General Counsel will prepare the written contract extension for August 1, 2011, through July 31, 2012.

VIII. CONSIDERATION OF DISCUSSION AGENDA

A. *Other Matters*

**Reggie Robinson
President and CEO**

1. PRESENTATION ON THE CAMPUS GRADUATE RESEARCH SUMMIT

B. *Fiscal Affairs and Audit*
Regent Jerry Boettcher

**Julene Miller
General Counsel**

1. ADOPT BOND RESOLUTION – MEMORIAL UNION RENOVATION – ESU

Summary and Request

Emporia State University requests that the Board of Regents adopt a Resolution authorizing the issuance of K DFA Revenue Bonds in one or more series in an aggregate amount not to exceed \$25,030,000 plus costs and reserves. The purpose of the Bonds is to finance the costs of a project to redevelop, renovate and equip the Memorial Student Union at Emporia State University. The bonds will be secured and debt serviced with a pledge of Student Fees and a Supplemental Security Agreement. The student fees are supported by an April 2009 student referendum, which the Board of Regents subsequently approved on June 25, 2009.

The Resolution further authorizes the Chair and the President and CEO to execute the Resolution, a Pledge of Revenues Agreement and various other documents relating to the security and payment of such Bonds in such form as is approved by the General Counsel to the Board and necessary to accomplish the purposes set forth in the Resolution and the issuance of the Bonds. Finally, the Resolution authorizes the President of the University to execute the Supplemental Security Agreement. The University requests that the Board adopt the Resolution.

While the Resolution would allow for the issuance of bonds up to the legislatively authorized amount of \$25,030,000 plus costs, the University is requesting issuance of only \$14,500,000 in revenue bonding and is not anticipating issuing more than \$14.5 million, with other funds providing the remainder of project financing.

Background

The Kansas Development Finance Authority (K DFA), created by the 1987 Kansas Legislature, K.S.A. 74-8901, *et seq.*, has authority to issue bonds on behalf of the State for projects authorized by the Legislature. K.S.A. Supp 74-8905 (b) provides, in part that:

The authority may issue bonds for activities and projects of state agencies as requested by the secretary of administration. No bonds may be issued pursuant to this act for any activity or project of a state agency unless the activity or project either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A.75-3711c, and amendments thereto.

A project to expand and renovate the ESU Memorial Union was authorized by the Legislature in Section 112(c), Chapter 124 of the 2009 Kansas Session Laws, which provides:

In addition to the other purposes for which expenditures may be made by Emporia state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2010 or fiscal year 2011 . . . , expenditures shall be made by Emporia state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2010 or fiscal year 2011, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to redevelop, renovate and equip the memorial student union: *Provided, however,* That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$25,030,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further,* That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further,* That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds of Emporia state university.

Pursuant to these authorizations, K DFA proposes to issue Revenue Bonds in an aggregate principal amount not to exceed \$14,500,000, plus all amounts required for costs of issuance, costs of interest on such revenue bonds during the construction of the project and any required reserves for the payment of principal and interest on such revenue bonds, for the purpose of funding the majority of the project.

Recap of Project and Budget

The architects on the Memorial Student Union Project renovation for Emporia State University are in the final stages of project design on this \$25 million project, of which approximately \$7.3 million is renovation of mechanical, electrical and plumbing systems. The most recent design drawings propose renovating of approximately 131,000 sq. ft. in assignable space at the MU building including construction of 5,400 sq. ft. in new space, most of which is an addition to the east entrance. The project has been in the planning and discussion stage for several years. The Board and Legislature approved requests for architectural planning in 2008 and project authority was granted in 2009 as mentioned above. The current project budget is detailed in the table which follows:

ESU Memorial Student Union Renovation			
Estimated Project Costs			
Construction Budget			
Remodeling and Addition			
	Estimated Construction		\$ 18,500,000
	Professional Fees		\$ 1,757,500
	Moveable Equipment		\$ 1,325,000
	Environmental Abatement Allowance		\$ 500,000
	Project Contingency		\$ 1,980,000
	Miscellaneous Costs		\$ 967,500
	Total Costs		\$ 25,030,000
Estimated Project Financing			
	Cash		\$ 4,600,000
	Interfund Loan		\$ 4,000,000
	Revenue Bonds		\$ 14,500,000
	Short Term Financing, Donations or		\$ 1,930,000
	Program Reduction		
			\$ 25,030,000

Application of cash which has accumulated over time from Memorial Union operations and loan of balances in various other student accounts allows financing this project with only \$14.5 million of new revenue bonding. Application of this financing mechanism allowed a four year phase-in of the student fee for the project. It also allows the total fee charged of students to be at least 20 percent less than otherwise would have been required.

Relationship to Regents Directive for Annual Maintenance

As an auxiliary enterprise, The Memorial Union Corporation at ESU has self financed its operating expenses and the annual maintenance for this building. It will continue to do so in the future, using the net income from operations. No new state funds will be requested for the operation of the building, although internal reallocations may occur to compensate the Union for increased usage of it by such university offices as Career Services, Admissions, and International Programs.

Since the project is heavily weighted toward renovation and mechanical systems, it is not anticipated that significant new sums for major maintenance will be necessary for several years after spring of 2012 project completion. Nevertheless, the financing plan for the project should allow uncommitted sums of approximately \$400,000 annually in FY 2022 and beyond, once repayment of inter-fund loans occur in FY 2021. It is the University’s plan that such sums be used to finance future major building maintenance and renovations.

Summary of Request

Emporia State University is requesting the Board of Regents to adopt a Resolution authorizing the issuance of KDFA Revenue Bonds in one or more series in an aggregate amount of not to exceed \$25,030,000 plus costs and reserves. The purpose of the Bonds is to finance the costs to expand and renovate the Memorial Student Union on the ESU campus. The bonds will be used to fund the majority

of the project. The bonds will be secured and debt serviced with a pledge of student fees and may include a Supplemental Security Agreement.

In conjunction with issuance of the proposed bonds, it is necessary to authorize the execution of a Supplemental Pledge of Revenues Agreement between the Board and KDFA, which contains certain covenants and provisions with respect to the pledge of revenues described above, and which will secure and provide for the payment of the revenue bonds. Since KDFA has and will incur expenses in relation to the issuance of the proposed bonds, and subsequent administration of the Resolution and Pledge of Revenues Agreement(s), it will be necessary to execute an Administrative Agreement to provide for reimbursement of those expenses, as well as other documents and certificates necessary to accomplish the purposes set forth in the Resolution and the issuance and delivery of the bonds.

The Board is asked to approve the Resolution (set out in full below) which approves the issuance of the bonds and authorizes the Chair and President and CEO of the Board to execute any and all other documents and certificates necessary to accomplish the purposes of the Resolution and the issuance of the bonds, and allowing the President of the University to enter a supplemental agreement to further secure the bonds.

Gilmore & Bell, P.C
02/23/2010

RESOLUTION

A RESOLUTION OF THE KANSAS BOARD OF REGENTS APPROVING THE ISSUANCE BY THE KANSAS DEVELOPMENT FINANCE AUTHORITY OF KANSAS DEVELOPMENT FINANCE AUTHORITY REVENUE BONDS, (KANSAS BOARD OF REGENTS – EMPORIA STATE UNIVERSITY – MEMORIAL STUDENT UNION PROJECT) TO PROVIDE ALL OR A PORTION OF THE FUNDS NECESSARY TO REDEVELOP, RENOVATE AND EQUIP THE STUDENT UNION LOCATED AT THE EMPORIA CAMPUS OF EMPORIA STATE UNIVERSITY; AUTHORIZING THE EXECUTION OF A PLEDGE OF REVENUES AGREEMENT BETWEEN THE KANSAS BOARD OF REGENTS AND THE KANSAS DEVELOPMENT FINANCE AUTHORITY WHICH CONTAINS CERTAIN COVENANTS AND PROVISIONS WITH RESPECT TO THE PLEDGE OF REVENUES WHICH WILL PROVIDE FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL SECURITY AGREEMENT BETWEEN EMPORIA STATE UNIVERSITY AND THE KANSAS DEVELOPMENT FINANCE AUTHORITY WHICH CONTAINS CERTAIN COVENANTS AND PROVISIONS WITH RESPECT TO THE PLEDGE OF GENERALLY AVAILABLE UNENCUMBERED FUNDS OF THE UNIVERSITY WHICH WILL PROVIDE SUPPLEMENTAL SECURITY FOR THE PAYMENT OF SUCH BONDS; AND AUTHORIZING THE EXECUTION OF VARIOUS OTHER DOCUMENTS RELATING TO THE SECURITY AND PAYMENT OF SUCH BONDS.

WHEREAS, the Kansas Board of Regents (the "Board") is vested under the Constitution and laws of the State of Kansas with supervision and control over Emporia State University (the "University"), and is authorized under such laws to adopt this Resolution and perform, execute and carry out, or cause to be performed, executed and carried out, the powers, duties and obligations of the Board under this Resolution in connection with the University's Memorial Student Union located on the Emporia, Kansas campus of the University (the "Student Union"); and

WHEREAS, the Board has heretofore determined that it is advisable to redevelop, renovate and equip the Student Union (the "Project"); and

WHEREAS, the Project has been authorized by Chapter 124, Section 112(c) of the 2009 Session Laws of Kansas (the "Act"); and

WHEREAS, pursuant to K.S.A. 76-742, the Project has been approved at a University student referendum ; and

WHEREAS, the Board has adopted a requirement that state universities will fund annual maintenance, repair and rehabilitation from either gifts, existing university resources, student fees or operating revenues of said facilities and the Board has verified that the University has a plan to do so for the Project;

WHEREAS, the Act authorizes the Kansas Development Finance Authority (the "Authority"), on behalf of the Board, to issue its revenue bonds in one or more series in an aggregate principal amount that provides not more than \$25,030,000 for the payment of the costs of the Project, plus all amounts required for costs of issuance, costs of interest on such revenue bonds during the construction of the Project and any required reserves for the payment of principal and interest on such revenue bonds (the "Project Bonds"); and

WHEREAS, the Board hereby finds and determines that it is advisable that the Project Bonds be issued by the Authority on behalf of the Board pursuant to K.S.A. 74-8901 *et seq.* for the purpose of financing the Project and related costs as hereinbefore set forth; and

WHEREAS, prior to the issuance of the Project Bonds, the Authority will receive a request by the Secretary of Administration to issue the Project Bonds to finance the costs of the Project on behalf of the Board; and

WHEREAS, in conjunction with the issuance of the Project Bonds, it is necessary to authorize the execution of a Pledge of Revenues Agreement between the Board and the Authority (the "Pledge Agreement"), which contains certain covenants and provisions with respect to the pledge of student fees and, if necessary, other revenues derived from the operation of the Student Union, which secures and provides for the payment of the Project Bonds and certain Additional Bonds, as defined therein (collectively, the "Bonds"); and

WHEREAS, the University and the Authority have advised the Board that in order to achieve interest rate savings in connection with the issuance of the Project Bonds it may be necessary for the University to enter into a Supplemental Security Agreement with the Authority (the "Supplemental Security Agreement") which will contain certain covenants and provisions with respect to the pledge of generally

available unencumbered funds of the University, that will secure and provide for the payment of the Bonds; and

WHEREAS, it is recognized that the Authority has and will incur additional expenses in relation to the issuance of the Project Bonds and subsequent administration and enforcement of the Pledge Agreement; and the Board desires to reimburse the Authority for said additional expenses through the execution of an Administrative Service Fee Agreement (the "Administrative Agreement").

NOW THEREFORE, BE IT RESOLVED BY THE KANSAS BOARD OF REGENTS, AS FOLLOWS:

SECTION 1. The Board hereby approves the issuance of the Project Bonds by the Authority on behalf of the Board, in one or more series to finance all or a portion of the costs of the Project in an aggregate principal amount not in excess of the limitations described in the Act. The Project Bonds shall be issued substantially in the form and with the repayment terms and provisions contained in the information presented to the Board by the Authority and the University, all as may be approved by the Chair or his/her designate and the General Counsel to the Board.

SECTION 2. The Board hereby authorizes and instructs the Chair and President and CEO of the Board to execute the Pledge Agreement and the Administrative Agreement, in such form as is approved by the General Counsel to the Board and to execute any and all other documents and certificates necessary to accomplish the purposes set forth in this Resolution and the issuance of the Project Bonds.

SECTION 3. The Board hereby authorizes the President of the University to execute the Supplemental Security Agreement, if necessary, in such form as is approved by the General Counsel to the Board and to execute any and all other documents and certificates necessary to accomplish the purposes set forth in this Resolution and the issuance of the Project Bonds.

SECTION 4. This Resolution shall be in full force and effect from and after its adoption.

CERTIFICATE

We, the undersigned Chair and President and CEO of the Kansas Board of Regents (the "Board"), hereby certify that the foregoing Resolution was lawfully adopted by the Board at its meeting held on March 18, 2010.

KANSAS BOARD OF REGENTS

(SEAL)

By _____
Jill S. Docking, Chair

ATTEST:

By _____
Reginald L. Robinson, President and CEO

2. ADOPT BOND RESOLUTION – EDWARDS CAMPUS BUILDING NUMBER 4 – KU

Summary and Request

The University of Kansas requests that the Board of Regents adopt a Resolution authorizing the issuance of KDFA Revenue Bonds in one or more series in an aggregate amount of not to exceed \$24,950,000 plus costs and reserves. The purpose of the Bonds is to finance the costs of constructing a building number 4 on the KU Edwards campus. The bonds will be secured and debt serviced with a pledge of Johnson County Education Research Triangle sales tax funds. The sales tax revenues will also be used to operate and maintain the new building.

The Resolution further authorizes the Chair and the President and CEO to execute the Resolution, a Pledge of Revenues Agreement and various other documents relating to the security and payment of such Bonds in such form as is approved by the General Counsel to the Board and necessary to accomplish the purposes set forth in the Resolution and the issuance of the Bonds.

Background

The Kansas Development Finance Authority (KDFA), created by the 1987 Kansas Legislature, K.S.A. 74-8901, *et seq.*, has authority to issue bonds on behalf of the State for projects authorized by the Legislature. K.S.A. Supp. 74-8905(b) provides, in part, that:

The authority may issue bonds for activities and projects of state agencies as requested by the secretary of administration. Research facilities of state educational institutions shall be subject to the provisions of this subsection (b). No bonds may be issued pursuant to this act for any activity or project of a state agency unless the activity or project either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto.

A project to construct Edward Campus Building number 4 was authorized by the Legislature in Section 118(k), Chapter 124 of the 2009 Kansas Session Laws, which provides:

In addition to the other purposes for which expenditures may be made by the university of Kansas for the moneys appropriated from any special revenue fund for fiscal year 2010 or fiscal year 2011 . . . , expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2010 or for fiscal year 2011 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct building number four, Edwards campus . . . *Provided, however,* That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$24,950,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for payment of principal and interest on the bonds: *And provided further,* That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable

bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A.19-5001 et seq., and amendments thereto.

Pursuant to these authorizations, KDFFA proposes to issue Revenue Bonds in an aggregate principal amount not to exceed \$24,950,000, plus all amounts required for costs of issuance, costs of interest on such revenue bonds during the construction of the project and any required reserves for the payment of principal and interest on such revenue bonds, for the purpose of funding a portion of the project.

The University of Kansas has asked the Board of Regents to adopt a Resolution authorizing the issuance of KDFFA Revenue Bonds in one or more series in an aggregate amount of not to exceed \$24,950,000 plus costs and reserves. The purpose of the Bonds is to finance a portion of the cost of constructing a fourth building on the KU Edwards campus. The bonds will be secured and debt serviced with a pledge of Johnson County Education Research Triangle sales tax funds. The sales tax revenues will also be used to operate and maintain the new building.

Building number 4 at the Edwards campus in Johnson County will add 75,000 gross square feet to the approximately 160,000 square feet in three buildings which already exist on the Edwards campus. The new space will support the expansion of programs primarily focused on Business, Engineering, Science and Technology, and is estimated to cost \$24,950,000. The spaces include media equipped classrooms, space for Information Technology staff, computer equipment and faculty and administrative support spaces. Spaces used primarily for evenings and weekends for academic programs will be available during the day for business and community programs.

In conjunction with the issuance of the proposed bonds, it is necessary to authorize the execution of a Pledge of Revenues Agreement between the Board and KDFFA which contains certain covenants and provisions with respect to the pledge of revenues described above, which will secure and provide for the payment of the revenue bonds. Since KDFFA has and will incur expenses in relation to the issuance of the proposed bonds, and subsequent administration of the Resolution and Pledge of Revenues Agreement(s), it will be necessary to execute an Administrative Agreement to provide for reimbursement of those expenses, as well as other documents and certificates necessary to accomplish the purposes set forth in the Resolution and the issuance and delivery of the bonds.

The Board is asked to approve the Resolution (set out in full below) which approves the issuance of the bonds and authorizes the Chair and the President and CEO of the Board to execute the Pledge Agreement and Administrative Agreement in such form as is approved by the General Counsel and to execute any and all other documents and certificates necessary to accomplish the purposes of the Resolution and the issuance of the bonds. Staff recommends approval of the resolution.

Gilmore & Bell, P.C
02/23/2010

RESOLUTION

A RESOLUTION OF THE KANSAS BOARD OF REGENTS APPROVING THE ISSUANCE BY THE KANSAS DEVELOPMENT FINANCE AUTHORITY OF KANSAS DEVELOPMENT FINANCE AUTHORITY SALES TAX REVENUE BONDS, (KANSAS BOARD OF REGENTS – UNIVERSITY OF KANSAS EDWARDS CAMPUS) TO PROVIDE ALL OR A PORTION OF THE FUNDS NECESSARY TO CONSTRUCT AND EQUIP AN ADDITIONAL BUILDING AT THE EDWARDS CAMPUS OF THE UNIVERSITY; AUTHORIZING THE EXECUTION OF A PLEDGE OF REVENUES AGREEMENT BETWEEN THE KANSAS BOARD OF REGENTS AND THE KANSAS DEVELOPMENT FINANCE AUTHORITY WHICH CONTAINS CERTAIN COVENANTS AND PROVISIONS WITH RESPECT TO THE PLEDGE OF REVENUES DERIVED FROM A PORTION OF THE JOHNSON COUNTY EDUCATION RESEARCH TRIANGLE AUTHORITY SALES TAX, AND WHICH WILL PROVIDE FOR THE PAYMENT OF SUCH BONDS; AND AUTHORIZING THE EXECUTION OF VARIOUS OTHER DOCUMENTS RELATING TO THE SECURITY AND PAYMENT OF SUCH BONDS.

WHEREAS, the Kansas Board of Regents (the "Board") is vested under the Constitution and laws of the State of Kansas with supervision and control over the University of Kansas (the "University") including the Edwards Campus thereof located in Johnson County, Kansas (the "Edwards Campus"), and is authorized under such laws to adopt this Resolution and perform, execute and carry out, or cause to be performed, executed and carried out, the powers, duties and obligations of the Board under this Resolution in connection with expansion of the Edwards Campus; and

WHEREAS, the Board has heretofore determined that it is advisable to construct and equip an additional building described as Building No. 4 (the "Project") which will become a part of the Edwards Campus; and

WHEREAS, the Project has been authorized by Chapter 124, Section 118(k) of the 2009 Session Laws of Kansas (the "Act"); and

WHEREAS, the Board has adopted a requirement that state universities will fund annual maintenance, repair and rehabilitation from either gifts, existing university resources, student fees or operating revenues of said facilities and the Board has verified that the University has a plan to do so for the Project;

WHEREAS, the Act authorizes the Kansas Development Finance Authority (the "Authority"), on behalf of the Board, to issue its revenue bonds in one or more series in an aggregate principal amount that

provides not more than \$24,950,000 for the payment of the costs of the Project, plus all amounts required for costs of issuance, costs of interest on such revenue bonds during the construction of the Project and any required reserves for the payment of principal and interest on such revenue bonds (the "Project Bonds"); and

WHEREAS, the Board hereby finds and determines that it is advisable that the Project Bonds be issued by the Authority on behalf of the Board pursuant to K.S.A. 74-8901 *et seq.* for the purpose of financing the Project and related costs as hereinbefore set forth; and

WHEREAS, prior to the issuance of the Project Bonds, the Authority will receive a request by the Secretary of Administration to issue the Project Bonds to finance the costs of the Project on behalf of the Board; and

WHEREAS, in conjunction with the issuance of the Project Bonds, it is necessary to authorize the execution of a Pledge of Revenues Agreement between the Board and the Authority (the "Pledge Agreement"), which contains certain covenants and provisions with respect to the pledge of revenues derived from a portion of the Johnson County Education Research Triangle Authority sales tax (the "Sales Tax") authorized pursuant to K.S.A. 19-5001 *et seq.*, which will secure and provide for the payment of the Project and any Additional Bonds (collectively, the "Bonds"); and

WHEREAS, it is recognized that the Authority has and will incur additional expenses in relation to the issuance of the Project Bonds and subsequent administration and enforcement of the Pledge Agreement; and the Board desires to reimburse the Authority for said additional expenses through the execution of an Administrative Service Fee Agreement (the "Administrative Agreement").

NOW THEREFORE, BE IT RESOLVED BY THE KANSAS BOARD OF REGENTS, AS FOLLOWS:

SECTION 1. The Board hereby approves the issuance of the Project Bonds by the Authority on behalf of the Board, in one or more series to finance all or a portion of the costs of the Project in an aggregate principal amount not in excess of the limitations described in the Act. The Project Bonds shall be issued substantially in the form and with the repayment terms and provisions contained in the information presented to the Board by the Authority and the University, all as may be approved by the Chair or his/her designate and the General Counsel to the Board.

SECTION 2. The Board hereby authorizes and instructs the Chair and President and CEO of the Board to execute the Pledge Agreement and the Administrative Agreement, in such form as is approved by the General Counsel to the Board and to execute any and all other documents and certificates necessary to accomplish the purposes set forth in this Resolution and the issuance of the Project Bonds.

SECTION 3. This Resolution shall be in full force and effect from and after its adoption.

CERTIFICATE

We, the undersigned Chair and President and CEO of the Kansas Board of Regents (the "Board"), hereby certify that the foregoing Resolution was lawfully adopted by the Board at its meeting held on March 18, 2010.

KANSAS BOARD OF REGENTS

(SEAL)

By _____
Jill S. Docking, Chair

ATTEST:

By _____
Reginald L. Robinson, President and CEO

3. **ADOPT REFUNDING BOND RESOLUTION – VARIOUS CAPITAL IMPROVEMENTS – KU**

Summary and Staff Recommendation

At the Board's and the University's request, KDFFA issued revenue bonds in prior years to pay a portion of the costs of a number of capital improvement projects at the University of Kansas. Current economic conditions present the opportunity to refund a portion of the earlier bond issues, thereby realizing savings which will provide savings. Therefore, the KDFFA and the University requests that the Board adopt this Resolution approving the issuance of the Refunding Bonds in one or more series to finance the all or a portion of the costs of refunding the prior year bonds and to pay associated costs of issuance and establish bond reserves. The Resolution, if adopted, would also authorize the Chairman and the President and CEO to sign the Resolution, a Pledge of Revenues Agreement, and an Administrative Agreement in such form as is approved by the Chair and the General Counsel to the Board and to execute any and all other documents and certificates necessary to accomplish the purposes set forth in the Resolution and the issuance of the Bonds.

Staff recommends that the Board approve the Resolution.

Background

The Kansas Development Finance Authority (KDFFA), created by the 1987 Kansas Legislature, K.S.A. 74-8901, et seq., has authority to issue bonds on behalf of the State for the purpose of refunding any outstanding bonded indebtedness of any state agency.

The Board previously determined it advisable to finance various capital improvement projects on the University of Kansas campuses in Lawrence, Overland Park, and Kansas City. The University currently has approximately \$95 million in bonds outstanding for projects such as Housing renovations, the two buildings at the Edwards campus, parking garages, the Student Recreation & Fitness Center and an Energy Conservation project at the Medical Center. Revenue pledged to these bonds include housing revenues, parking revenues, student fees, and, in the case of the Energy Conservation project, the University's state general fund appropriation.

Due to current economic conditions, the Authority has advised that an opportunity exists to achieve present value savings on some of the outstanding bonds. In fact, many of the Housing bonds were recently refunded when the bonds for the Jayhawker Towers Renovations were sold in January. The balance of the outstanding bonds is being analyzed to determine refunding opportunities and will be refunded if the present value savings result in savings of at least 3%.

In conjunction with the issuance of the proposed Refunding Bonds, it is necessary to authorize the execution of a Pledge of Revenues Agreement between the Board and KDFFA which contains an additional pledge of revenues to pay the proposed bonds. The University and the Authority have advised the Board that in order to achieve interest rate savings in connection with the issuance of the Refunding Bonds it may be desirable for the University to pledge generally available unencumbered funds of the University in addition to or as a substitute for the revenues pledged to the repayment of outstanding bonds and will likely be necessary for the University to enter into a Pledge Agreement with the Authority which will contain certain covenants and provisions with respect to the pledge of generally available

unencumbered funds of the University, that will secure and provide for the payment of the Refunding Bonds and Additional Bonds.

The Board is requested to adopt the Resolution set out below, which approves the issuance of the Refunding Bonds in one or more series provided that the Refunding Bonds will achieve a present value savings of not less than 3% of the principal amount of the Outstanding Bonds to be refunded or to restructure debt service requirements or to eliminate burdensome covenants contained in existing legal covenants. The Resolution further authorizes the Chair and the President and CEO of the Board to execute the Pledge of Revenues Agreement and an Administrative Agreement in such form as is approved by the General Counsel and to execute any and all other documents and certificates necessary to accomplish the purposes of the Resolution and the issuance of the bonds.

Staff recommends approval of the resolution.

Gilmore & Bell, P.C
03/04/2010

RESOLUTION

A RESOLUTION OF THE KANSAS BOARD OF REGENTS APPROVING THE ISSUANCE BY THE KANSAS DEVELOPMENT FINANCE AUTHORITY OF ITS KANSAS DEVELOPMENT FINANCE AUTHORITY REFUNDING REVENUE BONDS, TO PROVIDE ALL OR A PORTION OF THE FUNDS NECESSARY TO REFUND PREVIOUSLY ISSUED KANSAS DEVELOPMENT FINANCE AUTHORITY REVENUE BONDS THAT FINANCED CERTAIN CAPITAL IMPROVEMENTS ON BEHALF OF THE UNIVERSITY OF KANSAS; AUTHORIZING THE EXECUTION OF A PLEDGE OF REVENUES AGREEMENT AMONG THE KANSAS BOARD OF REGENTS, THE UNIVERSITY OF KANSAS AND THE KANSAS DEVELOPMENT FINANCE AUTHORITY THAT CONTAINS CERTAIN COVENANTS AND PROVISIONS WITH RESPECT TO THE PLEDGE OF CERTAIN FUNDS OF THE UNIVERSITY OF KANSAS THAT WILL PROVIDE FOR THE PAYMENT OF SUCH BONDS; AND AUTHORIZING THE EXECUTION OF VARIOUS OTHER DOCUMENTS RELATING TO THE ISSUANCE OF, SECURITY AND PAYMENT OF SUCH BONDS.

WHEREAS, the Kansas Board of Regents (the "Board") is vested under the Constitution and laws of the State of Kansas with supervision and control over the University of Kansas (the "University") and its various campus facilities, including the campus in Lawrence, Kansas, the Edwards Campus located in Johnson County, Kansas and the Medical Center campus located in the City of Kansas City, Kansas, and is authorized under such laws to adopt this Resolution and perform, execute and carry out, or cause to be performed, executed and carried out, the powers, duties and obligations of the Board under this Resolution; and

WHEREAS, pursuant to K.S.A. 74-8901 *et seq* (the “Act”) the Kansas Development Finance Authority (the "Authority"), on behalf of the Board, is authorized to issue its revenue bonds, the proceeds of which are to be utilized to finance capital improvements approved by an enactment of the Kansas Legislature and the Secretary of Administration in the manner set forth in the Act, plus all amounts required for costs of issuance, costs of interest on such revenue bonds during the construction of such capital improvements and any required reserves for the payment of principal and interest on such revenue bonds; and

WHEREAS, the Act also authorizes the Authority to issue its refunding revenue bonds to refund any previously issued Authority revenue bonds; and

WHEREAS, pursuant to the Act, the Authority has previously issued several series of revenue bonds on behalf of the Board and the University which are payable from a variety of revenue sources available to the University (collectively, the “Outstanding Bonds”); and

WHEREAS, from time to time due to changing market conditions, it may be beneficial to the Board and the University to authorize the Authority to issue refunding revenue bonds to refund all or a portion of the Outstanding Bonds in order to achieve interest rate savings, to restructure debt service requirements on the Outstanding Bonds or eliminate burdensome covenants contained in legal documentation authorizing the issuance of the Outstanding Bonds; and

WHEREAS, the Board hereby finds and determines that it is advisable that refunding revenue bonds be issued by the Authority pursuant to the Act in one or more series from time to time on behalf of the Board and the University subject to the conditions hereinafter set forth (collectively, the “Refunding Bonds”); and

WHEREAS, prior to the issuance of any Refunding Bonds, the Authority will receive from the Secretary of Administration a request to issue the Refunding Bonds on behalf of the Board and the University; and

WHEREAS, the University and the Authority have advised the Board that in order to achieve interest rate savings and/or to provide for efficiency in the costs associated with the issuance of such Refunding Bonds, it may be desirable for the University to pledge generally available unencumbered funds of the University in addition to or as a substitute for the revenues pledged to the repayment of the Outstanding Bonds; and

WHEREAS, in conjunction with the issuance of any series of Refunding Bonds, it is necessary to authorize the execution of a Pledge of Revenues Agreement among the Board, the University and the Authority (collectively, the "Pledge Agreement"), which contains certain covenants and provisions with respect to the pledge of certain revenues of the University, including generally available unencumbered funds of the University, which will secure and provide for the payment of the Refunding Bonds; and

WHEREAS, it is recognized that the Authority has and will incur additional expenses in relation to the issuance of any series of Refunding Bonds and subsequent administration and enforcement of the Pledge Agreement; and the University desires to reimburse the Authority for said additional expenses through the execution of Administrative Service Fee Agreements (collectively, the "Administrative Agreement").

NOW THEREFORE, BE IT RESOLVED BY THE KANSAS BOARD OF REGENTS, AS FOLLOWS:

SECTION 1. The Board hereby approves the issuance of the Refunding Bonds by the Authority on behalf of the Board and the University, in one or more series, in a aggregate principal amount not to exceed the amount necessary to refund the Outstanding Bonds, plus all amounts required for costs of issuance and any required reserves for the payment of principal and interest on such Refunding Bonds; provided that the issuance of such Refunding Bonds will, in aggregate for any such series, achieve a present value savings of not less than 3% of the principal amount of the Outstanding Bonds to be refunded or will be issued to restructure debt service requirements on the Outstanding Bonds or to eliminate burdensome covenants contained in legal documentation authorizing the issuance of the Outstanding Bonds. Each series of Refunding Bonds shall be issued substantially in the form, for the purposes and with the repayment terms and provisions contained in information to be presented to the Board by the Authority and the University, all as may be approved by the Chair or his/her designate and the General Counsel to the Board.

SECTION 2. The Board hereby authorizes and instructs the Chair and President and CEO of the Board to execute each Pledge Agreement and Administrative Agreement, in such form as is approved by the General Counsel to the Board and to execute any and all other documents and certificates necessary to accomplish the purposes set forth in this Resolution and the issuance of the Refunding Bonds. The Board further authorizes the Chancellor of the University to execute each Pledge Agreement if generally available unencumbered funds of the University are pledged to the repayment of the Refunding Bonds, the Administrative Agreements and such other documents and certificates necessary to accomplish the purposes set forth in this Resolution and the issuance of the Refunding Bonds.

SECTION 3. This Resolution shall be in full force and effect from and after its adoption.

CERTIFICATE

We, the undersigned Chair and President and CEO of the Kansas Board of Regents (the "Board"), hereby certify that the foregoing Resolution was lawfully adopted by the Board at its meeting held on March 18, 2010.

KANSAS BOARD OF REGENTS

(SEAL)

By _____
Jill S. Docking, Chair

ATTEST:

By _____
Reginald L. Robinson, President and CEO

C. *Other Matters*

Reggie Robinson
President and CEO

1. **PRELIMINARY DISCUSSION REGARDING THE FRAMEWORK FOR DEVELOPMENT OF TUITION PROPOSALS, AND DISTRIBUTION OF FY 2011 AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING**
2. **CONSIDER STRATEGIC AGENDA FOR HIGHER EDUCATION IN KANSAS**
3. **ADOPT RESOLUTION TO DESIGNATE DR. JON WEFALD AS PRESIDENT EMERITUS AT KANSAS STATE UNIVERSITY**

IX. ADJOURNMENT

March 17-18, 2010

**KANSAS BOARD OF REGENTS
ACADEMIC AFFAIRS STANDING COMMITTEE
AGENDA**

**Conference Call
Wednesday, March 17, 2009
9:00 a.m.**

- I. Distance Learning Policy Update**
- II. Admissions Standards Update**
- III. Performance Reports Review**

Agenda
Board Fiscal Affairs and Audit Standing Committee
March 17, 2010
Board Room, 10:30am-11:30am

- I. Questions/Clarifications about the Fiscal Affairs and Audit Committee Items on the Board's Agenda
 - KSU removed the item -- Authorization to Seek Legislation to Sell Finney County Property
 - KU's refunding bond resolution
 - Other changes since the agenda call

- II. Other Committee Business
 - A. Policy Proposal for Non-Public Funds Management Review
 - Discussion related to Affiliated Corporations
 - B. Other Issues
 - C. Upcoming Agenda Call -- Tuesday, April 6, Noon

March 17-18, 2010

Council of Presidents
Kansas Board of Regents Office
1000 S.W. Jackson
Topeka, KS
March 17, 2010
11 a.m.
Suite 530

Agenda

1. Approve minutes of February 17, 2010 meeting
2. Report from Council of Business Officers
3. Report from Council of Chief Academic Officers
4. Honorary degrees

Council of Presidents
Kansas Board of Regents
February 17, 2010
Minutes of Meeting

Members present: President Ed Hammond, Fort Hays State University
President Don Beggs, Wichita State University
Chancellor Bernadette Gray-Little, University of Kansas
President Mike Lane, Emporia State University
President Reggie Robinson, Kansas Board of Regents
President Kirk Schulz, Kansas State University
President Steve Scott, Pittsburg State University

The meeting was convened at 11 a.m. by President Hammond.

1. Minutes of January 20, 2010 meeting

President Lane made a motion to approve the minutes. The motion was seconded by President Scott and passed unanimously.

2. Report from Council of Business Officers – Mr. Mike Barnett, Vice President for Administration and Finance, FHSU

Mr. Barnett said the Regents institutions are beginning the process of renewing their property insurance and will work with the same broker as in prior years.

COBO discussed the increase in health insurance costs for next year, and there is a possibility of further increases in the following two years. The increase could be as high as 12% per year.

An attempt was made to have the executive order pertaining to state-issued cell phones amended, but it was unsuccessful. Members of COBO would prefer that employees be issued stipends rather than be required to track personal usage. COBO will continue to pursue this.

COBO members could not reach a conclusion on the issue of annual maintenance for new buildings. Diane Duffy, Vice President for Finance and Administration at the KBOR Office, will prepare information for further discussion at the next COBO meeting.

Mr. Barnett distributed the revised facilities policy, indicating there were mostly minor changes in wording. He mentioned that the language on page 2 relating to annual maintenance for new buildings provides increased flexibility. There also are changes to the deferred maintenance language. Members of COBO concur with all the revisions. President Lane asked President Robinson for his input on the wording on page 3 pertaining to major renovations, as this item was on the Board of Regents agenda later that day. COPS members indicated they would like clarification from the Board. Julene Miller, General Counsel for the KBOR, also will be consulted.

The fiscal management policy was distributed, and Mr. Barnett said it contained a first draft of amendments based on the Fiscal Affairs and Audit Committee's response to the recent management reviews. Recommendations from COBO are highlighted in yellow and include: 1) inclusion of language pertaining to financial fraud, and 2) a management review cycle in which a different institution would undergo a review each year. The latter recommendation is to help reduce the cost to the institutions, but Mr. Barnett mentioned that the Board could still initiate a review if they deemed it necessary. There was a lengthy discussion among members of COPS about conducting a review if there is a change in management of an institution, and President Robinson suggested that the language may need to be revised to ensure that the Board is given adequate flexibility.

3. Report from Council of Chief Academic Officers – Dr. Larry Gould, Provost, FHSU

Dr. Gould said COCAO had a first reading of a proposed M.S. degree in Health Informatics from KUMC. COCAO also considered a proposal from PSU for a new program in the Department of Computer Science and Information Systems.

Members of COCAO had discussed distance education and determined that in the interest of time, a strategic statement (rather than a full strategic plan) would be developed. Their goal is to have some type of short-term plan that can be regularly updated. COCAO also talked about the service area issue for distance education. President Robinson suggested that clarification is needed on what specific programs and courses are subject to the service area restrictions.

Dr. Gould said COCAO had seen the latest draft of the program review document and would suggest some changes. COCAO members will further discuss this topic at their next meeting.

COCAO considered a request from Fred Woodward, director of the University Press of Kansas, for a reinstatement of the funding from the Regents institutions that had been allocated in prior years but was suspended last year due to budget challenges. While the funding will be provided this year, COCAO would like to have more information from the University Press about how allocations are spent, which Kansas authors' works are published, and when a plan will be developed to address the annual budget deficit. Mr. Woodward has been invited to the next COCAO meeting to respond to these questions.

4. Honorary Degrees

President Schulz distributed a draft of the guidelines for awarding of honorary degrees. He said several Big 12 schools' policies were examined in order to develop the document. It was reviewed and briefly discussed by members of the President's Cabinet at KSU.

In general, the guidelines state that an honorary degree may not be "purchased." If the recipient is a former employee, that person must have resigned or retired from the university for a specific length of time. There are rules pertaining to political office holders, and the recipient must be present for the ceremony at which the honorary degree is presented.

President Robinson mentioned that the Board's current policy would have to be amended in order to award honorary degrees. COCAO will discuss the guidelines at their next meeting, and the topic will be placed on the March COPS agenda.

5. Tobacco Sales

President Robinson asked if there was a need to discuss the issue of tobacco sales on the campuses. Institutions either currently are not selling tobacco or will be phasing it out over the next several months.

6. Response to Budget Challenge

Communication professionals from each institution met earlier in the day to discuss consistency of messages about the budget situation. A related document was distributed to COPS. President Robinson said the Board has not changed its view on the budget challenge but rather, wanted to make certain that responses from the institutions are consistent.

Jeff Morris, Vice President for Communications and Marketing at KSU, said the draft document was developed with the goal of creating a common platform by March 1. He indicated this information should be included in all public relations materials for the legislative session but with the session already having begun this year, it would be a priority for inclusion next year. The institutions will work together to provide talking points that support these areas of emphasis: 1) keeping the focus on students; 2) expressing a common voice with regard to the impact on economic development, and 3) explaining the role of the universities in economic recovery. The next step is for the communication professionals to talk with the government relations representatives.

7. Retirement Planning Committee

President Hammond indicated that his appointment as the COPS representative on the retirement planning committee had expired. Members of COPS asked him to continue serving in the role, and he accepted.

The meeting was adjourned at 12:15 p.m.

**COUNCIL OF FACULTY SENATE PRESIDENTS
(COFSP)**

**AGENDA
March 17, 2010**

10:00 a.m. – 12:00 p.m.

1. Call to Order
2. Approval of minutes from the February 2010 meeting.
3. Open Discussion
4. University Reports:
 - A. Emporia State University
 - B. Fort Hays State University
 - C. Kansas State University
 - D. Kansas University
 - E. Kansas University Medical Center
 - F. Pittsburg State University
 - G. Wichita State University
5. New Business
 - A. Continue discussion of issues from February 2010, including:
 1. Faculty Input Survey
 2. Recruitment and Retention issues
 - a. Recruitment and Retention ‘benefits’ discussion/lists
 3. Budget Issues on campus
 4. Legislative actions concerning budgets from each campus.
7. Dr. Redeker
8. Open Discussion
9. Adjournment

COUNCIL OF FACULTY SENATE PRESIDENTS
(COFSP)
MINUTES

February 17, 2010
10.00 a.m. -Noon

Present:

Carol L. Russell, ESU
Jeff Burnett (Chair), FHSU
Melody LeHew, KSU
Ananda Jayawardhana, PSU
Lisa Wolf-Wendel, KU
Gary Doolittle, KUMC
Deborah Soles, WSU
Jean Redeker, KBOR

1. Call to order: Chair Burnett called the meeting to order at 10.10 a.m.
2. Approval of the minutes from the January 17, 2010 meeting:
Approved by consensus. Motion made by Carol and seconded by Lisa.
3. University Reports:
See Appendix.
4. Old Business:
 - a. Faculty Survey
 - i. ESU is currently conducting the survey. Carol reported that the survey takes about 10 minutes. Some faculty will not fill the demographics.
 - ii. PSU will conduct the survey in late March or early April
 - iii. Committee requested Carol to send her latest version of the survey to all members.
 - b. Benefits/ Perks
Committee discussed the benefits/perks available to faculty and created the following list.
KU:
 - Open access: require all faculty, when published, to put article in an open repository so it open to all
 - staff 3 credit per semester tuition waiver
KSU:
 - Access to Recreation Center – ability to join, still pay
 - Longer library check out & more books – no late fees
 - Faculty / staff 3 credit per semester tuition waiver
FHSU:
 - Faculty/staff's spouse & dependents tuition reduction
 - Free access to Wellness Center

PSU:

- Longer check out & more books
- Faculty/staff's spouse & dependents tuition reduction

WSU

- Theatre or music – some discount
- Certain percentage off at bookstore on some items
- Access to Recreation Center – ability to join
- Longer library check out & more books

ESU:

- Certain percentage off childcare
- Certain percentage off season tickets for athletics
- Ten percent off at bookstore on non-sale items
- Access to Recreation Center – ability to join, still pay
- Faculty / staff 3 credit per semester tuition waiver
- Longer library check out & more books

5. New Business:

- a. Efforts to Reach the Community and Legislators about “No More Cuts to Higher Education”
 - i. KU endorsed Reggie Robinson’s statement.
 - ii. KSU carefully crafted a statement and faculty senate endorsed it. Statement is moving through the system.
 - iii. PSU is planning to write a letter to the area chamber of commerce and get it endorsed by the faculty senate. Also some members are planning to visit the legislators at the capitol.
 - iv. Faculty senate, unclassified senate, and the classified senate of WSU are creating a list of talking points on the topic. Faculty senate will endorse a summary of the points from Reggie Robinson’s document but individual campus community members will spread the word in the congressional district.
 - v. ESU is writing a letter to the area chamber of commerce and the faculty senate will endorse it.
 - vi. FHSU has written a letter to the chamber of commerce.
 - vii. KUMC’s assembly members are going back to their respective schools for feedback. Administration prefers individual effort by faculty and staff.
 - viii. Committee decided to ask Jean about a fact sheet on the measures taken by all campuses due to budget cuts.

6. Announcements:

Nothing to report.

7. Adjournment:

Meeting adjourned at noon. Motion made to adjourn by Lisa and seconded by Carol.

Respectfully submitted by Ananda Jayawardhana
Secretary, COFSP 2009-2010

March 2, 2010.

Appendix

Emporia State University

- Current Faculty Senate Action:
 - FSB 09008: Modification of the Faculty Office Hours Policy passed and President Lane signed into policy
 - FSB 09009: Revision of the Curriculum Review Procedures: passed and President Lane signed into policy
 - Resolution from ESU FS supporting higher education and need for revenue enhancement efforts
 - Resolution On Mission Statement, Syllabus And Goals For Undergraduate Academic Advising
 - FSB 09010: Information Technology Usage Policy, first reading
 - COFSP Faculty Input Survey is going out to ESU faculty this week

- Current work of committees:
 - Academic Affairs
 - Revisions to Policies on Faculty-Initiated Student Withdrawal
 - COCG
 - Committee Reviews
 - Working on policy for Administrator Reviews
 - Days on Campus Survey
 - Working on Proposal for Tuition Reduction for Faculty/Staff Spouses and Dependents
 - Faculty Affairs
 - Working on Grievance Policy
 - Working on Furlough Policy

Fort Hays State University

No report.

Kansas State University

- Faculty Senate endorsed a Kansas State University Faculty and Unclassified Staff Position Statement. The statement takes a positive stance, identifying the value that faculty/unclassified employees bring to the university and the state of Kansas, emphasizing that state funding of higher education is an investment and that as representatives of over 4000 faculty and unclassified professionals, the KSU Faculty Senate supports the Kansas Board of Regents demand for **no more cuts to higher education.**

- Faculty Senate Committee on University Planning and Faculty Senate Leadership Council sent memos to President Kirk Schulz outlining budget reduction and revenue generation ideas to consider for FY 2011. These recommendation memos are part of the budget initiative (Phase 4) instituted by President Schulz as a means of gathering broad-based input for budgeting solutions and honoring his promise of transparency. The budget initiative began early Fall Semester. A seven phase timeline was established. Phase 1: idea generation; Phase 2: open forum to discuss ideas generated; Phase 3: budget idea analysis; Phase 4: identification of budget reduction/revenue generation ideas to pursue by various governing/administrative bodies; Phase 5: development of budget reduction/revenue generation plan; Phase 6: open forum to discuss plan; and Phase 7: modifications and/or implementation of plan.
- Faculty Senate debated merits of modifying current policy for granting minors. The change would allow students to complete requirements after graduation, enrolling as a non-degree seeking student.
- Faculty Senate Leadership Council joined with student senate representative for “Cats in the Capital” mid-February, distributing to legislative offices Call Hall ice cream and “Did You Know” fact sheets highlighting just a few of Kansas State University’s accomplishments. This is one of several initiatives planned to promote greater awareness of the return on investment realized from institutions of higher education in the state of Kansas.

Pittsburg State University

- Faculty Senate discussed about the Enrollment Management Strategic Plan.
- Faculty Senate Executive Committee decided to send a faculty group to meet the legislators in Topeka to advocate not to cut any more funds from higher education. A group of 6 faculty members are planning for the trip. Meetings times have not been set yet but the tentative date is February 24th.
- Faculty Senate Executive Committee will bring a resolution to the floor on February 22 regarding Chamber of Commerce support in higher education.

University of Kansas

- The Faculty Senate approved revisions to the Policy on Open Access originally passed last year and endorsed the implementation procedures recommended by the Task Force on Open Access Implementation. The Policy has been sent to the Provost for final approval.
- The University Senate passed a resolution on February 11, 2010 supporting the Board of Regents’ statement on the state’s higher education budget. The Senate concurred that *“further reductions would devastate an already damaged system and eviscerate that system’s capacity to adequately serve the people of this state.”*
- The University Senate passed a resolution in support of Chancellor Bernadette Gray-Little’s letter to the Superintendent of Lawrence’s public schools about the importance of retaining neighborhood elementary schools. Senate members agreed with the Chancellor that *“The University has a strong*

interest in ensuring the neighborhoods around campus remain attractive to families because this also aids in recruitment and helps create a vibrant community.”

- The Faculty Executive Committee approved revisions proposed by the administration to the Faculty Evaluation Policy and the Policy on Interruption of the Tenure Clock. The policies are being moved from the old Faculty Handbook to the new Policy Library.
- Faculty Governance leaders were not consulted as much as they would have wished on the administration’s new Phased Retirement Policy, which reduced the maximum time period from five years to three years and the maximum percentage from 75% to 50%.
- The Faculty Senate will be considering substantial changes to the Faculty Senate Rules regarding promotion and tenure that were recommended by Governance’s SPPT (Standards and Procedures for Promotion and Tenure) Committee.

University of Kansas Medical Center

- Discussion regarding how KUMC Faculty can publicly support the Governor’s budget recommendations. Discussed developing a faculty resolution focusing on how further budget cuts would impact maintaining quality healthcare and addressing the critical shortage of Kansas health professions. The group will clarify the timeframe and determine who the target audience would be (e.g., legislators, lay people, chamber of commerce, mayors, etc.).
- Sr. Vice Chancellor/Dean Miller provided a budget update. The schools are working on their respective 2011 budget planning processes.
- On February 11, 2010 EVC Atkinson and Sr. Vice Chancellor/Dean Miller will host a town hall meeting to update the KUMC faculty and staff on the budget situation.
- Committee Work:
 - **Elections** – working to recruit a new slate for 2010 elections in April.
 - **Research** – The Task Force on Record Retention is yet to be formed and the Research committee is meeting monthly to conduct its work.
 - **Information Resources** – Written update on the Kansas Library Consortium including that COCAO will be taking action on the proposal during their meeting on February 17th.
 - **Faculty Concerns** – The committee will meet on Friday, Feb. 5th to review post-tenure review with eventual review of faculty grievances procedures.

Faculty Concerns Committee met on February 5, 2010

- Purpose is to review post-tenure review processes at KUMC and review/revise relevant sections of the KUMC Faculty and Unclassified Staff Handbook. Grievance policies/procedures related to faculty dismissals and academic freedom will also be reviewed/revise based on recent grievances.

Wichita State University

- The Provost gave a report and update on the budget.
- The Vice President for Campus Life and University Relations and the Director of the Rhatigan Student Center gave a report on the proposed renovations to the Rhatigan Student Center.

**KANSAS BOARD OF REGENTS
MEETING DATES AND DEADLINES FOR SUBMISSION OF AGENDA ITEMS
FY 2010 – 2011**

FY 2010

Board of Regents Meeting Dates	Agenda Material Due to Board Office
August 25-27, 2009 Retreat	
September 16-17, 2009 (Topeka)	Wednesday, August 26, 2009 at noon
October 14-15, 2009 (Topeka)	Wednesday, September 23, 2009 at noon
November 18-19, 2009 (Topeka)	Wednesday, October 28, 2009 at noon
December 16-17, 2009 (Topeka)	Wednesday, November 25, 2009 at noon
January 20-21, 2010 (Topeka)	Wednesday, December 30, 2009 at noon
February 17-18, 2010 (Topeka)	Wednesday, January 27, 2010 at noon
March 17-18, 2010 (Topeka)	Wednesday, February 24, 2010 at noon
April 14-15, 2010 (Topeka)	Wednesday, March 24, 2010 at noon
May 19-20, 2010 (Topeka)	Wednesday, April 28, 2010 at noon
June 23-24, 2010 (Topeka)	Wednesday, June 2, 2010 at noon

**TENTATIVE
FY 2011**

Board of Regents Meeting Dates

August 24-26, 2010 Retreat
September 15-16, 2010 (Topeka)
October 13-14, 2010 (Topeka)
November 17-18, 2010 (Topeka)
December 15-16, 2010 (Topeka)
January 19-20, 2011 (Topeka)
February 16-17, 2011 (Topeka)
March 16-17, 2011 (Topeka)
April 13-14, 2011 (Topeka)
May 18-19, 2011 (Topeka)
June 22-23, 2011 (Topeka)

KANSAS BOARD OF REGENTS COMMITTEES 2009-2010

Jill Docking, Chair
Gary Sherrer, Vice Chair

STANDING COMMITTEES

Academic Affairs Plan

Gary Sherrer, Chair
Dick Hedges
Janie Perkins
Donna Shank

Fiscal Affairs and Audit Committee

Jerry Boettcher, Chair
Dan Lykins
Christine Downey-Schmidt

Regents Retirement

Dan Lykins, Chair
Jerry Boettcher

BOARD REPRESENTATIVES AND LIAISONS

Education Commission of the States
KBOR Technical Education Authority
Kansas Bioscience Authority
Kansas Campus Compact
KSU Research Foundation Board
Midwest Higher Education Compact
P20 Education Council
Research and Development Enhancement Corp
Washburn University

Christine Downey-Schmidt
Jim Grier, Jack Wempe
Jerry Boettcher, Reggie Robinson
Janie Perkins
Dan Lykins
Donna Shank
Christine Downey-Schmidt, Dick Hedges
Jim Grier
Dan Lykins