

KANSAS BOARD OF REGENTS

MINUTES

February 15, 2023

The February 15, 2023, meeting of the Kansas Board of Regents was called to order by Chair Jon Rolph at 2:01 p.m. The meeting was held in the Board Office located in the Curtis State Office Building, 1000 S.W. Jackson, Suite 520, Topeka. Proper notice was given according to law.

MEMBERS PRESENT:

- Jon Rolph, Chair
- Carl Ice, Vice Chair
- Blake Benson
- John Dicus
- Cheryl Harrison-Lee
- Shelly Kiblinger
- Cynthia Lane
- Diana Mendoza
- Wint Winter

APPROVAL OF MINUTES

Regent Ice moved that the minutes of the January 18-19, 2023 meeting be approved. Following the second of Regent Benson, the motion carried.

INTRODUCTIONS

President Linton introduced Kansas State University's new Vice President for Executive Affairs, University Engagement and Partnerships, and Chief of Staff, Marshall Stewart.

GENERAL REPORTS

REPORT FROM CHAIR

Chair Rolph reported that over the lunch hour the Board attended the students' higher education day at the Statehouse and stated how impressed the Regents were with the students' level of engagement. He congratulated the student leaders for hosting this successful event. Chair Rolph then highlighted that earlier this month he wrote an op-ed supporting the Emporia State University leadership team for their dedication and work to make the ESU restructuring successful. He also did a follow-up on-air interview with KVOE. Chair Rolph stated that the Board looks forward to having dinner with the community and technical college leaders tonight and breakfast with the university provosts tomorrow morning. He believes it is important for the Board to meet with different groups to hear their opinions and ideas. He then thanked everyone who participated in the mid-year retreat in January and noted the feedback from the retreat was positive. Chair Rolph concluded by sharing a note from someone who attended a Pittsburg State University track meet. In the note the individual thanked Mr. Eastman, a PSU employee, who helped the individual's disabled mother get to her seat. Chair Rolph stated that it is wonderful hearing about people helping each other and thanked Mr. Eastman for his kindness.

REPORT FROM PRESIDENT AND CEO

President Flanders announced that the OER Steering Committee is planning an Open Educational Resources showcase display on Thursday, March 23 at the Statehouse. The showcase will highlight the use, adoption, and expansion of these low-cost curricular materials that students can use. President Flanders noted that this event aligns with the March Board meeting so that Regents and others can visit the display. President Flanders reported that last month, the U.S. Department of Education reviewed Kansas' implementation of its Governor's Emergency Education Relief (GEER) Fund grant. As a result of the review, the Department determined that the Kansas Board of Regents' awarding of the GEER funds and monitoring of subrecipients was consistent with the program requirements. President Flanders thanked Vice President Frisbie and her team for their work on this review.

REPORT FROM COUNCIL OF FACULTY SENATE PRESIDENTS

Nate Brunsell presented the Council of Faculty Senate Presidents report. The Council is concerned with meeting the implementation timeline for the general education framework. He stated each university has its own shared governance structure that reviews these matters and noted the importance of giving them enough time to move through their internal processes. The Council asked the Board to consider extending the implementation deadlines if a campus needs additional time to complete their internal reviews. Dr. Brunsell also reported that the faculty on the campuses are reviewing and providing feedback on the rpk report, and they look forward to the Board's discussion at the March meeting. President Flanders stated that the timeline for the general education framework was discussed at today's System Council of Presidents meeting. Each university reported that the framework is moving through the campus processes and indicated that they are on schedule to meet the 2024 implementation deadline. President Flanders also reported that three universities indicated that their campuses will be ready to implement in 2023. Dr. Brunsell thanked President Flanders for the additional information.

Chair Rolph stated that Sadie Williams will present the Students' Advisory Committee report later in the agenda when the students return from the Statehouse.

STANDING COMMITTEE AND OTHER REPORTS

ACADEMIC AFFAIRS

Regent Kiblinger reported that the Board Academic Affairs Standing Committee reviewed and approved the proposed foundational indicators for the strategic plan Pillar I dashboard, which will be presented to the Board for consideration later in the agenda. The University of Kansas asked the Committee to consider amending the degree policy to remove from the baccalaureate degree section the requirement of having a transfer agreement in place in order to make programmatic exceptions to the requirement that a minimum of 60 semester credit hours be from institutions that have a majority of degree conferrals at or above the baccalaureate level. Regent Kiblinger stated that the university provosts reviewed and approved moving the request forward. The Committee directed Board staff to draft the proposed policy amendment so the Committee can review it at a future meeting. Board staff then presented the annual Apply Kansas report. Apply Kansas is an annual statewide campaign in which high schools conduct events to help seniors apply to college with their peers and with help and guidance from school staff, local community supporters, and post-secondary volunteers. Regent Kiblinger stated that the Apply Kansas events continue to grow

across the state with 48 new schools participating in 2022. Applications have also increased over the years from 6,000 in 2019 to over 14,000 in 2022. She thanked all the staff who help organize and participate in these events.

FISCAL AFFAIRS AND AUDIT

Regent Ice reported that Wichita State University's internal auditor, Chris Cavanaugh, presented his annual report to the Fiscal Affairs and Audit Standing Committee. Mr. Cavanaugh spoke about the ways WSU is improving its internal controls including the new non-credit course for employees to demonstrate their understanding of their role in internal control. The Committee was pleased with the steps WSU is taking to ensure everyone understands their role. The Committee then received information on the composite financial index (CFI), which is a benchmarking tool used in higher education as an indicator of financial health. The CFI can be impacted by the university's endowment or foundation, and Regent Ice noted that one of the limitations of the CFI is that it does not give a good measure of liquidity. Additionally, the Committee received presentations from WSU and PSU on their mid-year general use budgets, and Board staff provided an update on the Board's capital renewal initiative, facility demolition and new space reporting tools.

GOVERNANCE

Regent Rolph presented the Governance Committee report. Fort Hays State University presented its annual campus safety and security report. The Committee approved a five-year extension of the Board's data sharing agreement with the Kansas Department of Labor, received historical information about and discussed the Board's Building Naming policy, and received an update on the Board's unified communication and advocacy plan. The Committee also reviewed and approved the student health insurance plan year 2023-2024 benefits and rates recommendations. Regent Rolph noted that this item will be presented to the Board for consideration later in the agenda. Board staff then provided an update on the Board's student athlete task force review.

APPROVAL OF CONSENT AGENDA

Regent Harrison-Lee moved, with the second of Regent Kiblinger, that the Consent Agenda be approved. The motion carried.

Fiscal Affairs & Audit

AMEND THE FISCAL YEAR 2023 CAPITAL IMPROVEMENTS REQUEST AND ACCEPT THE PROGRAM STATEMENT FOR RHATIGAN STUDENT CENTER RENOVATION AND ADDITION – WSU

Wichita State University received approval to amend its FY 2023 Capital Improvement Plan to include the renovation and addition project for the Rhatigan Student Center (RSC). The project includes two building additions and the demolition of two adjacent buildings (Human Resources building and the CAC theater). The anticipated total project cost is \$34.4 million (construction cost of \$26.2 million) including an escalation factor of 9%. Funding for the project is revenue bonds funded by student fees. The project statement for this project was also approved.

AMEND THE FISCAL YEAR 2023 CAPITAL IMPROVEMENTS REQUEST AND ACCEPT THE PROGRAM STATEMENT FOR MCKNIGHT PRINTMAKING CLASSROOM VENTILATION PROJECT – WSU

Wichita State University received approval to amend its FY 2023 Capital Improvement Plan to include the McKnight Art Center ventilation project. The project is needed to improve health and safety for students and faculty in the classrooms and to meet the accreditation requirements for the Printmaking program. The anticipated total project cost is \$2.05 million (construction cost of \$1.6 million). Funding for the project is the University's allocation from the EBF and FY 2024 deferred maintenance funds. The project statement for this project was also approved.

AMEND THE FISCAL YEAR 2023 CAPITAL IMPROVEMENTS REQUEST FOR ZONE CHILLED WATER PLANT – KU

The University of Kansas received authorization to amend its FY 2023 Capital Improvement Plan to update the cost for the Zone Chilled Water Plant project. Because of construction inflation, the budget has escalated from \$8.5 million to \$14.5 million. KU will use a share of the allocation from the EBF and University deferred maintenance funds to finance this work.

RAZE BUILDING – KSU

Kansas State University received approval to raze Jardine Terrace Wash House 2, Building #64, located in the Jardine Apartments Complex in Manhattan. Following demolition, the site will be returned to green space. The total project cost to demolish the structure is approximately \$25,000 and will be funded with Housing and Dining Services auxiliary funds.

Technical Education Authority

NEW PROGRAMS FOR GARDEN CITY COMMUNITY COLLEGE: ROBOTICS AND MECHATRONICS TECHNOLOGY; AND WASHBURN INSTITUTE OF TECHNOLOGY: ADVANCED EMERGENCY MEDICAL TECHNICIAN

Garden City Community College received authorization to offer a Technical Certificate B (36 credit hours) and an Associate of Applied Science (65 credit hours) in Robotic and Mechatronics Technology (15.0405). The College estimates the initial cost of the program will be approximately \$112,796. Funding will be provided from the Title III HSI STEM Grant. The College plans to begin the proposed program in the fall of 2023.

Washburn Institute of Technology (WIT) received approval to offer a Technical Certificate A (20 credit hours) in Advanced Emergency Medical Technician (51.0904). WIT estimates the initial cost of the program at \$39,500. Funding will be provided from the institution's general funds, including re-allocation from discontinued programs, and Perkins funding. WIT will begin offering the program in the fall of 2023.

EXCEL IN CTE FEES FOR WASHBURN INSTITUTE OF TECHNOLOGY:
ADVANCED EMERGENCY MEDICAL TECHNICIAN

Excel in CTE fees for the below program were approved:

- Washburn Institute of Technology: Advanced Emergency Medical Technician total \$1,018. Fees include \$114 for Verified Credentials, \$311 for examinations, \$200 for a tool kit, \$55 for PPE, and \$338 for a textbook.

PROMISE ACT PROGRAM FOR GARDEN CITY COMMUNITY COLLEGE:
ROBOTICS AND MECHATRONICS TECHNOLOGY; AND WASHBURN
INSTITUTE OF TECHNOLOGY: ADVANCED EMERGENCY MEDICAL
TECHNICIAN

The below programs were approved to become Promise Eligible programs:

- Garden City Community College: Robotics and Mechatronics Technology (15.0405) which falls under the Advanced Manufacturing and Building Trades category specified in legislation.
- Washburn University Institute of Technology: Advanced Emergency Medical Technician (51.0904) which falls under the Mental and Physical Healthcare category specified in legislation.

ACADEMIC YEAR 2024 EXCEL IN CTE FEES

The Academic Year 2024 Excel in CTE fees were approved.

(Fees Filed with Official Minutes)

Other Matters

FEEDBACK FROM STUDENT HEALTH CENTERS ON TASK FORCE
RECOMMENDATIONS

The university feedback on the Student Health Center Task Force recommendations were accepted.

(Feedback Filed with Official Minutes)

CONSIDERATION OF DISCUSSION AGENDA

Strategic Plan

ANNUAL REPORT ON THE BOARD'S STRATEGIC PLAN, *BUILDING A FUTURE*

The Board's strategic plan, *Building a Future*, was designed to measure how the public higher education system can better serve Kansas families, Kansas businesses, and the state's economic prosperity, which are the messaging pillars in the plan. President Flanders highlighted the plan's structure, which contains areas of focus, foundational metrics (lagging), supporting metrics (leading), and promising practices. He stated that this is a living plan that encourages adjustments

to strategies so that the system can better support each pillar and noted that last year the Board added the facilities renewal initiative as a bedrock metric for the state universities. He also stated that later in the agenda the Board will consider updated metrics and launch a new dashboard that will track progress.

President Flanders highlighted some of the metrics under Pillar I. In the Affordability category, President Flanders shared data on graduation rates, student loan default rates, students taking 30 credit hours per year, and retention rates. He noted that on-time graduation is one of the most effective ways of reducing the cost of attendance at a college or university but acknowledged that taking a full course load is difficult for many students because they also work full time jobs. Over the past five years state universities increased their rates by 9.7 percentage points and the community colleges increased their rates by 6.5 percentage points. The 2018 data associated with the student loan default rates has remained as the best baseline for student loan default rates because on March 13, 2020, the federal government issued a moratorium on student loan repayments. As a result, students' repayments were paused. President Flanders also highlighted that the state universities, community colleges, and technical colleges have either increased or remained constant with their retention rates over the last five years. Some promising practices under the Affordability category that the Board has either approved or is currently working on include the adoption of the systemwide general education package, the development of math pathways, the implementation of systemwide transfer associate degrees in pre-education, and the adoption of the National Institute of Student Success recommendations. President Flanders also noted that the Promise Scholarship Act and the increased funding of the Comprehensive Grant has positively impacted students by providing additional financial support. Regent Rolph asked whether the system tracks the number of hours students have when they enroll at an institution and if those hours determine their placement. The system does track the number of hours students have acquired. Students coming out of high school who have earned college credit will be enrolled as a freshman regardless of how many hours they have earned, and students who are transferring may be placed in an upper division class depending on their credited hours.

In the Access category, President Flanders highlighted the college going rate and enrollment gap metrics. The college going rate is measured by looking at the number of Kansas high school students who enroll in a public postsecondary institution in the state after graduating from high school. President Flanders stated that the college going rate has continued to decline over the last ten years, which is concerning because the high school graduation rate has increased during that same timeframe. To address the going rate, President Flanders believes the institutions will need to increase their efforts to serve more underrepresented populations. He then reviewed the enrollment gaps, which are measured by looking at the 18 to 24-year-old Kansas population and comparing it to resident enrollment in the same age group in the categories of Pell eligibility, race/ethnicity and rural/non-rural. For 2022, the data show that the public universities have a 5.4 percentage point gap between the Kansas Hispanic population and the Kansas resident Hispanic students, a 2.4 percentage point gap between the Kansas African American population and the Kansas resident African American students, a 14.7 percentage point gap for rural students, and a 3.2 percentage point gap in the Pell-eligible population. President Flanders stated that the public universities have made progress on these gaps and noted that the universities have nearly doubled the number of African American Kansans served. President Flanders also highlighted the Board's

goal to partner with K-12 to scale early college programs, which will increase access to college courses across the state.

Under the Success category, President Flanders reviewed the percentage of graduates in jobs with sustaining wages and the number of degrees and certificates awarded. He reminded everyone that the benchmark for sustaining wages is set at 250 percent of the federal poverty level, meaning that a graduate must earn at least \$32,000 to be in a job with a sustaining wage. The data shows that five years after graduation, the majority of individuals who completed a certificate, associate's degree, or a bachelor's degree hold jobs with sustaining wages. Regarding degrees and certificates awarded, President Flanders noted the system awarded 42,801 in 2022, which is down 0.3 percent from 2021 but is an increase of 0.3 percent from 2017. President Flanders expects degree production to continue to decline because class sizes at the institutions continue to shrink.

President Flanders stated that Pillar II focuses on the crucial role that the colleges and universities play in developing a workforce. Under the Talent Pipeline category, special initiatives and enrollment and graduation rates in programs that lead to high demand, sustaining wage jobs are measured. In January 2021, institutions selected programs that lead to jobs in fields that are important to the state economy and local employers and are working to increase enrollments and graduations in those programs. The state universities have had a 3.5 percent increase in enrollments in these programs from 2020 to 2022 and have increased completions by 23.9 percent. Regarding special initiatives, President Flanders reviewed the progress on the University Engineering Initiative and the Excel in CTE Initiative and noted the success of these initiatives have far exceeded expectations. He then reviewed the research funding under the Innovation category. Over the last five years, the three research universities have increased their total R&D funding by \$224.4 million. President Flanders noted their federal R&D funding has increased by 54.5 percent and their business funded R&D has increased by 131 percent. He also highlighted the success at Wichita State University and noted that WSU has increased its total R&D funds by \$127.1 million over the last five years. He commented that Donna Ginther with the Institute for Policy & Social Research at the University of Kansas is working to develop an attainment goal for the system and that it will be presented to the Board for consideration at a future meeting.

President Flanders reported the third Pillar, Economic Prosperity, demonstrates how the higher education system supports economic growth in Kansas. This pillar emphasizes the intentional economic development activities of the institutions. Each institution will focus on a mix of its existing strengths and emerging capabilities that together uniquely position the higher education system to partner with business and industry to create jobs and grow the economy. President Flanders spoke about how the institutions are partnering with the state to recruit businesses like Panasonic, Scorpion, and Integra into the state. He believes that the economic prosperity efforts that the colleges and universities are pursuing with the private sector are essential to help the state grow.

Last year, the Board added the facilities renewal initiative as a bedrock metric. President Flanders thanked the Governor and Legislature for partnering on this initiative and noted that in the first year (FY 2023), funding devoted to maintenance projects was tripled. However, he stated that the Legislature is considering the repeal of the Educational Building Fund and noted that they may decide to change funding for it from an annual property tax levy to a State General Fund

distribution, which would be a less reliable source of revenue to the System. He then reviewed the building inventory and demolition fund and noted that the Governor is recommending additional demolition funding for this year.

Regent Harrison-Lee stated that seeking additional federal funds should be a priority for the Board and institutions, and she highlighted the CHIPS for America Fund, which has a research collaboration component with universities. She also noted the importance of continuing to highlight how the institutions are positively impacting the state's economy. President Flanders stated that the Kansas Department of Commerce has a group working on acquiring more federal funds and is in the process of developing a competitive application for these funds that will leverage all the assets in the state. Regent Lane believes the regional universities need to highlight their economic prosperity plan and how they are impacting their regions and the state.

(Report Filed with Official Minutes)

REPORT FROM STUDENTS' ADVISORY COMMITTEE

Sadie Williams presented the Students' Advisory Committee report. She thanked all the students who participated in today's higher education day at the Statehouse and noted that all the universities were represented. She also thanked the Board for attending the lunch. Student Body President Williams reported that the Committee is still working on Regent Lane's request from last month regarding what a collaborative system would look like and plans to present their ideas in March. Chair Rolph stated that the Committee did a great job last month with providing information on what students believe is going right, going wrong, is confusing, and is missing in the Kansas Higher Education System, and noted that he looks forward to hearing their opinions on collaboration next month.

BREAK

Chair Rolph called for a break at 3:11 p.m. and resumed the meeting at 3:32 p.m.

STRATEGIC PLAN PILLAR ONE DASHBOARD FOUNDATIONAL INDICATORS

Regent Kiblinger stated after the Board retreat, a subcommittee was formed to review the metrics in *Building a Future* to determine what metrics should be included in the Board's dashboard. She noted the structure of the plan was not changed, but the subcommittee did want to establish common definitions as the metrics evolved. The foundational indicators will be the lagging metrics that the Board will review annually, and the supporting indicators will be the leading metrics that measure the activities most connected to achieving the goal. Progress on these metrics should be reviewed throughout the year. Regent Kiblinger stated the subcommittee started its review by looking at the foundational indicators under Affordability, Access, and Success in Pillar I. If the Board approves these adjustments, then the subcommittee will work to refine the supporting indicators for Pillar I following the same process used in developing the foundational indicators. Once that work is complete, the subcommittee will begin developing foundational and supporting metrics for Pillar II (Supporting Kansas Businesses) and Pillar III (Advancing Economic Prosperity).

Regent Lane stated that the subcommittee is recommending the foundational metrics noted below under Pillar I; however, several of them can be combined because they are measuring similar data

points – combine #3 with 4; #5 with 6; #7 with 8; and #11 with 12. She also noted that there are a few new metrics and one of those is the Meta Majors Enrollment, which has not been fully developed. Regent Lane then reviewed how each metric will be measured and noted that each metric outlines how the data will be broken down – systemwide, sector, and/or institutional. Matt Keith, Director of Communications, demonstrated the Pillar I dashboard, which will be housed on the Board’s website. Regent Kiblinger stated that the data on the dashboard can be used by the Board and institutions to help them make informed decisions, and it will allow the public to see the progress being made by the institutions and system. The Board thanked the Board and institutional staff who helped with this project and discussed the proposed metrics. Regent Rolph asked whether the office collects data from the border states and if that data can be compared. President Flanders stated that the office does have a data sharing agreement with Missouri because of the Kansas City area and noted it would be difficult to get meaningful data from the other states because of how they combine their data. He also stated that institutions in other states have different acceptance standards, which would make it difficult to compare data. Regent Harrison-Lee believes the Board and the institutions need to monitor the gender enrollment gap along with the underserved populations. Regent Winter asked whether students and staff satisfaction information is included in any of the metrics. It was noted that this information is not built into any of the metrics, but the institutions do collect it and use it to make decisions on the campuses. Chancellor Girod commented that the institutional performance agreements should be tied to the supporting metrics once they are finalized. Following discussion, Regent Mendoza moved to authorize that the Pillar I foundational metrics move forward and directed the Board Academic Affairs Standing Committee to monitor and make adjustments as necessary. Regent Harrison-Lee seconded, and the motion carried. The Below metrics were approved.

Pillar I Foundational Metrics

Affordability

1. Attrition Rates: To encourage better advising and support services so that fewer new students drop out
2. Sufficient Course Load: To encourage students to take a full course load consistent with on-time graduation
3. On-time Pace to Graduate (Full-time): To monitor students’ progress toward graduation from 1 to 5 years
4. On-time Pace to Graduate (Part-time): To monitor students’ progress toward graduation from 1 to 5 years
5. Average Student Loan Amount at Graduation: To monitor the average amount of loans students must borrow to pay for education
6. Student Loan Default Rate: Debt is a major concern for families, is a barrier for those considering postsecondary education, and a detriment to home or business ownership, lifetime savings, and returns to the economy
7. Total Need-Based Grant and Scholarship Dollars Awarded: To monitor the amount of grants and scholarships available to needy Kansas families
8. Need-Based Grant/Scholarship Aid Awarded (1 to 5 Years) : To understand the impact of need-based aid on Kansas student retention

9. Pell Eligible Enrollment: To understand gaps between postsecondary students awarded Pell when compared to needy families of Kansas
10. Meta Majors Enrollment

Access

11. Enrollment Equity Gaps: To reduce postsecondary participation access gaps as compared to the population of Kansas
12. College Going Rate: To encourage participation in postsecondary education following high school graduation
13. Concurrent and Dual Enrollment: To encourage an early start to students' postsecondary careers
14. Developmental Education
 - a. Traditional Method: To understand the impact traditional developmental education has on success
 - b. Co-requisite Method: To understand the impact co-requisite developmental education has on success
 - c. Non-Developmental Education: To use as a comparison group to better understand the impact co-requisite developmental education has on success

Success

15. Persistence Rates – Transfer and Completions: To monitor student progress toward success across postsecondary institutions
16. Graduation in Jobs with Sustaining Wages: To ensure certificate and degree completion leads to adequate paying jobs for graduates
17. Degrees and Certificates Earned - Diplomas Conferred (Unduplicated): To monitor progress toward adult degree attainment in Kansas

Academic Affairs

FOLLOW UP PLAN FOR EDUCATOR WORK FORCE RECOMMENDATIONS

The Board received the Educator Work Force Task Force recommendations last month and asked President Flanders to prioritize the recommendations. President Flanders stated that he believes the following three recommendations can move forward immediately: 1) implementing a universal elementary education licensure degree transfer program in partnership with A.A. degrees in elementary education, 2) developing a structured literacy plan and training for pre-service and in-service teachers, and 3) developing a tiered-workforce option for educators. President Flanders noted that work has begun on the transfer recommendation because it is one of the Board goals, and that the State Department of Education is developing an earn and learn pilot program that aligns with the tiered-workforce recommendation. The pilot program will be tested in the Dodge City, Colby, and Coffeyville school districts. President Flanders thanked the educator work force task force members for their work and suggested that the Board review and discuss the other recommendations at the Board retreat. The Board concurred with President Flanders' approach.

AMENDMENTS TO THE CREDIT BY EXAMINATION POLICY

Tara Lebar, Associate Director of Academic Affairs, presented the proposed amendments to the Credit by Examination policy that would require the state universities to adopt standardized cut scores for awarding credit for Cambridge International A Level exam scores of E and above and Cambridge International AS Levels e and above when evaluated for equivalent courses. Associate Director Lebar noted the Credit for Prior Learning Task Force reviewed the Cambridge International (CI) exam scores and practices and policies. The Task Force concluded that consistent cut scores and transparency could attract international students and increase the number of domestic students taking these exams to consider Kansas for higher education. Regent Kiblinger moved to approve, and Regent Benson seconded. The motion carried. The following amendments were adopted:

CHAPTER II: GOVERNANCE¹ – STATE UNIVERSITIES**A. ACADEMIC AFFAIRS** (see Chapter III., Section A. for additional academic affairs policies applicable to state universities)

...

3. CREDIT BY EXAMINATION

- a. Credit awarded by any state university in conformity with this policy shall be accepted by all other state universities.
- b. Except for exams with alternative scores set under paragraph c, each state university shall award:
 - i. Credit for all Advanced Placement (AP) examination scores of three (3) or above for the equivalent course or courses at their institution.
 - ii. Credit for all College-Level Examination Program (CLEP) examination scores at or above the American Council of Education's (ACE) credit-granting recommended score of 50 for the equivalent course or courses at their institution.
 - iii. Credit for all International Baccalaureate (IB) examination scores of four (4) or above on Higher Level (HL) exams and Standard Level (SL) exams for the equivalent course or courses at their institutions.
 - iv. Credit for all Cambridge International (CI) examination scores of E or above on Advanced Levels (A Levels) exams and e or above on Advanced Subsidiary Level (AS Levels) exams when evaluated for the equivalent course or courses at their institution.
- c. Any academic discipline may establish a higher systemwide AP exam score above three (3), ~~and~~ IB exam scores above four (4), and scores above E and e for CI, using

¹ See Chapter I., Section A.3. for definition of Governance.

the process for establishing a higher systemwide score proposed by the Council of Faculty Senate Presidents and approved by the Council of Chief Academic Officers on May 18, 2016 and amended by the Council of Chief Academic Officers on February 20, 2019. Any academic discipline may review and change a higher systemwide AP exam score above (3), ~~and~~ a higher systemwide IB exam score above (4), and higher systemwide CI exam scores above E and e using the process for reviewing and changing system-wide scores proposed by the Council of Faculty Senate Presidents and approved by the Council of Chief Academic Officers on January 17, 2018 and amended by the Council of Chief Academic Officers on February 20, 2019.

- d. All other Kansas public postsecondary educational institutions are encouraged to adopt this state university policy.
- e. Institutions shall have discretion on awarding additional credit for scores above three (3) on AP exams, ~~and~~ above four (4) on Higher Level or Standard Level IB exams, above E and e on CI exams, and scores above the ACE credit-granting recommended score of 50 for CLEP exams.

Fiscal Affairs and Audit

BONDING AUTHORITY – KSU AND K-STATE ATHLETICS

General Counsel John Yeary introduced Kansas State University's and K-State Athletics' request for bonding authority in an amount not to exceed \$40.0 million, plus any additional amounts required to finance costs of issuance, costs of interest on such bonds during the construction of the project, credit enhancement costs, and any required reserves for the payment of principal and interest on such bonds. The proceeds will be used to finance a portion of the indoor football practice facility and volleyball and Olympic training center projects. The bonds will be issued by the Kansas Development Finance Authority on behalf of K-State Athletics. The bonds will be secured by a pledge of generally available unencumbered funds of K-State Athletics, Inc. General Counsel Yeary stated that the use of revenue bonds to finance these projects was not part of the original project plans when the Board approved them in September 2021 and December 2022. Because of this, the Board will need to make an exception to the Board policy's timing requirement, which states: "At the time of Board approval of the project plan for a project to be built on state property and financed with revenue bonds issued on behalf of endowment associations, foundations, other affiliated corporations, or the Wichita State University Board of Trustees, the state university having possession of the property shall obtain approval from the Board for the proposed bond financing." Regent Winter moved to approve the bonding authority. Regent Kiblinger seconded, and the motion carried.

LEGISLATIVE BONDING AUTHORITY – ESU

President Hush presented Emporia State University's request to seek legislative bonding authority for its Nursing Department facility. The Board approved the \$23.1 million project in November 2022. At that time, ESU identified multiple funding sources including, but not limited to, American Rescue Plan Act (ARPA) funding, private gifts, university funds, and the university's allocation from the EBF, to finance the project. President Hush stated that ESU is requesting up

to \$15.0 million in bonding authority, which will provide a more immediate source of cash flow for the project to proceed. Regent Ice stated that the Fiscal Affairs and Audit Committee reviewed the request and believes it aligns with ESU's strategic goals and the Board's goals regarding deferred maintenance. Regent Dicus moved to approve, and Regent Kiblinger seconded. The motion carried.

AMENDMENTS TO BOARD POLICY RELATED TO GIFTED OBSOLETE PROPERTY – SYSTEM

Elaine Frisbie, Vice President for Finance and Administration, stated the 2022 Legislature enacted Substitute for SB 450, at the request of the Board of Regents. The legislation directed the Board to adopt policies governing the procedures and conditions under which state universities may sell and convey real property given as an endowment, bequest or gift. It noted that the policy must include the disposition of the proceeds of the sale and conveyance. Vice President Frisbie stated the proposed amendments to the Board's Obsolete Buildings and Land Transactions policies address the requirements in the legislation. Regent Benson moved to approve. Regent Lane seconded, and the motion carried. The following amendments were adopted:

CHAPTER II: GOVERNANCE – STATE UNIVERSITIES

..

E FACILITIES

..

7 OBSOLETE BUILDINGS

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, repurposing and/or divesting of the building. ~~Such~~ Each recommendations shall include ~~all pertinent~~ the following information ~~such as:~~

- a. Estimated costs and funding source(s); ;
- b. the building's condition; ;
- c. current backlog of deferred maintenance; ;
- d. historical status or designation; and
- e. an assessment of any environmental issues associated with the property to be vacated.

Refer to the Land Transactions section of this policy for procedures and conditions under which a state educational institution may sell and convey real property given as an endowment, bequest or gift to the institution.

..

11 LAND TRANSACTIONS

- a Leases (Including Oil and Gas Agreements)

- i All leases of state-owned real property shall be approved by university counsel as to form, shall be submitted to the Board for approval in accordance with paragraph iv. of this subsection or subparagraph 11.e.i. 4., 5, or 6, as applicable, and shall be submitted to other state agencies for approval where required by law. (K.S.A. 75-3739(1), 75-3743, 75-3744, 76-165, and/or 76-769(b)) All leases of state-owned real property for less than fair lease value shall be subject to the approval of the Board unless: (1) the use of the leased space is determined by the state university's chief executive officer to be of benefit to the institution, (2) the lease meets the criteria for execution by the state university's chief executive officer in paragraph iv. of this subsection, and (3) the rental rates are certified by the state university's chief financial officer as fair and equitable for the type of lease arrangement, which may include non-monetary considerations.
 - ii 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))
 - iii 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, 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)
 - iv State university leases of state-owned real property to or from third parties not associated with the state university may be executed by the university's chief executive officer without Board approval unless:
 - (1) the lease involves construction on state property;
 - (2) the lease is an oil, gas or mineral lease covered by K.S.A. 76-165;
 - (3) the lease is for a term of more than 10 years; or
 - (4) the lease is for an amount in excess of \$25,000 per year.
 - v Leases with state university endowments, foundations, and other related organizations are governed by subsection 11.e. below.
- b Easements

- i 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)
 - ii Easement documents shall be submitted to the Attorney General for approval as to form. (K.S.A. 74-3264 and 75-2131)
- c Sale of Real Property
- i Following receipt of the appraisals required by law, 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. K.S.A. 74-3254 and 76-7,152 may serve as pre-authorization by the Legislature to dispose of certain devises. (K.S.A. 75-3043a, ~~and~~ 74-3254, and 76-7,152)
 - ii 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))
 - iii 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 surveyed as required by law. (K.S.A. 75-6611)
 - iv Sale and conveyance of real property given to the state university as an endowment, bequest or gift where K.S.A. 76-7,152 is the authorizing statute for the sale requires Board of Regents approval in accordance with the following. If the university determines that such real estate is no longer needed, the university shall make a recommendation to the Board regarding the prudence of selling the property. The recommendation shall include the following:
 - (1) justification for selling of the property;
 - (2) the professional survey of the property described in paragraph 11.c.iii.;
 - (3) the appraised value of the property as determined pursuant to paragraph 11.c.i.;
 - (4) a proposal for disposition of the sale proceeds;
 - (5) confirmation that selling the property would be consistent with any restrictions placed on the endowment, bequest or gift; and
 - (6) a plan for acknowledgement of the original donors.

All relevant requirements for the sale of real property referenced in this section 11.c. shall apply to sales made pursuant to this paragraph. Any sale and

conveyance authorized pursuant to this paragraph 11.c.iv. shall not be subject to the provisions of K.S.A. 75-6609.

- v Sales of real property to state university endowments, foundations, and other related entities are governed by subsection 11.e. below.

Governance

STUDENT HEALTH INSURANCE BENEFITS AND PREMIUM RATES FOR PLAN YEAR 2023-2024

Diana Kuhlmann, Chair of the Student Insurance Advisory Committee (SIAC), presented the recommendation for the student health insurance benefits and premium rates for plan year 2023-2024. The Board's student health insurance plan is currently offered through MHECare and is underwritten by UnitedHealthcare – Student Resources (UHC-SR). Chair Kuhlmann stated there are currently four different Plan Options: Option 2 is for students whose academic discipline requires them to have health insurance; Option 3 is for graduate students who meet eligibility criteria and receive the university's 75% per semester student premium contribution; Option 4 is for international students; and Option 1 is for all other students. UHC-SR presented two renewal proposals for plan year 2023-2024 – 1) 11% across-the-board increase for all Options (1, 2, 3, and 4), which is largely a trend increase based on medical inflation and utilization, or 2) 14.05% increase for Option 1, and 6.5% increase for Options 2, 3, and 4, the proposed rate for Option 1 based on the consistently higher claims made by students in that Option. UHC-SR also proposed eliminating Option 1 completely (recommending that the Board discontinue offering the plan to students who do not fall within one of the other Options). Chair Kuhlmann stated that the SIAC expressed concerns about eliminating Option 1 because there are graduate students who do not qualify for the subsidized Option 3 and expanded Medicaid is not available in Kansas, and asked UHC-SR for other alternatives for Option 1. After reviewing all the options, the SIAC recommends the following for plan year 2023-2024:

1. Plan Options 2, 3, and 4: 6.5% increase with no changes to benefits, resulting in an annual premium of \$2,831, or a \$173 increase over the current Plan Year.
2. Plan Option 1: accepting benefit Option 2, resulting in an annual premium of \$5,431 or a \$433 (8.66%) increase over the current Plan Year. (Benefit option 2 consists of changing the per insured person, per policy year deductible from '\$1,000 Preferred Provider/\$2,000 Out-of-Network Provider' to '\$2,500 Preferred Provider/\$5,000 Out-of-Network Provider').

Chair Kuhlmann noted that the Board's plan, even with the increases, is still a less expensive and a better option than what is available on the federal Health Insurance Exchange, and that students can manage the higher deductible by using campus student health center services. Regent Dicus moved to approve, and Regent Mendoza seconded. The motion carried.

KANSAS PROMISE SCHOLARSHIP ACT REGULATIONS (ROLL CALL VOTE REQUIRED)

Julene Miller presented the proposed new regulations to administer the Kansas Promise Scholarship Act – K.A.R. 88-9a-1, 88-9a-2, 88-9a-3, 88-9a-4, 88-9a-5, 88-9a-6, and 88-9a-7. The

regulations were developed in consultation with the eligible institutions and their representatives and accomplish the following:

- Establish a scholarship application process that includes accepting applications throughout the academic year and processing applications in the order in which they were received;
- Establish an appeal procedure for denial or revocation of a scholarship;
- Establish the terms, conditions and requirements to be incorporated into each Kansas Promise Scholarship Agreement that are no more stringent than those provided for in the Act;
- Establish procedures for requesting and approving medical, military and personal absences from an eligible institution while receiving a Promise Scholarship;
- Establish criteria for determining whether a student who received a Promise scholarship fulfilled the residency, employment and repayment requirements of the Act;
- Establish criteria for determining when a student who received a Promise Scholarship may be released from the requirements of the Act; and
- Require that no eligible institution may limit scholarship awards to certain programs or award less than the full amount for which an applicant qualifies.

Ms. Miller stated that the proposed regulations have been reviewed and approved by the Director of the Budget, Department of Administration, and the Attorney General's Office, they were presented to the Joint Committee on Rules and Regulations, a 60-day period for public comment was provided and a public hearing was held. She noted that the Joint Committee requested one change to clarify in K.A.R. 88-9a-6 that the Director of Financial Assistance will consult with the Board President and CEO before making determinations as to a student's "best possible effort" to satisfy the terms of their Scholarship Agreement and that this change was made. Regent Winter moved, and Regent Lane seconded, that the proposed new and amended permanent regulation be approved. On a roll call vote, the following Regents voted affirmatively to adopt the motion: Regent Ice, Regent Benson, Regent Dicus, Regent Harrison-Lee, Regent Kiblinger, Regent Lane, Regent Mendoza, Regent Winter, and Regent Rolph.

Other Matters

NAME A BUILDING – KSU

President Linton presented Kansas State University's request to name the new residence hall on the Salina campus in honor of Amelia Earhart, who was born in Kansas and set many aviation records. Regent Rolph moved to approve, and Regent Harrison-Lee seconded. The motion carried. The residence hall will be named *Earhart Hall*.

LEGISLATIVE UPDATE

Matt Casey, Director of Government Relations, reported that the Legislature is approaching its turnaround deadline – Friday, February 24, 2023. Both chambers are working to pass non-exempt bills out of their chambers before this date. Director Casey stated that the institutions and Board office will present budget testimony in the House and Senate over the next couple of weeks and then reviewed the status of the following bills:

- SB 84 - Including individuals who receive a high school equivalency (HSE) credential in performance-based payments for certain postsecondary educational institutions – moving through the process;
- SB 48 - Authorizing community college and technical college appointments to the postsecondary technical education authority and establishing the length of membership terms – substitute bill was drafted, and no further action has been taken;
- SB 94 - Discontinuing state property tax levies for the Kansas educational building fund and the state institutions building fund – was passed out of the Senate Tax Committee;
- HB 2132 - Expanding the eligible fields of study and establishing a maximum scholarship amount for certain private postsecondary educational institutions in the Kansas promise scholarship act – on General Orders in the House; and
- HB 2290 - Authorizing the affiliation of Northwest Kansas Technical College and North Central Kansas Technical College with Fort Hays state university – in House Higher Education Budget Committee.

Regent Lane asked Director Casey to send the language for the TEA substitute bill to the Board.

ADJOURNMENT

Chair Rolph adjourned the meeting at 4:50 p.m.

Blake Flanders, President and CEO

Jon Rolph, Chair