

State of Kansas

## Kansas Board of Regents

### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted to consider the approval of proposed amendments to K.A.R. 88-28-6, a Kansas Board of Regents fee regulation. The hearing will be held at 10:00 a.m. on July 23, 2019, at the Kansas Board of Regents' Board Room, 1000 SW Jackson St., Suite 520, Topeka, KS 66612. The proposed amendments eliminate certain fees paid by private and out-of-state postsecondary institutions.

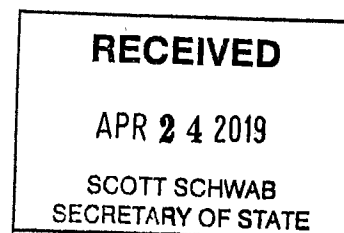
This 60-day notice of the public hearing shall constitute a public comment period for receiving written public comments on the proposed regulation. All interested parties may submit comments prior to the hearing to Crystal Puderbaugh, Director of Academic Affairs, at the Kansas Board of Regents' above address or via email to [cpuderbaugh@ksbor.org](mailto:cpuderbaugh@ksbor.org). During the public hearing, all interested parties will be given an opportunity to present their views, orally or in writing, concerning the proposed amendments to K.A.R. 88-28-6. To provide all parties with an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to ten minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Renee Burlingham at (785) 430-4239. Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations.

Copies of the proposed regulation and the economic impact statement may be found at <http://www.kansasregents.org/about/rules-regulations> or by contacting Renee Burlingham.

A summary of the proposed amendment to K.A.R. 88-28-6 and the economic impact statement of the regulation follows:

K.A.R. 88-28-6 establishes the fees private and out-of-state postsecondary institutions pay for certificates of approval, registration of representatives, and certain transcripts. The proposed amendment would eliminate fees for: program modifications, on-site branch reviews, representative renewals, and fees associated with changes to the institutional profile. The proposed amendments would also make K.A.R. 88-28-6 consistent with the authorizing statute, K.S.A. 74-32,181, which was amended effective May 17, 2018, so these fees could be eliminated. The economic impact is negligible.



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**Proposed**

**88-28-6. Fees.** Fees for certificates of approval, registration of representatives, and certain transcripts shall be paid to the state board in accordance with this regulation.

(a) For institutions chartered, incorporated, or otherwise organized under the laws of Kansas and having their principal place of business within the state of Kansas, the following fees shall apply:

- (1) Initial application fees:
  - (A) Non-degree-granting institution \$1,000
  - (B) Degree-granting institution \$2,000
- (2) Initial evaluation fee, in addition to initial application fees:
  - (A) Non-degree level \$750
  - (B) Associate degree level \$1,000
  - (C) Baccalaureate degree level \$2,000
  - (D) Master's degree level \$3,000
  - (E) Professional and doctoral degree levels \$4,000
- (3) Renewal application fees:
  - (A) Non-degree-granting institution 2% of gross tuition,  
but not less than \$500 and not more than \$10,000
  - (B) Degree-granting institution 2% of gross tuition,  
but not less than \$1,200 and not more than \$10,000
- (4) New program submission fees, for each new program:
  - (A) Non-degree program \$100

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- (B) Associate degree program \$250
- (C) Baccalaureate degree program \$500
- (D) Master's degree program \$750
- (E) Professional and doctoral degree programs \$1,500
- (5) ~~Program modification fee, for each program~~ \$100
- (6) Branch campus site fees, for each branch campus site:
  - (A) Initial non-degree-granting institution \$1,000
  - (B) Initial degree-granting institution \$2,000
- (7)(6) Renewal branch campus site fees, for each branch campus site:
  - (A) Non-degree-granting institution 2% of gross tuition,  
but not less than \$500 and not more than \$1,000
  - (B) Degree-granting institution 2% of gross tuition,  
but not less than \$1,000 and not more than \$1,500
- (8) ~~On-site branch campus review fee, for each branch campus site~~ \$100
- (9)(7) Representative fees:
  - (A) Initial registration \$200
  - (B) Renewal of registration \$10
- (10)(8) Late submission of renewal of application fee \$500
- (11)(9) Student transcript copy fee \$10
- (12)(10) Returned check fee \$50
- (13) ~~Changes in institution profile fees:~~

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(A) Change of institution name	\$50
(B) Change of institution location	\$50
(C) Change of ownership only	\$50

(b) For institutions that are not chartered, incorporated, or otherwise organized under the laws of Kansas or that have their principal place of business outside the state of Kansas, the following fees shall apply:

(1) Initial application fees:

(A) Non-degree-granting institution	\$3,000
(B) Degree-granting institution	\$4,000

(2) Initial evaluation fee, in addition to initial application fees:

(A) Non-degree level	\$1,500
(B) Associate degree level	\$2,000
(C) Baccalaureate degree level	\$3,000
(D) Master's degree level	\$4,000
(E) Professional and doctoral degree levels	\$5,000

(3) Renewal application fees:

(A) Non-degree-granting institution	3% of gross tuition
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received or derived from Kansas students, but not less than \$1,800 and not more than \$10,000

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(B) Degree-granting institution 3% of gross tuition received or derived from Kansas students, but not less than \$2,400 and not more than \$10,000

(4) New program submission fees, for each new program:

- (A) Non-degree program \$250
(B) Associate degree program \$500
(C) Baccalaureate degree program \$750
(D) Master's degree program \$1,000
(E) Professional and doctoral degree programs \$2,000

(5) Program modification fee, for each program \$100

(6) Branch campus site fees, for each branch campus site:

- (A) Initial non-degree-granting institution \$3,000
(B) Initial degree-granting institution \$4,000

(7)(6) Renewal branch campus site fees, for each branch campus site:

(A) Non-degree-granting institution 3% of gross tuition received or derived from Kansas students, but not less than \$1,800 and not more than \$10,000

(B) Degree-granting institution 3% of gross tuition received or derived from Kansas students, but not less than \$2,400 and not more than \$10,000

(8) On-site branch campus review, fee for each branch campus site \$500

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~~(9)~~(7) Representative fees:

(A) Initial registration \$350

~~(B)~~ Renewal of registration \$10

~~(10)~~(8) Late submission of renewal of application fee \$500

~~(11)~~(9) Student transcript copy fee \$10

~~(12)~~(10) Returned check fee \$50

~~(13)~~ Changes in institution profile fees:

~~(A)~~ Change of institution name \$50

~~(B)~~ Change of institution location \$50

~~(C)~~ Change of ownership only \$50

(Authorized by and implementing K.S.A. 2016 ~~Supp.~~ 74-32,181; effective Oct. 20, 2006; amended April 16, 2010; amended, T-88-7-20-11, July 20, 2011; amended Oct. 21, 2011; amended April 10, 2015; amended May 26, 2017; amended Dec. 15, 2017; amended P-

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**Kansas Administrative Regulations  
Economic Impact Statement  
For the Kansas Division of the Budget**

Kansas Board of Regents  
Agency

Natalie Yoza  
Agency Contact

785-430-4236  
Contact Phone Number

K.A.R. 88-28-6  
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

**I. Brief description of the proposed rule(s) and regulation(s).**

This is a proposal to amend K.A.R. 88-28-6, which establishes the fees the Kansas Board of Regents is required to fix, charge, and collect from private post-secondary educational institutions under K.S.A. 74-32,181. The proposed amendments eliminate fees for program modifications, on-site branch reviews, representative renewals, and fees associated with changes to the institutional profile.

The 2018 Legislature amended K.S.A. 2017 Supp. 74-32,181 to permit these fee eliminations. L. 2018, Ch. 67.

**II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)**

N/A

**III. Agency analysis specifically addressing following:**

**A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;**

The economic impact is negligible and therefore is not expected to enhance or restrict business activities and growth.

**B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

The total economic impact of eliminating these fees is estimated to be a \$3,870 per year decrease in fee revenue to KBOR's Private Postsecondary Fee Fund. The implementation and compliance costs are negligible.

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**C. Businesses that would be directly affected by the proposed rule and regulation;**

Private and out-of-state postsecondary education institutions operating in Kansas by means of physical campus or offering of online distance education to students who remain in Kansas while receiving education.

**D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

The benefit of the proposed rule is that it would reduce fees paid by postsecondary educational institutions operating in Kansas, reducing the cost for them to operate in Kansas. The Board of Regents has concluded that the reduced fee revenue will not impact the unit's ability to operate effectively.

**E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

This proposed rule reduces fees paid by postsecondary educational institutions operating in Kansas, thus reducing the costs on business. It is not possible for us to ascertain whether this decrease will have any impact on the individual students enrolling in these intuitions.  
Institutions

**F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

\$0

**Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?**

YES  NO

**Give a detailed statement of the data and methodology used in estimating the above cost estimate.**

N/A

**Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.**

YES  NO

**G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas**

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**Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

N/A

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

KBOR provided email notification to all institutions with a current Certificate of Approval and allowed for comments. Seven institutions responded with comments regarding the proposed rule.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

N/A

