

Proposed



KANSAS BOARD OF REGENTS

NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS

A public hearing will be conducted on March 29, 2017 at 10:00 a.m. in the Board of Regents board room, 1000 S.W. Jackson, Suite 520, Topeka, to consider the amendment of K.A.R. 88-3-8a, 88-24-2, 88-28-1, 88-28-2, 88-28-3, 88-28-4, 88-28-5, 88-28-6, 88-28-7, and 88-28-8.

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

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Renee Burlingham at (785) 430-4239.

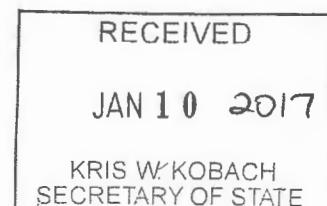
Copies of the regulations and the economic impact statements may be found at http://www.kansasregents.org/about/rules_regulations or by contacting Renee Burlingham. A summary of the proposed regulations and the economic impact follows:

Article 3—GUIDELINES FOR THE DETERMINATION OF RESIDENCY FOR FEE PURPOSES

K.A.R. 88-3-8a The overall purposes for the proposed amendment to this regulation is to implement the provisions of 2016 House Bill 2567. This 2016 legislative action impacted the tuition rate available to and paid by veterans and their respective spouses or dependent children and was a companion piece of legislation to 2015 House Bill 2154. The Board is proposing amendments to the existing regulation in order to provide for the residency status set forth in the more recent piece of legislation.

Article 24—GENERAL EDUCATION DEVELOPMENT TEST

K.A.R. 88-24-2 establishes the GED test score requirements for issuance of an equivalent high school diploma. The overall purpose for the proposed amendments to this regulation is to adopt the new passing scores.



Article 28 – PRIVATE AND OUT-OF-STATE POSTSECONDARY EDUCATION INSTITUTIONS

These regulations are being amended to (1) change the definition of “enrollment agreement” to a broader meaning encompassing other types of enrollment documents; (2) establish a minimum time frame for record retention by institutions, to insure that specific types of important student related records are kept for a length of time that ensures their ongoing availability to the Board as well as program graduates and attendees, and amends the minimum refund policy requirement for institutions, which is dependent upon how long a student was in the program; (3) clarify that “functional equivalents” to catalogs and enrollment agreements may be provided to the Board, removes language referencing the no longer used ledger sheets, clarifies what financial information must be provided by institutions in their first year of operation, and generally clarifies other subsection language; (4) removes language specific to degree-granting institutions, clarifying that the Board of Regents may conduct on-site visits at any approved institution; (5) changes the registration of representative requirements from each individual representing an institution to require registration by a single designated representative of the institution, in order to limit the number of representatives submitted for approval and responsible for being the main institution contact; (6) clarify the definitions of in-state and out-of-state by replacing the word “domiciled” with “chartered, incorporated or otherwise organized under the laws of Kansas” and changes language in order to clarify that to be considered an in-state institution, the institution must be both physically located in Kansas and be established in Kansas; (7) increases the late fee to encourage compliance and timely renewal application submission; and (8) revokes redundant language concerning fees for copies of student transcripts, which is also contained in another regulation.

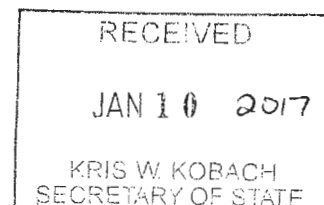
Economic Impact:

88-3-8a There is no anticipated economic impact on the Board, as its duties to the universities will not significantly expand with the promulgation of this amendment to the regulation. The fiscal impact on the universities, community and technical colleges, and the impacted individuals will depend upon how many individuals will now qualify for resident tuition rates.

88-24-2 There will be no economic impact on the Board of Regents office or individuals taking the test. Some individuals who do not pass the test may be fiscally impacted if they have to pay to take it again.

88-28-1 through 88-28-8 The economic impact of these amendments to the Board of Regents office will be a negligible increase in revenues for the Private and Out-of-State Postsecondary Educational Institution program, due to an increase in the penalty paid by institutions filing late applications for renewal.

Blake Flanders, Ph.D.
President and CEO



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88-3-8a. Military personnel and veterans. (a) "Armed forces" and "veteran" shall have the meanings specified in K.S.A. 2015 Supp. 48-3601, and amendments thereto.

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

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

(2) meets one of the following conditions:

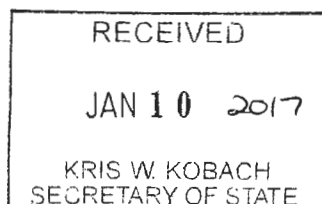
(A) Is currently serving in the armed forces or is a veteran of the armed forces who is eligible for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans; or

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

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

(i) A veteran who was permanently stationed in Kansas during service in the armed forces or had established residency in Kansas before service in the armed forces; or

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



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

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

(1) If claiming current status in the armed forces, written documentation verifying that status;

(2) if claiming veteran status, the following:

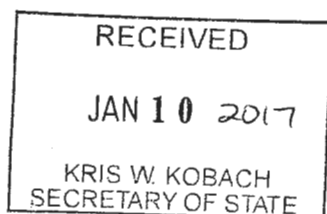
(A) Written documentation verifying that the veteran qualifies for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans;

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

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

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

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



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

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

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

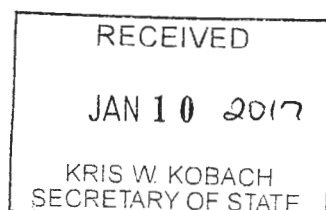
(B) written documentation verifying that the spouse or dependent child qualifies for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans;

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

(D) a written letter signed by the spouse or dependent child of the veteran, attesting that the spouse or dependent child intends to become a resident of Kansas; or

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

(A) The veteran's previous assignment to a permanent station in Kansas while on active duty or the establishment of Kansas residency of the veteran before the veteran's service in the armed forces; and



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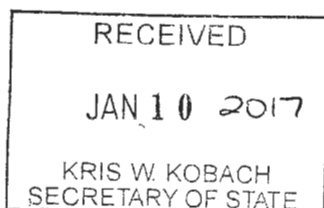
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(B) the fact that the veteran, or spouse or dependent of the veteran, who is seeking residency status is living in Kansas at the time of enrollment. (Authorized by K.S.A. 76-730; implementing K.S.A. ~~2015~~ 2016 Supp. 48-3601, K.S.A. 2016 Supp. 76-729,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



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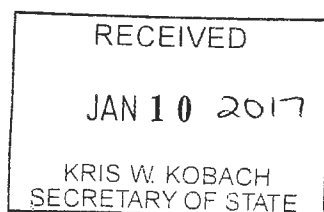
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88-24-2. Test score requirements. Each applicant who meets the test score requirements shall be issued a Kansas state high school diploma. The test score requirements shall be a minimum standard score of ~~150~~ 145 on each test in the battery and a cumulative standard score of at least ~~600~~ 580 on all four of the tests in the battery. (Authorized by and implementing K.S.A. ~~2014~~ 2016 Supp. 72-4530; effective Oct. 18, 2002; amended July 27, 2007; amended April 10, 2015; amended P- _____.)



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88-28-1. Definitions. Each of the following terms, wherever used in this article of the board's regulations, shall have the ~~meanings~~ meaning specified in this regulation:

(a) "Academic year" means instruction consisting of at least 24 semester credit hours over a period of two semesters or the equivalent.

(b) "Associate's degree" means a postsecondary degree consisting of at least 60 semester credit hours or the equivalent of college-level coursework. This term shall include the following types of associate's degree:

(1) "Associate in applied science degree" means a technical-oriented or occupational-oriented associate's degree that meets the following conditions:

(A) Is granted to each student who successfully completes a program that emphasizes preparation in the applied arts and sciences for careers, typically at the technical or occupational level; and

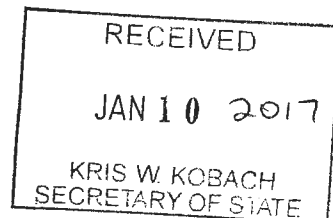
(B) requires at least 15 semester credit hours in general education and at least 30 semester credit hours or the equivalent in the technical content area.

(2) "Associate in arts degree" means an associate's degree that meets the following conditions:

(A) Is granted to each student who successfully completes a program that emphasizes the liberal arts; and

(B) requires at least 30 semester credit hours or the equivalent in general education, including English, mathematics, humanities, communications, physical sciences, and social and behavioral sciences, or any combination of these subjects.

(3) "Associate in general studies degree" means an associate's degree that meets the following conditions:



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(A) Is granted to each student who successfully completes a program that emphasizes a broad range of knowledge; and

(B) requires at least 24 semester credit hours or the equivalent in general education.

(4) “Associate in science degree” means an associate’s degree that meets the following conditions:

(A) Is granted to each student who successfully completes a program that emphasizes either mathematics or the biological or physical sciences, or both; and

(B) requires at least 30 semester credit hours or the equivalent in general education.

(c) “Bachelor’s degree” and “baccalaureate” mean a degree that meets the following conditions:

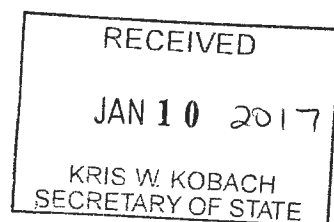
(1) Requires the equivalent of at least four academic years of college-level coursework in the liberal arts, sciences, or professional fields meeting the following conditions:

(A) Requires at least 120 semester credit hours or the equivalent;

(B) includes at least 45 semester credit hours or the equivalent in upper-division courses; and

(C) requires at least 60 semester credit hours or the equivalent from institutions that confer a majority of degrees at or above the baccalaureate level; and

(2) requires a distinct specialization, which is known as a “major,” that requires either of the following:



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(A) At least one academic year, or the equivalent in part-time study, of work in the major subject and at least one academic year, or the equivalent in part-time study, in related subjects; or

(B) at least two academic years, or the equivalent in part-time study, in closely related subjects within a liberal arts interdisciplinary program.

(d) "Catalog" means a document delivered in print or on-line containing the elements specified in K.A.R. 88-28-2.

(e) "Closure of an institution" ~~or~~ and "closure" ~~means~~ mean the practice of no longer allowing students access to the institution to receive instruction. Closure of an institution occurs on the calendar day immediately following the last day on which students are allowed access to the institution to receive instruction.

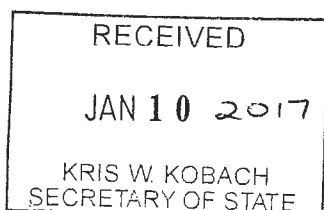
(f) "Degree program" means a course of study that meets the following conditions:

(1) Leads to an associate's degree, a bachelor's degree, a master's degree, an intermediate (specialist) degree, a first professional degree, or a doctor's degree; and

(2) consists of at least 30 semester credit hours or the equivalent of coursework in a designated academic discipline area.

(g) "Doctor's degree" means a degree that may include study for a closely related master's degree and that meets the following conditions:

(1) Is granted to each student who successfully completes an intensive, scholarly program requiring the equivalent of at least three academic years beyond the bachelor's degree;



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(2) requires a demonstration of mastery of a significant body of knowledge through successful completion of either of the following:

(A) A comprehensive examination; or

(B) a professional examination, the successful completion of which may be required in order to be admitted to professional practice in Kansas; and

(3) requires evidence, in the form of a doctoral dissertation, of competence in independent basic or applied research that involves the highest levels of knowledge and expertise.

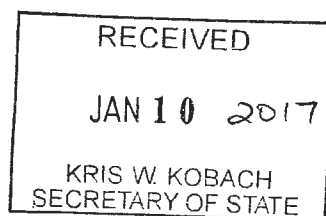
(h) “Enrollment ~~agreement documents~~” means ~~a written contract between~~ written documentation provided by an institution and to a student in which the institution agrees to provide instruction to the student for a fee. ~~Each valid~~ The enrollment agreement documents shall meet the requirements of K.A.R. 88-28-7.

(i) “Enrollment period” means the period of time specified in ~~an enrollment agreement documents~~ during which instruction, including any examinations given, is to be provided to a student.

(j) “Entering an institution” means commencing class attendance by a student at an on-site institution or first submitting a lesson by a student for evaluation in a distance education program.

(k) “First professional degree” means a degree that meets the following conditions:

(1) Is granted to each student who successfully completes study beyond the fulfillment of undergraduate requirements, as approved by the state board;



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(2) requires the equivalent of at least five academic years of study, including work towards a bachelor's degree; and

(3) includes a specialization in a professional field.

(l) "Honorary degree" means a special degree awarded as an honor that is bestowed upon a person without completion of the usual requirements.

(m) "Intermediate (specialist) degree" means a degree, including an educational specialist degree, granted to each student who successfully completes a program requiring the equivalent of at least one academic year beyond the master's degree in a professional field.

(n) "Master's degree" means a degree that meets the following conditions:

(1) Is granted to each student who successfully completes a program in the liberal arts and sciences or in a professional field beyond a bachelor's degree;

(2) requires the equivalent of at least one academic year in a curriculum specializing in a single discipline or single occupational or professional area; and

(3) culminates in a demonstration of mastery, which may include one or more of the following:

(A) A research thesis;

(B) a work of art; or

(C) the solution of an applied professional problem.

(o) "Program" means either of the following:

(1) A course or series of courses leading to a certificate, diploma, or degree; or

(2) training that prepares a person for a field of endeavor in a business, trade,

technical, or industrial occupation.

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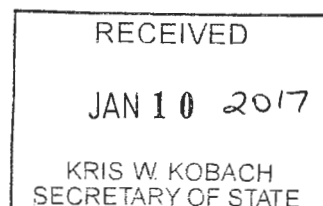
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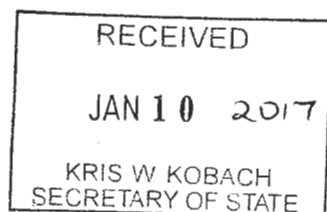
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(p) "Upper-division course" means any course with content and teaching appropriate for students in their third and fourth academic years or for other students with an adequate background in the subject. (Authorized by and implementing K.S.A. 2005 2016 Supp. 74-32,165, effective Oct. 20, 2006; amended March 18, 2011; amended P-_____.)



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88-28-2. Minimum requirements. (a) Except as provided in subsection (c), in order to qualify for a certificate of approval, each applicant institution shall be required to meet the criteria listed in K.S.A. 74-32,169 and amendments thereto. An owner of each applicant institution or the owner's designee shall submit evidence that the institution meets the following minimum requirements:

(1) The physical space shall meet the following requirements:

(A) Be free from hazards and be properly maintained;

(B) provide learning environments appropriate for each curriculum in size, seating, lighting, equipment, and resources;

(C) be either owned by the institution or accessed through a long-term lease or other means of access that indicates institutional stability; and

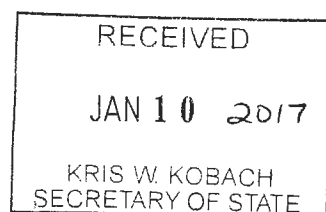
(D) if the physical space includes student housing owned, maintained, or approved by the institution, meet all local standards for public health and safety.

(2) The owner or the owner's designee has received all required inspections and written reports from the local fire department and other agencies responsible for ensuring public health and safety for the current year and the previous year, which shall be maintained on-site, and with one copy shall be sent to the state board annually.

(3) The administrative personnel of the institution shall meet the following requirements:

(A) Be adequate in number to support the programs offered; and

(B) be adequately prepared for operating an institution through training, experience, credentialing, or any combination of these.



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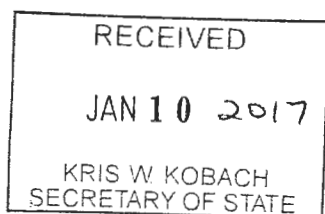
(4) The executive and academic leadership of the institution shall have qualifications that reasonably ensure that the purpose and policies of the institution are effectively maintained. The administrative responsibilities and concomitant authority of the executive and academic leadership shall be clearly specified in the institution's files.

(5) All ~~permanent educational records and~~ academic, enrollment, and financial records of the students shall be securely maintained and protected from theft, fire, and other possible loss. These records shall be kept in an accessible format for 50 years from each student's last date of attendance.

(6) All records describing the personnel related to and the development of the following operations shall be maintained for at least three years:

- (A) The administration;
- (B) the curricula;
- (C) student guidance;
- (D) instructional supplies and equipment;
- (E) the library;
- (F) the institution's physical plant;
- (G) the staff; and
- (H) student activities.

(7) The owner of the institution or the owner's designee shall submit to the state board the most recent financial statements for the institution operating in Kansas and for any parent or holding companies related to that institution. The financial statements provided to the state board shall meet at least one of the following requirements for the



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most recent fiscal or calendar year or for the two most recent fiscal or calendar years combined:

(A) Demonstrate a minimum ratio of current assets to current liabilities of at least 1:1. This asset ratio shall be calculated by adding the cash and cash equivalents to the current accounts receivable and dividing the sum by the total current liabilities;

(B) exhibit a positive net worth in which the total assets exceed the total liabilities; or

(C) demonstrate a profit earned.

(8) If the institution receives any loans on behalf of a student from a private lender, the institution shall meet all of the following provisions and requirements:

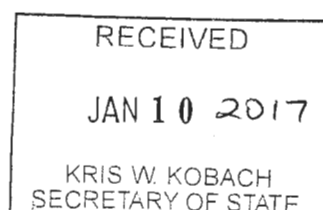
(A) The loan funds may be applied to tuition, fees, or living expenses, or any combination, for a student.

(B) The institution shall not accept all loan funds up front. The funds received shall arrive in multiple disbursements, with the first arriving after the first day of classes and the second arriving at least halfway through the enrollment period. The disbursements shall be at least 90 days apart.

(C) All refunds shall be made to the bank rather than to the borrower.

(D) Upon receipt of loan funds for items to be provided by the institution to the student, the institution shall provide these items to the student, with the exception of test vouchers.

(E) The institution shall not receive any loan funds for a student before the student first attends any course or accepts any on-line materials.



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(F) If providing a test voucher for a student, the institution shall not receive any loan funds for the test voucher more than 30 days before the student is scheduled to take the test.

(9) Each institution shall have a tuition refund policy and a student enrollment cancellation policy, called the "refund policy" in these regulations, that meets the following requirements:

(A) Is published in the institution's catalog;

(B) complies with K.S.A. 74-32,169 and amendments thereto;

(C) establishes that each student will be reimbursed for any items for which the student was charged but did not receive, including textbooks and software;

(D) has no more stringent requirements than the following:

(i) All advance monies, other than an initial, nonrefundable registration fee, paid by the student before attending class shall be refunded if the student requests a refund, in writing, within three days after signing an enrollment agreement and making an initial payment; and

(ii) for institutions collecting a nonrefundable initial application or registration fee, the student shall be required to sign a written statement acknowledging that the initial application or registration fee is nonrefundable. This statement may be a part of the enrollment agreement documents, as described in K.A.R. 88-28-7; and

~~(E) for institutions not participating in federal student aid under title IV of the higher education act of 1965, as amended, meets the following additional requirements:~~

~~(i) If a student withdraws during the first week after entering an institution, the institution shall refund at least 90 percent of the tuition;~~

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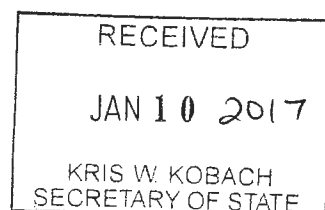
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~~(ii) if a student withdraws during the first 25 percent of the enrollment period but following the first week after the student's entering an institution, the institution shall refund at least 55 percent of the tuition;~~

~~(iii) if a student withdraws during the second 25 percent of the enrollment period, the institution shall refund at least 30 percent of the tuition;~~

~~(iv) if a student withdraws during the last 50 percent of the enrollment period, the institution may deny a refund to the student;~~

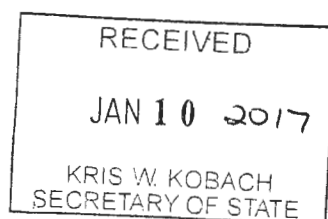
(iii) each student who has completed 25 percent or less of a course and withdraws shall be eligible for a pro rata refund. The completion percentage shall be based on the total number of calendar days in the course and the total number of calendar days completed. After a student has attended at least 25 percent of the course, tuition and fees shall not be refundable;

~~(v) (iv)~~ any all monies due to a student shall be refunded within 60 days from the last day of attendance or within 60 days from the receipt of payment if the date of receipt of payment is after the student's last date of attendance; and

~~(vi) (v)~~ for institutions with programs consisting of fewer than 100 clock-hours, refunds may be calculated on an hourly, pro rata basis; and

~~(vii) in determining the official termination date and percentage of each course completed, the institution may consider the week during which the student last attended to be an entire week of attendance completed.~~

(10) All correspondence from the institution regarding the enrollment cancellation of a student, and any refund owed to the student, shall reference the refund policy of the institution.



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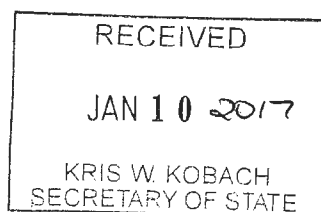
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(11) The required catalog of the institution's operation and services published electronically or in print, or both, shall include the following items:

- (A) A table of contents;
- (B) a date of publication;
- (C) a list of any approvals, including contact information for the state board, and accreditations, including contact information, affiliations, and memberships that the institution has obtained;
- (D) any requirements that students must meet to be admitted;
- (E) an academic calendar or a reference to a published calendar used by the institution;
- (F) the name and nature of each occupation for which training is given;
- (G) the curricula offered, including the number of clock-hours or credit hours for each course in each curriculum;
- (H) a description of the physical space and the educational equipment available;
- (I) the tuition and fees charged;
- (J) a description of the system used to measure student progress;
- (K) the graduation requirements or completion requirements, or both;
- (L) the institutional mission;
- (M) identification of the owner of the institution;
- (N) a list of the instructors teaching in Kansas, including their degrees held and the institutions from which their degrees were received;
- (O) the institutional rules;



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(P) the institution's policies for tuition refund and student enrollment cancellation, as described in paragraph (a)(9);

(Q) the extent to which career services are available; and

(R) the institution's policies for transfers of clock-hours or credit hours and for advanced-standing examinations.

(12) The enrollment ~~agreement~~ documents shall meet the requirements of K.A.R. 88-28-7.

(13) All advertising and promotional materials shall meet the following requirements:

(A) Include the correct name of the institution that is approved by the state board;

(B) be truthful and not misleading by actual statement or omission;

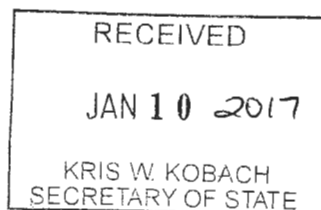
(C) not be located in the employment or "help wanted" classified ads;

(D) not quote salaries for an occupation in the institution's advertising or promotional literature without including the documented median starting wage of a majority of the institution's graduates who graduated within the most recent calendar year;

(E) make no offers of institutional scholarships or partial institutional scholarships, unless the scholarships are bona fide reductions in tuition and are issued under specific, published criteria;

(F) use the word "accredited" only if the accrediting agency is one recognized by the United States department of education;

(G) not make any overt or implied claim of guaranteed employment during training or upon completion of training, in any manner; and



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(H) not use letters of endorsement, recommendation, or commendation in the institution's advertising and promotional materials, unless the letters meet the following requirements:

- (i) The institution received the prior, written consent of the authors;
- (ii) the institution did not provide remuneration in any manner for the endorsements; and
- (iii) the institution keeps all letters of endorsement, recommendation, or commendation on file, subject to inspection, for at least three years after the last use of the contents in advertising or promotional materials.

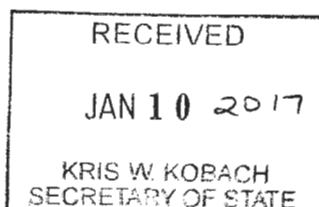
(14) Each curriculum shall meet the following requirements:

- (A) Be directly related to the institution's published mission;
- (B) evidence a well-organized sequence of appropriate subjects leading to occupational or professional competence;
- (C) reasonably and adequately ensure achievement of the stated objectives for which the curriculum is offered;
- (D) if the curriculum prepares students for licensure, be consistent with the educational requirements for licensure; and
- (E) if courses are delivered by distance education, meet the same standards as those for courses conducted on-site.

(15) The published policies for measuring student progress shall be followed.

(16) All instructional materials shall meet the following requirements:

- (A) Reflect current occupational knowledge and practice applicable to the field of study and meet national standards if the standards exist;



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(B) be sufficiently comprehensive to meet the learning objectives stated in the institution's published catalog;

(C) include suitable teaching devices and supplemental instructional aids appropriate to the subject matter; and

(D) be applicable to the curricula and the students.

(17) All instructional equipment shall meet the following requirements:

(A) Be current and maintained in good repair; and

(B) be used by students according to written policies for safe usage.

(18) Each faculty member shall be qualified to teach in the field or fields to which the member is assigned. Faculty responsibilities may be defined in terms of the number of hours taught, course development and research required, level of instruction, and administrative, committee, and counseling assignments.

(19) Each faculty member's minimum academic credential shall be at least one degree-level above the degree being taught, unless other credentials are typically used in lieu of the academic degree in a particular field of study. In those cases, qualifications may be measured by technical certifications, relevant professional experience, professional certifications, creative activity, training, or licensure, or any combination of these. The institution shall provide documentation that all faculty appointments meet these standards.

(20) The instructors in all programs shall maintain continuous professional experience through one or more of the following activities:

(A) Maintain membership in and participate in educational, business, technical, or professional organizations;

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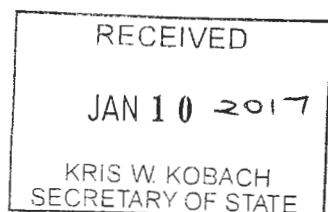
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(B) continue their education in their professional fields; or

(C) have concurrent, related work experience.

(21) In-service training that is consistent with the institution's mission shall be provided for the improvement of both the instructors and the curricula.

(22) All students shall be given the appropriate educational credentials upon completion of the program that indicate satisfactory completion.

(23) Each certificate, diploma, or degree shall include the following information, at a minimum:

(A) The name of the graduate;

(B) the name of the program completed;

(C) the name of the institution issuing the credential; and

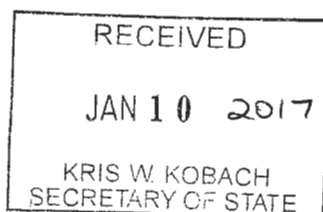
(D) the date on which the graduate completed the program.

(b) In addition to meeting the requirements of subsection (a), an owner of the applicant institution for which degree-granting authority is sought, or the owner's designee, shall also submit evidence that the institution meets the following minimum requirements:

(1) Each degree program for which degree-granting authority is sought shall meet the criteria specified in the definition of that degree in K.A.R. 88-28-1.

(2) The library holdings maintained in a physical library or on-line, or in a combination of a physical library and on-line, shall be appropriate to each degree awarded. All of the following requirements shall be met:

(A) A professionally trained librarian shall maintain the holdings.



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(B) An annual budget shall be established to maintain and improve the holdings, including the appropriate classification and inventory of the holdings.

(C) Physical holdings, on-line holdings, or a combination of these holdings shall be made available at times when students are not in class, including weekend and evening hours.

(D) The library holdings shall be up-to-date and shall include full-text titles appropriate to the degrees offered.

(E) The faculty shall be given an opportunity to participate in the acquisition of library holdings, whether physical or on-line.

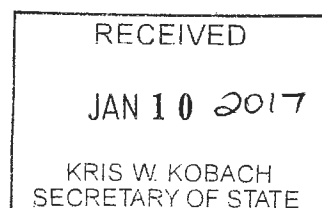
(F) If the institution uses interlibrary agreements, the agreements shall be well documented, and access to other libraries' collections shall be practical for students.

(3) Each institution's governing structure shall clearly delineate the responsibility for all legal aspects of operations, the formulation of policy, the selection of the chief executive officer, and the method of succession. If the institution is governed by a board or group of officers, the following aspects of the board or group shall be clearly defined:

- (A) The membership;
- (B) the manner of appointment;
- (C) the terms of office; and
- (D) all matters related to the duties, responsibilities, and procedures of that body.

(4) The financial statements for the institution shall be audited by a CPA.

(c) If an institution has accreditation issued by a regional or national accrediting agency recognized by the United States department of education, that accreditation may be accepted by the state board as presumptive evidence that the institution meets the



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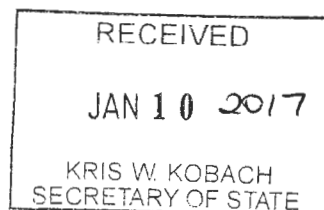
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minimum requirements specified in this regulation. However, each degree program for which degree-granting authority is sought shall meet the criteria specified in the definition of that degree in K.A.R. 88-28-1. (Authorized by K.S.A. ~~2005~~ 2016 Supp. 74-32,165; implementing K.S.A. ~~2005~~ 2016 Supp. 74-32,165, 74-32,168 and 74-32,169; effective Oct. 20, 2006; amended P- _____.)



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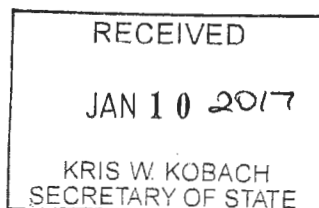
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88-28-3. Certificates of approval. (a) A certificate of approval may be issued with degree-granting authority or without degree-granting authority.

(b) An owner of each institution for which a certificate of approval to operate in Kansas is sought, or the owner's designee, shall submit an application on a form provided by the state board. An owner of each institution for which degree-granting authority is sought, or the owner's designee, shall indicate on the application that degree-granting authority is requested and shall specify the degree programs proposed to be offered by the institution.

(c) An owner of each institution or the owner's designee shall submit the following information with the application:

- (1) An outline or syllabus of each course offered in Kansas;
- (2) a description of the institution's facilities, equipment, and instructional materials;
- (3) a certification by an owner of the applicant institution or the owner's designee that the building that is to house the institution meets the requirements of all local, state, and federal regulations;
- (4) a resume of each administrator and instructor that includes the individual's education, previous work experience, professional activities, and, if applicable, licensure;
- (5) evidence of the institution's professional development and in-service activities;
- (6) a copy of the proposed catalog or, if existing, a copy of each of the institution's most recent catalogs, bulletins, and brochures, with any supplements, or functional equivalents;



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(7) a copy of the enrollment ~~agreement~~ documents, or functional equivalent;

(8) a copy of the credential to be given to each student upon completion of a program;

(9) a description of how the student and administrative records are maintained as required by K.A.R. 88-28-2;

(10) a copy of any advertising used;

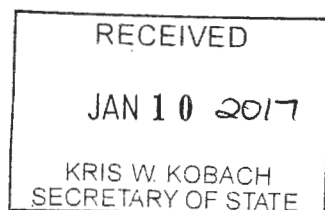
(11) a financial statement showing income and expenditures for the most recent, complete fiscal year. These documents shall be prepared and acknowledged by a certified public accountant and, in the case of an institution requesting degree-granting authority, shall be audited by a certified public accountant;

(12) ~~a ledger sheet for each student showing the receipt of money for tuition, fees, books, supplies, and any other items charged to the student; and~~ for an institution in its first calendar year of operation, a business plan with the initial application, which shall include the following:

(A) An income statement that provides projected revenue and expenses for the first year of operation; and

(B) written documentation evidencing the amounts and sources of capital currently available to the institution for payment of start-up costs and any potential losses; and

(13) a copy of any certificate of accreditation issued to the institution by a regional or national accrediting agency recognized by the United States department of education.



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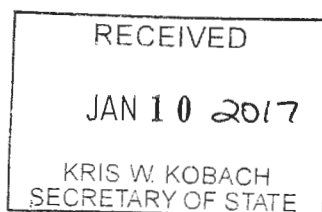
~~(d)(1) If an application for a certificate of approval without degree-granting authority submitted in accordance with this article is found to be complete and the applicant institution meets the requirements in K.S.A. 74-32,169 and amendments thereto, the instructional facilities of the applicant institution applying for a certificate of approval may be inspected and evaluated by the state board or by professional consultants appointed by the state board before a certificate of approval may be issued.~~

~~(2) If an application for a certificate of approval with degree-granting authority submitted in accordance with this article is found to be complete, the applicant institution meets the requirements in K.S.A. 74-32,169 and amendments thereto, and the applicant institution's degree programs meet the criteria specified in the definitions of those degrees in K.A.R. 88-28-1, the institution shall be subject to the requirements of K.A.R. 88-28-4. A certificate of approval with degree-granting authority may be issued based on the following evidence:~~

- ~~(A) The application material submitted by the institution;~~
- ~~(B) the evaluation arising from the on-site visit, if any;~~
- ~~(C) the examining team's report as described in K.A.R. 88-28-4, if any; and~~
- ~~(D) any information or documentation that the institution provides at the meeting with the state board's executive officer or designee as described in K.A.R. 88-28-4.~~

~~(e) (d) If an institution is found to be eligible for a certificate of approval, an owner of the applicant institution or the owner's designee shall be notified of the conditional approval of the institution. Following notification, an owner of the applicant institution or the owner's designee shall furnish a surety bond or other equivalent security acceptable to the state board in the amount of \$20,000, as required by K.S.A. 74-32,175~~

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and amendments thereto. A certificate of approval shall not be issued until the surety bond or other security is filed with and accepted by the state board.

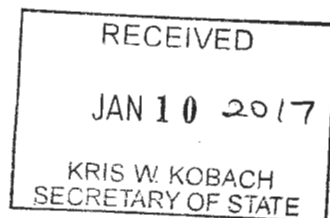
(f)(e) On the state board's own motion or upon a written complaint filed by any person doing business with the institution, an investigation of the institution may be conducted by the state board. Based upon the results of the investigation, the institution may be ordered by the state board to take corrective action, or proceedings may be initiated by the state board to revoke or condition the institution's certificate of approval under the provisions of ~~K.S.A. 74-32,172 and amendments thereto~~. The approval to grant degrees may be revoked in whole or for specific degree programs if an institution is not in compliance with the minimum standards specified in K.S.A. 74-32,169, and amendments thereto, and K.A.R. 88-28-2.

(g)(f) An owner or the owner's designee of each institution with degree-granting authority that seeks to begin a new degree program, ~~or the owner's designee~~, shall file for an amendment to its certificate of approval on a form provided by the state board. Each new degree program shall meet the criteria specified in the definition of that degree in K.A.R. 88-28-1. ~~The institution shall be subject to the requirements of K.A.R. 88-28-4.~~

The owner of the institution or the owner's designee shall submit the following items with the application to amend its certificate of approval:

- (1) An outline of the curriculum to be offered for the new degree;
- (2) the qualifications of the faculty to be involved in the program of study;
- (3) the relationship of the new degree program to the mission of the institution;

and



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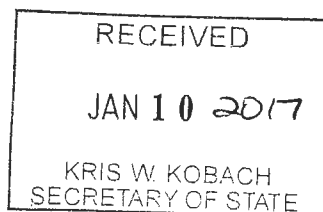
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(4) any other information requested by the board. (Authorized by K.S.A. 2005
2016 Supp. 74-32,165; implementing K.S.A. ~~2005~~ 2016 Supp. 74-32,167, 74-32,168, 74-
32,172, and 74-32,175; effective Oct. 20, 2006; amended P-_____.)



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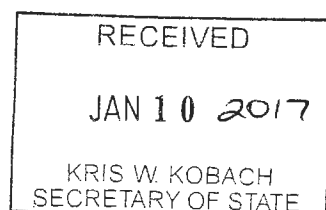
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88-28-4. On-site visits to degree-granting institutions. (a) Each applicant institution without accreditation from an agency recognized by the federal department of education for which degree-granting authority is sought shall be required to submit to an on-site visit to the institution by state board representatives, including curriculum specialists, subsequently called an examining team, as described in this regulation, if the institution has not had this type of on-site visit within the last five years. Any applicant institution with accreditation from an agency recognized by the federal department of education and any institution with a certificate of approval with degree-granting authority may be required to submit to an on-site visit to the institution by an examining team, as described in this regulation. shall submit to on-site visits to the institution by state board designees and shall cooperate with these designees by providing immediate access to records and premises, as requested.

(b) When the executive officer of the state board or designee has determined that an institution is ready for an on-site visit, the executive officer or designee shall arrange with the owner of the institution or the owner's designee for a visit to the campus or instructional sites, or both, to confirm the documentation furnished by the institution and to ascertain that the institution meets the minimum requirements specified in K.A.R. 88-28-2.

(c) Each examining team conducting an on-site visit shall be comprised of representatives of the public and private sectors of higher education with appropriate levels and fields of education. This team may include other qualified representatives of the public at large who are appointed by the executive officer of the state board or designee.



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~~(d) At least one member of the staff of the state board shall accompany the examining team and serve as liaison between the institution, team members, and the state board office.~~

~~(e) One member of the examining team shall be designated as chairperson and shall assume responsibility for leadership in conducting the on-site visit and in preparing the examining team's report. No staff member shall serve as chairperson.~~

~~(f) The applicant institution shall be responsible for any costs connected with the on-site visit and, if necessary, any subsequent visits, including travel, meals, lodging, and honoraria.~~

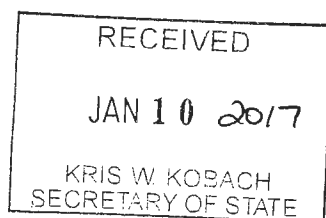
~~(g) The examining team shall prepare and submit a report, which shall include its study of the institution's proposal, its visit to the campus or instructional sites, and its statement of recommendation regarding the institution's application, to the executive officer of the state board or designee within 30 days after completion of the on-site visit.~~

~~(h) The statement of recommendation included in the examining team's report shall be one of the following:~~

~~(1) Approval. This statement recommends that the institution be given approval in specified programs, subject to annual renewal and periodic reporting of information as requested by the state board.~~

~~(2) Nonapproval. This statement recommends that the institution not be approved for specified programs, with the recommendation that the institution pursue its plan of improvement and reapply.~~

~~(i) All statements of recommendation shall be advisory to the state board.~~



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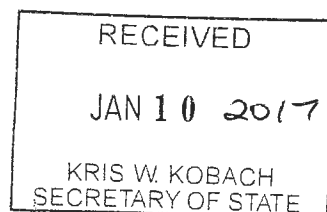
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(j) After the examining team's report on the disposition of an application has been transmitted from the examining team to the executive officer of the state board or designee, the executive officer or designee may, at that individual's discretion or at the request of the institution, invite the owner of the applicant institution or the owner's designee to meet to discuss the report and present any further information pertinent to the application.

(k) Except as needed for applications from institutions seeking to offer new degree programs or for any investigation of violations of laws and regulations, on-site visits shall occur no more frequently than every five years. (Authorized by K.S.A. 2005 2016 Supp. 74-32,165; implementing K.S.A. 2005 2016 Supp. 74-32,165, 74-32,169, 74-32,170, 74-32,171, and 74-32,181; effective Oct. 20, 2006; amended P-

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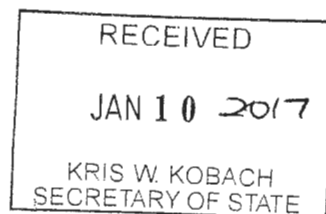
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88-28-5. Registration of representatives. (a) ~~Each individual who wants to serve as a representative of any institution shall complete and submit a representative's application on a form provided by the state board.~~ Each institution shall designate one individual who shall serve as the representative of that institution and who shall complete and submit a representative's application on the form provided by the state board. A separate application shall be submitted for each institution that ~~an~~ the individual seeks to represent, unless the institutions that ~~an~~ the individual seeks to represent all have common ownership. The applicant and either an owner of the institution that the applicant seeks to represent or the owner's designee shall sign the application and shall attest that if the registration is issued, the applicant will be employed by the institution.

(b) If the state board, upon review and consideration of an application, determines that the application is denied, the applicant shall be notified by the state board of the denial and each reason for the denial. The notice shall also advise the applicant of the right to request a hearing under K.S.A. 74-32,172 and amendments thereto.

(c) A certificate of registration for each institution with separate ownership shall be issued by the state board to the individual upon approval of the application. The certificate shall state the name of the registrant, the name of the institution that the registrant may represent, the date of issuance, and the date of expiration. The representative shall make available proof of the representative's registration to each prospective student or enrollee, if asked, before engaging in any personal solicitation.

(d) On the state board's own motion or upon a written complaint filed by any person doing business with the representative, an investigation of the representative may be conducted by the state board. Based upon the results of the investigation, the



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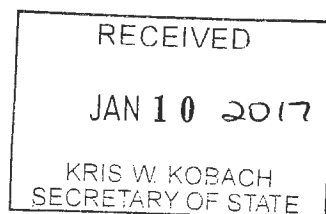
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representative or the institution may be ordered by the state board to take corrective action, or proceedings may be initiated by the state board to revoke the representative's certificate of registration ~~under the provisions of~~ pursuant to K.S.A. 74-32,172 and amendments thereto. (Authorized by K.S.A. ~~2005~~ 2016 Supp. 74-32,165; implementing K.S.A. 2005 2016 Supp. 74-32,174; effective Oct. 20, 2006; amended P-

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

(a) For institutions ~~domiciled or~~ 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

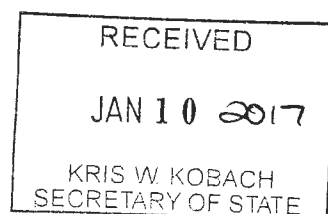
but not less than \$500 and not more than \$10,000

(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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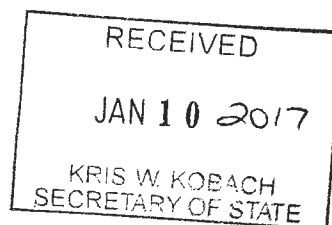
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(B) Associate degree program	\$250
(C) Baccalaureate degree program	\$500
(D) Master's degree program	\$750
(E) Professional and doctoral degree programs	\$1,500
(5) Program modification fee, for each program	\$100
(6) Branch campus site fees, for each branch campus site:	
(A) Initial non-degree-granting institution	\$1,000
(B) Initial degree-granting institution	\$2,000
(7) 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 \$10,000
(B) Degree-granting institution	2% of gross tuition, but not less than \$1,200 and not more than \$10,000
(8) On-site branch campus review fee, for each branch campus site	\$100
(9) Representative fees:	
(A) Initial registration	\$200
(B) Renewal of registration	\$10
(10) Late submission of renewal of application fee	\$125 <u>\$500</u>
(11) Student transcript copy fee	\$10
(12) 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 ~~domiciled~~ that are not chartered, incorporated, or otherwise organized under the laws of Kansas or having 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:

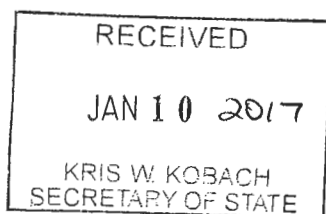
- (A) Non-degree level \$1,500
- (B) Associate degree level \$2,000
- (C) Baccalaureate degree level \$3,000
- (D) Master's degree level \$4,000
- (E) Professional and doctoral degree levels \$5,000

(3) Renewal application fees:

- (A) Non-degree-granting institution 3% of gross tuition

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:

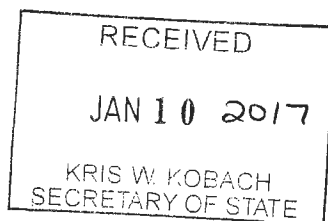
(A) Initial non-degree-granting institution	\$3,000
(B) Initial degree-granting institution	\$4,000

(7) 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) Representative fees:

(A) Initial registration \$350

(B) Renewal of registration \$10

(10) Late submission of renewal of application fee ~~\$125~~ \$500

(11) Student transcript copy fee \$10

(12) Returned check fee \$50

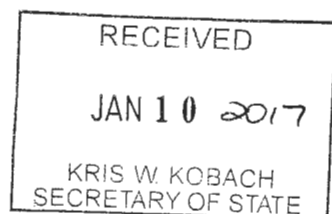
(13) Changes in institution profile fees:

(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. 2014 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 P- _____.)



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88-28-7. Enrollment ~~agreement~~ documents. (a) (1) Before any institution may accept payment from a student, an official of the institution shall provide that student with an enrollment ~~agreement~~ documents that explicitly ~~outlines~~ outline the obligations of the institution and the student and the enrollment period for which ~~this agreement~~ applies the enrollment documents apply. When the official of the institution provides any student with the institution's enrollment ~~agreement~~ documents, the official shall also physically or electronically provide the student with a copy of the institution's catalog and any other supporting documents that detail the services to be provided by the institution ~~that are outlined in the enrollment agreement~~.

(2) The enrollment ~~agreement~~ documents shall be written so that it they can be understood by the prospective student or, if the prospective student is a minor, that prospective student's parent or legal guardian, regardless of the educational background of the individual.

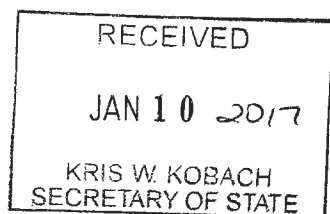
(b) ~~Each~~ The enrollment agreement documents shall contain the following elements:

(1) A title that identifies the enrollment ~~agreement~~ documents as a contract or legal agreement, if applicable;

(2) the name and address of the institution;

(3) the title of the program or each course in which the student is enrolling, as identified in the course catalog;

(4) the number of clock-hours or credit hours and the number of weeks or months required for completion of the program or each course in which the student is enrolling;



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(5) identification of the type of certificate, diploma, or degree to be received by the student upon successful completion of the program or each course;

(6) the total amount of tuition required for the program or each course in which the student is currently enrolling. If the total number of clock-hours or credit hours required for completion of the program will span more than one enrollment period, the enrollment ~~agreement~~ documents shall include a statement that tuition is subject to change;

(7) the cost of any required books and supplies, which may be estimated if necessary;

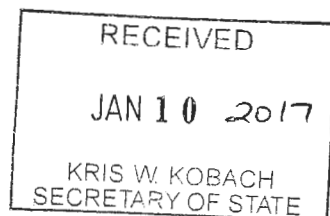
(8) any other costs and charges to be paid by the student;

(9) the scheduled start and end dates of the program or each course and a description of the class schedule;

(10) the grounds for termination of ~~the enrollment agreement~~ by the institution before the student's completion of the program or each course. These grounds may include the student's insufficient progress, nonpayment, and failure to comply with the institution's published rules;

(11) the method by which the student can cancel or voluntarily terminate ~~the enrollment agreement~~;

(12) the institution's refund policy for cancellations and terminations, as described in K.S.A. 74-32,169 and amendments thereto and K.A.R. 88-28-2. Reference may be given to the page where the refund policy is listed in the institution's catalog in effect at the time of enrollment;



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(13) a statement disclaiming any guarantee of employment for the student after the program or each course is completed;

(14) the reasons why the institution could postpone the scheduled starting date or the class schedule, the maximum period of any possible delay, and any effect that the postponement could have on the institution's refund policy;

(15) a description of the nature and extent of any possible major or unusual change in any course content, program content, or materials and the amount of any extra expenses that could be charged to the student;

(16) the date on which the enrollment ~~agreement becomes~~ documents become effective, if applicable;

(17) an acknowledgment that the student who signs the enrollment ~~agreement~~ documents has read and received a copy of the ~~agreement~~ enrollment documents, if applicable;

(18) the signature of the student or the student's legal representative, if the student is a minor, and the date of this signature, if applicable;

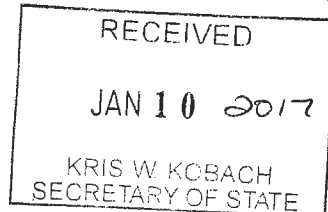
(19) the signature of an official at the institution who is authorized to sign for the institution and the date of this signature, if applicable;

(20) if any extra charges are assessed, a description of what each charge is for and, if payment of these charges is collected in advance, a reasonable refund policy; and

(21) a description of any items or services required to be purchased from sources other than the institution, if any. (Authorized by K.S.A. 2005 2016 Supp. 74-32,165; implementing K.S.A. 2005 2016 Supp. 74-32,165, 74-32,169, and 74-32,176; effective Oct. 20, 2006; amended P-_____.)

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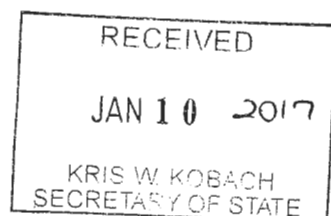
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Proposed

88-28-8. Student records upon closure of an institution. (a) Upon closure of an institution, an owner of the institution or the owner's designee shall deliver or make available to the state board all records of the students who are or have been in attendance at the institution. These records shall be delivered or made available no more than 15 calendar days following the closure.

(b) If the student records are not delivered or made available to the state board as required by subsection (a), any action deemed necessary may be commenced by the state board to obtain possession of the records.

~~(c) Each student requesting a copy of a transcript after the closure of an institution shall pay a fee of \$7.00.~~ (Authorized by K.S.A. 2005 2016 Supp. 74-32,165; implementing K.S.A. 2005 2016 Supp. 74-32,175 ~~and 74-32,181~~; effective Oct. 20, 2006; amended P- _____.)



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

1. Summary of proposed regulations, including purposes.

The overall purposes for the proposed amendment to this regulation is to implement the provisions of 2016 House Bill 2567. This 2016 legislative action impacted the tuition rate available to and paid by veterans and their respective spouses or dependent children and was a companion piece of legislation to 2015 House Bill 2154. The Board has crafted and is proposing amendments to the existing regulation in order to provide for the residency status as set forth in the more recent piece of legislation.

K.A.R. 88-3-8a is being amended. The proposed amendment is necessitated by the provisions of 2016 HB 2567, which amended K.S.A. 76-729. This statute and regulation are used by state universities when determining whether veterans and current military personnel are considered Kansas residents for tuition and fee purposes. The current regulation reflects the previous version of the statute, which was amended by 2015 HB 2154. Because HB 2154 inadvertently removed eligibility for Kansas residency, 2016 HB 2567 reinstated eligibility for resident tuition and fees for those veterans who had established residency in Kansas while permanently stationed in Kansas or prior to service in the armed forces. The veteran, veteran's spouse or dependent, must live in Kansas at the time of enrollment in order to qualify for the resident tuition rate.

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

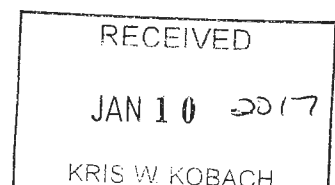
These proposed amendments implement and arise from the enactment of 2016 House Bill 2567, and are promulgated pursuant to the Board's authority under the residency and tuition statutes cited in the history to these regulations. The regulation is not mandated by federal law but is impacted by portions of federal law concerning the availability of federal tuition aid money to institutions that do not make in state residency rates available to certain veterans (*Section 702 of the Veterans Access, Choice and Accountability Act of 2014).

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

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

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

The fiscal impact on the universities, community and technical colleges, and the impacted individuals who will now qualify for resident tuition rates will depend upon the number of non-residents who are veterans or their family members who would have not chosen to attend a Kansas school but for the resident tuition rate made available by this legislation and regulation. Any tuition and fees would be a gain to the institutions from these students. The fiscal impact would also depend on the number of students who are already attending Kansas institutions and who are paying the non-resident rate who will now begin paying the lower resident rate, resulting in lower tuition revenues. The Board



Proposed

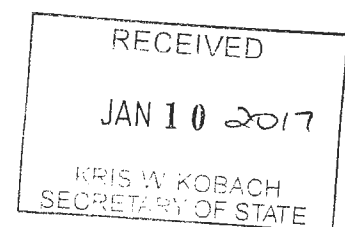
of Regents is unable to identify or predict the net tuition revenue change to the institutions. There will be no identifiable economic impact on other agencies as a result of these regulations.

5. Anticipated economic impact upon private citizens.

See response to paragraph number 4, above.

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

See response to paragraph number 4, above.



ECONOMIC IMPACT STATEMENT FOR K.A.R. 88-24-2

1. Summary of proposed regulations, including purposes.

The overall purpose for the proposed amendments to this regulation is to adopt the modified passing scores set by GED Testing Service (GED TS) for the 2014 series GED test. The 2002 series GED test is the version most recently used prior to 2014. The Board has crafted and is proposing the following amendments:

K.A.R. 88-24-2 establishes the GED test score requirements for issuance of a Kansas State High School Diploma. The proposed amendments reflect the recalibrated scores set by GED TS for the 2014 series GED test. The passing scores were normed in 2013 using high school seniors preparing to graduate high school, and recalibrated on March 1, 2016 after analysis of performance and outcome data. GED TS reviewed performance standards during 2014 and 2015 using internal and external performance and outcome data from multiple sources. This review resulted in a modification of the passing standard to be more representative of high school graduates. The modified cut score retroactively applied to all GED tests taken on or after January 1, 2014. Nearly 400 Kansans retroactively passed the GED test, and many more passed at least one of the subtests due to this modification. A passing score on the 2014 GED test is intended to be reflective of a college and career ready, computer literate workforce needed to be successful in today's workforce and postsecondary education.

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

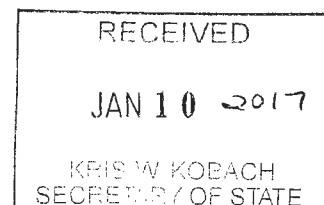
This regulation and the proposed amendments implement the Board's authority under state law to administer the GED program in Kansas. The regulation is not mandated by federal law, but it is required to maintain consistency with the GED testing requirements set by Pearson VUE, the owner of the test.

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

There will be no economic impact from these amendments on the Board of Regents office.

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

The 2014 series GED test continues to be more rigorous than the 2002 series test it replaced. The cost to take additional subtests will be mitigated because up to two retakes are allowed if taken within twelve months of the initial subtest at a reduced \$13 fee (rather than the \$33 per subtest charged to first time testers). The lowered need for retakes will lessen the overall test cost for GED test takers. The cut score modification will allow more Kansans to earn the GED credential, which is a basic requirement for all postsecondary education and many middle-skill jobs.



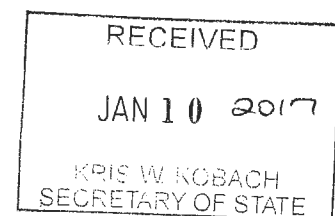
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5. Anticipated economic impact upon private citizens.

See response to paragraph number 4, above.

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

See response to paragraph number 2, above.



ECONOMIC IMPACT STATEMENT FOR K.A.R. 88-28-1 through 88-28-8

1. Summary of proposed regulations, including purposes.

The overall purpose for the proposed amendments to these regulations are as follows:

88-28-1: This regulation provides definitions. The amendments update the term enrollment agreement to include enrollment information because not all institutions use a formal enrollment agreement. This amendment allows the Board of Regents to obtain all relevant enrollment information.

88-28-2: This regulation establishes the minimum requirements to receive and maintain a certificate of approval to operate in the state. The amendment to K.A.R. 88-28-2 (a)(5) establishes a minimum 50-year time frame for record retention by institutions, to insure that specific types of important student related records are kept long enough. The amendment also changes the minimum refund policy requirements for institutions, which will be dependent upon how long a student was in the program.

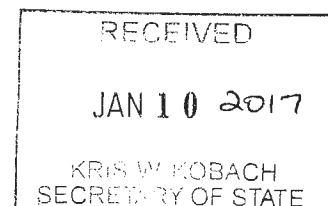
88-28-3: The amendments to K.A.R. 88-28-3 (c)(6) clarify that “functional equivalents” to catalogs and enrollment agreements may be provided to the Board, removes language referencing the no longer used ledger sheets, and clarifies what financial information must be provided to the Board by institutions in their first year of operation.

88-28-4: The amendment removes self-directing language and language specific to degree-granting institutions, clarifying that the Board of Regents may conduct on-site visits at any approved institution.

88-28-5: Changes the registration of representative requirements from each individual representing an institution to require registration by a single designated representative of the institution, in order to limit the number of representatives submitted for approval and responsible for being the main institution contact.

88-28-6: The amendments clarify the definitions of in-state and out-of-state by replacing the word “domiciled” with “chartered, incorporated or otherwise organized under the laws of Kansas” and changes language in order to clarify that to be considered an in-state institution, the institution must be both physically located in Kansas and be established in Kansas. The amendment also increases the late fee to encourage compliance and timely renewal application submission.

88-28-7: This regulation provides the minimum requirements of enrollment information an institution must provide to a student. Not all institutions use an enrollment agreement, therefore the amendment to K.A.R 88-28-7 replaces the word “agreement” with “information.” This amendment will allow the Board of Regents to collect all relevant enrollment information from institutions.



88-28-8: The amendment revokes redundant language concerning fees for copies of student transcripts, which is also contained in another regulation.

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

These regulations and the proposed amendments implement the Board's authority to regulate institutions under the Kansas Private and Out-of-State Postsecondary Educational Institution Act. The regulations are not mandated by federal law, but take into account the statutory changes requested by the Board of Regents and enacted into law within 2016 House Bill 2622. That legislation reduced the renewal fee minimums to align revenue to the Board with the expenses incurred by the agency to regulate the institutions. The legislation also increased the late fee for institutions seeking to renew their Certificate of Approval with the Board from \$100 to \$500 in order to encourage wider compliance with deadlines.

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

The economic impact of these amendments to the Board of Regents office will be a negligible increase in revenues for the Private and Out-of-State Postsecondary Educational Institution program, based solely upon the income from institutions filing late renewal applications.

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

The private and out-of-state postsecondary educational institution sector will pay reduced renewal fees to the Board of Regents for obtaining and maintaining a certificate of approval to operate in the state. Should an institution not submit renewal information in a timely manner, the late fee will be greater than without the statutory change. It is not possible to ascertain whether the fee changes will have any impact on the individuals enrolling in these institutions.

5. Anticipated economic impact upon private citizens.

See response to paragraph number 4, above.

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

See response to paragraph number 3, above.

