State of Kansas

Kansas Board of Regents

Notice of Hearing on Proposed Amendment and Adoption of Administrative Regulations

The Kansas Board of Regents will conduct a public hearing to consider amendments of K.A.R. 88-28-1, 88-28-2, 88-28-3, 88-28-4, and 88-28-8 and proposed new regulations K.A.R. 88-28-9 and 88-28-10. The hearing will be held at 10:00 a.m. on December 27, 2022, in the Kansas Board of Regents Board Room, 1000 SW Jackson St., Suite 520, Topeka, KS 66612.

This 60-day notice of the public hearing shall constitute a public comment period for receiving written public comments on the proposed amendments and new regulations. All interested parties may submit comments prior to the hearing to Renee Burlingham at the Kansas Board of Regents’ above address, at (785) 430-4239 or via email to rburlingham@ksbor.org. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations during the hearing. To provide all parties with an opportunity to present their views, it may be necessary to request each participant limit any oral presentation to five 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 through the contact information listed above.

Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations.

Copies of the proposed regulations 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 regulations and the economic impact statement of the regulations follows:

The 2021 Legislature amended K.S.A. 74-32, 163 et seq. and these amendments took effect on July 1, 2021. In addition to aligning the regulations with the updated statute, the overall purpose for the regulation amendments and new regulations is to increase consumer protection and institutional accountability while eliminating some outdated requirements. The proposed amendments provide clarification and update minimum requirements, including the following:

- clarify the official termination date used for refund calculations, allowing institutions to consider the week during which the student last attended to be an entire week of attendance completed;
- add to catalog requirements, most notably requiring the institution’s attendance policy and grievance policy with Board contact information;
- modify the advertising requirements to allow institutions that quote salaries of program graduates to use more readily available sources such as a governmental agency or nationally recognized source;
- change the minimum financial requirements that institutions must meet to maintain a certificate of approval from the Board. Based on recommendations from a certified public accountant, the proposed modifications will require an institution to demonstrate a profit earned and either a current liquidity ratio of at least 1 or a positive net worth in order to obtain a certificate of approval without conditions related to financial monitoring; and
• expand procedures for institutions that are closing to require specific documentation and transfer of records.

Additionally, the agency is proposing changes to remove some reporting requirements to reduce the burden on regulated institutions, including the following:

• reduce the requirements related to the annual fire inspection. Many cities do not conduct annual inspections, making it difficult for institutions to provide an annual report to the Board as required under the current regulation. To reduce the reporting burden, the proposed amendments require institutions to receive inspections as required by the local fire department, state fire marshal, and other public health and safety organizations. The proposed amendments will require these reports to be made available to the Board upon request;
• remove restrictions related to student loans that the institution receives on behalf of the student from private lenders; and
• modify the requirements related to the institution’s library to no longer require that the institution employ a professional librarian or include an annual budget line item for library maintenance and improvement.

The proposed amendments also create new regulations to establish requirements related to the required documentation for provisional certificates of approval for institutions in the process of obtaining accreditation and changes of ownership.

There is no anticipated economic impact expected to be incurred or passed along to regulated institutions as a result of enacting the proposed amendments. The proposed amendments are intended to update and clarify the regulatory language. The specific regulation regarding fees charged to regulated institutions is not impacted by the proposed amendments.