Session of 2020


Be it enacted by the Legislature of the State of Kansas:

   New Section 1. The provisions of sections 1 through 8 et seq., and amendments thereto, shall be known and may be cited as the Kansas reinvest in postsecondary education (RISE) act.

   New Sec. 2. As used in the RISE act:
   (a) "Baccalaureate degree completion program" means the third and fourth years, or up to the last 72 credit hours, of a baccalaureate degree program approved by the board for the Kansas RISE scholarship program whereby a student holding an associate degree or completing one-half of such baccalaureate program may obtain a bachelor's degree from a four-year eligible postsecondary educational program.
   (b) "Board" means the state board of regents provided for in the constitution of this state and described in article 32 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.
   (c) "Continuously enrolled" means a student is enrolled in a minimum of six credit hours in each of the fall and spring semesters of a single academic year until such student has graduated or completed the eligible postsecondary education program. Enrollment during the summer is not required to be "continuously enrolled."
   (d) "Eligible high school" means any public or private high school located in Kansas.
   (e) "Eligible postsecondary educational institution" means any public university, municipal university, community college, technical college or
not-for-profit private postsecondary educational institution. An "eligible
postsecondary educational institution" shall be located in Kansas.

(f) "Eligible postsecondary education program" means an associate
degree program, a career and technical education program or a
baccalaureate degree completion program that is designated by the board
pursuant to section 3, and amendments thereto, and is offered by an
eligible postsecondary educational institution whereby a student can obtain
a degree or an industry-recognized certificate in a technical profession or
complete the third and fourth year of a baccalaureate degree.

(g) "Four-year eligible postsecondary educational institution" means
an eligible postsecondary educational institution that offers baccalaureate
degrees in addition to associate degrees or industry-recognized certificates
in technical professions.

(h) "Gift aid" means financial aid received from a federal Pell grant
and any other scholarship or financial assistance awards that do not require
repayment.

(i) "Military servicemember" means the same as in K.S.A. 2019
Supp. 48-3406, and amendments thereto.

(j) "Private postsecondary educational institution" means an entity
that is not a public institution, and that:

(1) is a business enterprise operated on a not-for-profit basis;
(2) has a physical presence within the state of Kansas;
(3) offers a course or courses of instruction or study through
classroom contact or by distance education, or both, for the purpose of
training or preparing persons for a field of endeavor in a business, trade,
technical or industrial occupation, or that offers a course or courses leading
to an academic degree;
(4) is accredited and in good standing with a nationally recognized
accrediting agency for higher education in the United States; and
(5) offers a baccalaureate degree, an associate degree or an industry-
recognized certificate in a technical profession.

(k) "Semester" means one of two principal terms, when there are only
two principal terms in the academic year, whether or not there are other
shorter terms during the same academic year.

New Sec. 3. (a) There is hereby established the Kansas RISE
scholarship program. The state board of regents shall administer such
program, and shall:

(1) Publicize Kansas RISE scholarships, including the list of eligible
postsecondary education programs and information regarding application
procedures and deadlines;
(2) review and approve or deny applications for a Kansas RISE
scholarship;
(3) request any information from an eligible postsecondary
educational institution the board deems necessary for the administration of
this act;

(4) allocate funds to eligible postsecondary educational institutions
for the purpose of awarding Kansas RISE scholarships;

(5) annually collaborate with the department of commerce and
Kansas business and industry to identify five statewide job fields and
pathways and up to five job fields and pathways that are not included in
the statewide list but that exist within each Kansas department of
commerce region and are necessary to meet the diverse needs of
employers in each region. The identified job fields and pathways shall be
of critical need or high wage;

(6) designate eligible postsecondary education programs that
correspond to the job fields and pathways identified in paragraph (5);

(7) establish requirements for mentoring and guidance sessions for
students participating in the program; and

(8) annually evaluate the Kansas RISE scholarship program and
prepare and submit reports in accordance with section 8, and amendments
thereto.

(b) On or before January 1, 2021, the board shall adopt rules and
regulations for the implementation and administration of this act,
including, but not limited to:

(1) Deadlines for applications to be submitted;

(2) appeal procedures for denial or revocation of a scholarship;

(3) procedures for requesting and approving medical and personal
absences from an eligible postsecondary education program;

(4) the terms, conditions and requirements that shall be incorporated
into each Kansas RISE scholarship agreement; and

(5) criteria for determining whether any student who received a
Kansas RISE scholarship fulfilled the requirements of the Kansas RISE
scholarship agreement as provided in section 7, and amendments thereto.

New Sec. 4. To be eligible for a Kansas RISE scholarship, a student
shall:

(a) Be a Kansas resident;

(b) (1) be enrolled in grade 12 in an eligible high school;

(2) have graduated from an eligible high school not less than five
years prior to applying for a Kansas RISE scholarship;

(3) have been in the custody of the secretary for children and families
as a minor pursuant to the revised Kansas code for care of children at any
time while enrolled in any of the grades six through 12;

(4) have obtained a general educational development (GED)
certificate or high school equivalency certificate; or

(5) be a dependent child of a military servicemember on active duty
assigned to another state who is enrolled in grade 12, has graduated high
school within the last five years or met the requirements of paragraph (3) or (4);
(c) complete the required scholarship application on such forms and in such manner as established by the board;
(d) complete the free application for federal student aid for the academic year in which the student seeks to receive a Kansas RISE scholarship;
(e) participate in mentoring and guidance sessions as required by the board; and
(f) enroll in an eligible postsecondary education program for the fall semester immediately following submission of the student's scholarship application.

New Sec. 5. (a) Subject to appropriations, the amount of a Kansas RISE scholarship for a student for each semester shall be determined pursuant to subsection (b). During any fiscal year, the appropriation pursuant to this section shall not exceed $10,000,000.
(b) (1) For a student enrolled in an eligible postsecondary education program offered by a two-year eligible postsecondary educational institution, the scholarship amount shall be:
(A) The aggregate amount of tuition and required fees for the eligible postsecondary education program for the semester in which the student is enrolled less the aggregate amount of all other gift aid awarded to such student for such semester; plus
(B) a stipend to pay for all, or a portion of, the cost of books and materials for such semester.
(2) (A) For a student enrolled in an eligible postsecondary education program offered by a four-year eligible postsecondary educational institution, the scholarship amount shall be the average cost of tuition, required fees and the cost of books and materials for such eligible postsecondary education program when offered by a two-year eligible postsecondary educational institution less the aggregate amount of all other gift aid awarded to such student for such semester.
(B) The amount of a Kansas RISE scholarship for a student enrolled in an eligible postsecondary education program offered by a four-year eligible postsecondary educational institution shall be funded based on $1 from such four-year eligible postsecondary educational institution's endowment or other scholarship granting fund for every $1 paid by the board pursuant to this act.

New Sec. 6. (a) A student who has been approved for a Kansas RISE scholarship shall continue to receive a Kansas RISE scholarship for up to 72 credit hours or two years from the date such student enrolls in an eligible postsecondary education program provided such student:
(1) Is continuously enrolled in such eligible postsecondary education
program;
(2) maintains satisfactory academic progress as determined by the eligible postsecondary educational institution or earns a minimum grade point average of 2.0 in each semester; and
(3) continues to participate in mentoring and guidance sessions as required by the board.
(b) A student who has an approved medical or personal leave of absence from an eligible postsecondary educational institution may continue to receive such student's Kansas RISE scholarship upon resuming such student's education at an eligible postsecondary educational institution, provided, such student continues to satisfy all applicable eligibility requirements. The aggregate amount of approved leave for a student shall not exceed six months, except as provided in rules and regulations adopted by the board.

New Sec. 7. (a) As a condition of receiving a Kansas RISE scholarship, the student shall enter into a Kansas RISE scholarship agreement with the eligible postsecondary educational institution that awarded the scholarship to such student. Such agreement shall require each student who receives a Kansas RISE scholarship to:
(1) Enroll at the eligible postsecondary educational institution that awarded the scholarship and engage in and complete the eligible postsecondary educational program;
(2) within six months of completion of an eligible postsecondary education program, reside and commence work in the state of Kansas for three consecutive years;
(3) maintain records and make reports to the board on such forms and in such manner as required by the board to document the satisfaction of the requirements of this act; and
(4) upon failure to satisfy the requirements of a Kansas RISE scholarship agreement, repay the scholarship amount the student received under the Kansas RISE scholarship program as provided in subsection (b).
(b) (1) Except as provided in subsection (c), if any student who receives a Kansas RISE scholarship fails to satisfy the requirements of a Kansas RISE scholarship agreement, such student shall pay an amount equal to the total amount of scholarship moneys received by such student that is financed by the state of Kansas plus accrued interest at a rate equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such student first received a scholarship. Installment payments of such amounts may be made in accordance with rules and regulations of the board. Such installment payments shall begin six months after the date such student fails to satisfy the requirements of the Kansas RISE scholarship agreement, as determined by the board. All moneys received pursuant to this subsection shall be remitted to the state
treasurer in accordance with the provisions of K.S.A. 75-4215, and
amendments thereto. Upon receipt of each such remittance, the state
treasurer shall deposit the entire amount in the state treasury to the credit
of the state general fund.

(2) The board is authorized to turn any repayment account arising
under this act to a designated loan servicer or collection agency, the state
not being involved other than to receive payments from the loan servicer
or collection agency at the interest rate prescribed under this subsection.

(c) Any requirement under a Kansas RISE scholarship agreement
entered into pursuant to this section may be postponed for good cause as
determined by the state board of regents.

(d) A student who received a Kansas RISE scholarship and entered
into a Kansas RISE scholarship agreement satisfies the requirements under
such agreement when such student:

(1) Completes the requirements of such agreement;
(2) fails to satisfy the requirements for completion of the educational
requirements after making the best effort possible to do so;
(3) is unable to obtain employment and continue in such employment
after making the best effort possible to do so;
(4) is unable to satisfy the requirements due to permanent physical
disability;
(5) dies; or
(6) is unable to meet the residency requirement of subsection (a)(2).

New Sec. 8. (a) On or before January 15, 2022, and each January 15
thereafter, the board shall prepare and submit a report to the legislature and
the governor on the Kansas RISE scholarship program. The report shall
provide the following information for the immediately preceding academic
year:

(1) The number of students who applied for a Kansas RISE
scholarship, the total number of students receiving a scholarship and the
number of students receiving a scholarship disaggregated by those students
who are eligible pursuant to section 4(b)(1), (2), (3), (4) and (5), and
amendments thereto;
(2) the total amount of scholarship moneys awarded and the amount
of scholarship moneys awarded disaggregated by those students who are
eligible pursuant to section 4(b)(1), (2), (3), (4) and (5), and amendments
thereto;
(3) the number of students who completed an eligible postsecondary
education program; and
(4) the number of students who became employed within six months
after completion of an eligible postsecondary education program.

(b) On or before January 15, 2022, the board shall prepare and submit
a report to the legislature and the governor that evaluates and makes
recommendations regarding funding for Kansas RISE scholarships under the provisions of section 5(c), and amendments thereto.

New Sec. 9. (a) Any institution that is exempt from the private and out-of-state postsecondary educational institution act pursuant to K.S.A. 74-32,164(e), and amendments thereto, may apply to the state board for a certificate of approval under the provisions of such act if the institution is required to obtain a certificate of approval from the state board in order to demonstrate it is legally authorized to provide an educational program under 34 C.F.R. § 600.9, as in effect on July 1, 2020, for participation in programs authorized by the higher education act of 1965.

(b) Any institution issued a certificate of approval by the state board under this section shall be subject to the jurisdiction of the state board and the private and out-of-state postsecondary educational institution act.

(c) Any institution issued a certificate of approval under this section may return to exempt status under the private and out-of-state postsecondary educational institution act by not applying to renew the certificate of approval. Any institution that returns to exempt status, shall not be relieved of any liability for indemnification or any penalty for noncompliance with certification standards during the period of the institution's approved status.

New Sec. 10. (a) Each certificate of approval shall be issued to the owner of the institution applying for the certificate of approval. The certificate of approval shall not be transferable to a new owner. Whenever a change of ownership occurs as a result of death, a court order or operation of law, the new owner shall immediately apply for a new certificate of approval. If a change in ownership occurs in any other circumstance, the new owner shall apply for a new certificate of approval at least 60 days prior to the change of ownership.

(b) If there is a change in the ownership of an institution and, at the same time, there are changes in the institution's programs of instruction, location, entrance requirements or other changes, the institution shall submit an application for an initial certificate of approval and pay all applicable fees required for an initial application.

(c) The state board may adopt rules and regulations to ensure orderly transition of an institution to a new owner, including, but not limited to, requiring a new owner to satisfy the following requirements:

(1) Maintain and service all student records that were the responsibility of the prior owner;

(2) resolve all student complaints that were the responsibility of the prior owner and filed with the state board prior to the final approval for change of ownership; and

(3) honor the terms of student enrollment agreements, institutional scholarships and grants for all students enrolled and taking classes at the
time of the change of ownership.

New Sec. 11. If a court of competent jurisdiction appoints a receiver for an institution holding a certificate of approval, the receiver shall provide the state board notice of the appointment and copies of all court orders and reports required from the receiver by the court. The court-appointed receiver shall comply with all provisions of the Kansas private and out-of-state postsecondary educational institution act.

New Sec. 12. (a) In addition to, or as an alternative to any penalty that may be imposed pursuant to this act, the state board, after proper notice and an opportunity to be heard, may assess a civil fine against an institution with a certificate of approval for a violation of this act or any rules and regulations adopted pursuant to this act. For the first violation, the amount of such fine shall be up to 1% of the institution's tuition revenue, but shall not be less than $125 and not more than $15,000. For any subsequent violation, the amount of such fine shall be up to 2% of the institution's tuition revenue, but shall not be less than $250 and not more than $20,000. On and after July 1, 2021, any such fines and administrative costs for collecting such fines may be assessed against the institution's surety bond.

(b) All moneys collected pursuant to this section shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(c) Fines assessed under this section shall be considered administrative fines pursuant to 11 U.S.C. § 523.

Sec. 13. K.S.A. 2019 Supp. 17-2707 is hereby amended to read as follows: 17-2707. As used in this act, unless the context clearly indicates that a different meaning is intended:

(a) "Professional corporation" means a corporation organized under this act.

(b) "Professional service" means the type of personal service rendered by a person duly licensed, registered or certified by this state as a member of any of the following professions, each paragraph constituting one type:

1. A certified public accountant;
2. an architect;
3. an attorney-at-law;
4. a chiropractor;
5. a dentist;
6. an engineer;
7. an optometrist;
8. an osteopathic physician or surgeon;
(9) a physician, surgeon or doctor of medicine;
(10) a veterinarian;
(11) a podiatrist;
(12) a pharmacist;
(13) a land surveyor;
(14) a licensed psychologist;
(15) a specialist in clinical social work;
(16) a licensed physical therapist;
(17) a landscape architect;
(18) a registered professional nurse;
(19) a real estate broker or salesperson;
(20) a clinical professional counselor;
(21) a geologist;
(22) a clinical psychotherapist;
(23) a clinical marriage and family therapist;
(24) a licensed physician assistant;
(25) a licensed occupational therapist;
(26) a licensed audiologist;
(27) a licensed speech-pathologist; and
(28) a licensed naturopathic doctor.

(c) "Regulating board" means the court, board or state agency which is charged with the licensing, registering or certifying and regulation of the practice of the profession that the professional corporation is organized to render.

(d) "Qualified person" means:
(1) Any natural person licensed, registered or certified to practice the same type of profession which that any professional corporation is authorized to practice;
(2) the trustee of a trust which that is a qualified trust under subsection (a) of section 401(a) of the federal internal revenue code, as in effect on January 1, 2004, or of a contribution plan which that is a qualified employee stock ownership plan under subsection (a) of section 409A(a) of the federal internal revenue code, as in effect on January 1, 2004; or
(3) the trustee of a revocable living trust established by a natural person who is licensed, registered or certified to practice the type of profession which that any professional corporation is authorized to practice, if the terms of such trust provide that such natural person is the principal beneficiary and sole trustee of such trust and such trust does not continue to hold title to professional corporation stock following such natural person's death for more than a reasonable period of time necessary to dispose of such stock; or
(4) a healing arts school clinic authorized to perform professional
services in accordance with K.S.A. 65-2877a, and amendments thereto.

Sec. 14. K.S.A. 2019 Supp. 17-7668 is hereby amended to read as follows: 17-7668. (a) Unless otherwise specifically prohibited by law, a limited liability company may carry on any lawful business, purpose or activity, whether or not for profit with the exception of the business of granting policies of insurance, or assuming insurance risks or banking as defined in K.S.A. 9-702, and amendments thereto.

(b) A limited liability company shall possess and may exercise all the powers and privileges granted by this act or by any other law or by its operating agreement, together with any powers incidental thereto, including such powers and privileges as are necessary or convenient to the conduct, promotion or attainment of the business, purposes or activities of the limited liability company.

(c) A limited liability company organized and existing under the Kansas revised limited liability company act or otherwise qualified to do business in Kansas may have and exercise all powers which may be exercised by a Kansas professional association or professional corporation under the professional corporation law of Kansas, including employment of professionals to practice a profession, which shall be limited to the practice of one profession, except as provided in K.S.A. 17-2710, and amendments thereto.

(d) Only a qualified person may be a member of a limited liability company organized to exercise powers of a professional association or professional corporation. No membership may be transferred to another person until there is presented to such limited liability company a certificate by the licensing body, as defined in K.S.A. 74-146, and amendments thereto, stating that the person to whom the transfer is made or the membership issued is duly licensed to render the same type of professional services as that for which the limited liability company was organized.

(e) As used in the section, "qualified person" means:

(1) Any natural person licensed to practice the same type of profession—any professional association or professional corporation is authorized to practice;

(2) the trustee of a trust—any professional association or professional corporation is authorized to practice under subsection (a) of section 401(a) of the federal internal revenue code of 1986, as in effect, on July 1, 1999, or of a contribution plan—any employee stock ownership plan under subsection (a) of section 409A(a) of the federal internal revenue code of 1986, as in effect, on July 1, 1999;

(3) the trustee of a revocable living trust established by a natural person who is licensed to practice the type of profession any professional association or professional corporation is authorized to practice;
practice, if the terms of such trust provide that such natural person is the
principal beneficiary and sole trustee of such trust and such trust does not
continue to hold title to membership in the limited liability company
following such natural person's death for more than a reasonable period of
time necessary to dispose of such membership;
(4) a Kansas professional corporation or foreign professional
corporation in which at least one member or shareholder is authorized by a
licensing body, as defined in K.S.A. 74-146, and amendments thereto, to
render in this state a professional service permitted by the articles of
organization; or
(5) a general partnership or limited liability company, if all partners
or members thereof are authorized to render the professional services
permitted by the articles of organization of the limited liability company
formed pursuant to this section and in which at least one partner or
member is authorized by a licensing authority of this state to render in this
state the professional services permitted by the articles of organization of
the limited liability company; or
(6) a healing arts school clinic authorized to perform professional
services in accordance with K.S.A. 65-2877a, and amendments thereto.
(f) Nothing in this act shall restrict or limit in any manner the
authority and duty of any licensing body, as defined in K.S.A. 74-146, and
amendments thereto, for the licensing of individual persons rendering a
professional service or the practice of the profession which is within
the jurisdiction of the licensing body, notwithstanding that the person is an
officer, manager, member or employee of a limited liability company
organized to exercise powers of a professional association or professional
corporation. Each licensing body may adopt rules and regulations
governing the practice of each profession as are necessary to enforce and
comply with this act and the law applicable to each profession.
(g) A licensing body, as defined in K.S.A. 74-146, and amendments
thereto, the attorney general or district or county attorney may bring an
action in the name of the state of Kansas in quo warranto or injunction
against a limited liability company engaging in the practice of a profession
without complying with the provisions of this act.
(h) Notwithstanding any provision of this act to the contrary, without
limiting the general powers enumerated in subsection (b), a limited
liability company shall, subject to such standards and restrictions, if any,
as are set forth in its operating agreement, have the power and authority to
make contracts of guaranty and suretyship and enter into interest rate,
basis, currency, hedge or other swap agreements or cap, floor, put, call,
option, exchange or collar agreements, derivative agreements, or other
agreements similar to any of the foregoing.
(i) Unless otherwise provided in an operating agreement, a limited
liability company has the power and authority to grant, hold or exercise a
power of attorney, including an irrevocable power of attorney.

Sec. 15. K.S.A. 65-2877a, as amended by section 5 of chapter 52 of
the 2019 Session Laws of Kansas, is hereby amended to read as follows:
65-2877a. No provision of law prohibiting practice of the healing arts by a
general corporation business organization shall apply to a healing arts
school clinic under the supervision of a person licensed to practice the
same branch of the healing arts if such healing arts school is:
(a) Approved by the board if the healing arts school is;
(b) a non-profit entity under section 501(c)(3) of the internal revenue
code of 1986, is; and
(c) approved by the state board of regents, and as part of its academic
requirements provides clinical training to its students under the supervision
of persons who are licensed to practice a branch of the healing arts in this
state or exempt from such approval under K.S.A. 74-32,164, and
amendments thereto.

Sec. 16. K.S.A. 74-32,162 is hereby amended to read as follows: 74-
32,162. K.S.A. 74-32,163 through 74-32,184, and amendments thereto,
and sections 9 through 12, and amendments thereto, shall be known and
may be cited as the Kansas private and out-of-state postsecondary
educational institution act.

Sec. 17. K.S.A. 74-32,163 is hereby amended to read as follows: 74-
32,163. As used in the Kansas private and out-of-state postsecondary
educational institution act:
(a) "Academic degree" means any associate, bachelor's, professional,
master's, specialist or doctoral degree.
(b) "Accreditation" means an accreditation by an agency recognized
by the United States department of education.
(c) "Branch campus" means any subsidiary place of business
maintained within the state of Kansas by an institution at a site which that
is separate from the site of the institution's principal place of business and
at which where the institution offers a course or courses of instruction or
study identical to the course or courses of instruction or study offered by
the institution at its principal place of business.
(d) "Distance education" means any course delivered primarily by use
of correspondence study, audio, video or computer technologies
instruction offered by any means in which the student and faculty member
are in separate physical locations. "Distance education" includes, but is
not limited to, online, interactive video and correspondence courses or
programs.
(e) "Out-of-state postsecondary educational institution" means a
postsecondary educational institution, public or private, for-profit or not-
for-profit, that is chartered, incorporated or otherwise organized under the
laws of any jurisdiction other than the state of Kansas.

(f) "Institution" means an out-of-state or private postsecondary educational institution.

(g) "Institution employee" means any person, other than an owner, who directly or indirectly receives compensation from an institution for services rendered.

(h) "Owner of an institution" means:

1. In the case of an institution owned by one or more individuals, those individuals;
2. In the case of an institution owned by a partnership, all full, silent and limited partners;
3. In the case of an institution owned by a corporation, the corporation, its directors, officers and each shareholder owning shares of issued and outstanding stock aggregating at least 10% of the total of the issued and outstanding shares; and
4. In the case of an institution owned by a limited liability company, the company, its managers and all its members.

(i) "Person" means an individual, firm, partnership, association or corporation, receiver or trustee.

(j) "Physical presence" means:

1. The employment in Kansas of a Kansas resident for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising or any other activity on behalf of the institution; or Operating an instructional site in Kansas, including, but not limited to:
   A. Establishing a physical location in Kansas where students receive instruction; or
   B. Delivering a course or program that requires students participating in that course or program to physically meet at the same time and place in Kansas to receive instruction;
2. The delivery of, or the intent to deliver, instruction in Kansas with the assistance from any entity within the state in delivering the instruction including, but not limited to, a cable television company or a television broadcast station that carries instruction sponsored by the institution delivering any distance education course to any student who remains in Kansas while participating in such course; or
3. Maintaining an administrative office in Kansas for the purpose of fulfilling the administrative functions of delivering instruction, whether face-to-face or via distance education.

(k) "Private postsecondary educational institution" means an entity which:

1. Is a business enterprise, whether operated on a for-profit or not-for-profit basis, which has a physical presence within the state of Kansas or which solicits business within the state of Kansas;
(2) offers a course or courses of instruction or study through classroom contact or by distance education, or both, for the purpose of training or preparing persons for a field of endeavor in a business, trade, technical or industrial occupation, or which offers a course or courses leading to an academic degree; and

(3) is not specifically exempted by the provisions of this act.

(l) "Provisional certificate" means a certificate of approval that can be awarded to a degree-granting institution seeking to establish a physical presence in Kansas but is not yet accredited by a recognized accrediting organization. A "provisional certificate" constitutes authorization to operate in Kansas but only under certain conditions deemed necessary by the state board, including, but not limited to, reporting requirements or securing new or additional bonds.

(m) "Representative" means any person employed by an institution to act as an agent, solicitor or broker to procure students or enrollees for the institution.

(m)(n) "State board" means the state board of regents or the state board's designee.

(o) "Support" or "supported" means the primary source and means by which an institution derives revenue to perpetuate operation of the institution.

(p) "University" means a postsecondary educational institution authorized to offer any degree, including an associate, bachelor, graduate or professional degree.

(q) "State educational institution" means any state educational institution as defined by K.S.A. 76-711, and amendments thereto.

Sec. 18. K.S.A. 74-32,164 is hereby amended to read as follows: 74-32,164. The Kansas private and out-of-state postsecondary educational institution act shall not apply to:

(a) An institution supported primarily by Kansas taxation from either a local or state source.

(b) an institution or training program—which that offers instruction only for avocational or recreational purposes as determined by the state board;

(c) a course or courses of instruction or study, excluding degree-granting programs, sponsored by an employer for the training and preparation of its own employees, and for which no tuition or other fee is charged to the student;

(d) a course or courses of instruction or study sponsored by a recognized trade, business or professional organization having a closed membership for the instruction of the members of the organization, and for which no tuition or other fee is charged to the student;
(e) except as provided in section 9, and amendments thereto, an
institution— which is otherwise actively regulated and approved by
another regulatory agency of Kansas under any other law of this state-
Kansas and has received an affirmative approval from such other agency
to operate in Kansas;
(f) a course or courses of special study or instruction having a closed
enrollment and financed or subsidized on a contract basis by local or state
government, private industry, or any person, firm, association or agency,
other than the student involved;
(g) an institution financed or subsidized by federal or special funds
which has applied to the state board for exemption from the
provisions of this act and— which has been declared exempt by the state
board because the state board has found that the operation of such
institution is outside the purview of this act;
(h) the Kansas City college and bible school, inc.;
(i) Cleveland university-Kansas City
education offered as an intensive
review course solely designed to prepare students for graduate or
professional school entrance examinations or professional licensure
examinations, including, but not limited to, certified public accountancy
examinations, examinations for a professional practice in psychology or
bar examinations;
(j) each of the following postsecondary educational institutions, all of which were granted approval to confer academic or
honorary degrees by the state board of education under the provisions of
K.S.A. 17-6105, prior to its repeal, or were previously exempted from this
act by the legislature and that have approval to confer academic or
honorary degrees in calendar year 2020:
(1) Baker university, Baldwin City;
(2) Barclay college, Haviland;
(3) Benedictine college, Atchison;
(4) Bethany college, Lindsborg;
(5) Bethel college, North Newton;
(6) Central Baptist theological seminary, Kansas City;
(7) Central Christian college of Kansas, McPherson;
(8) Cleveland university-Kansas City, Overland Park;
(9) Donnelly college, Kansas City;
(10) Friends university, Wichita;
(11) Hesston college, Hesston;
(12) Kansas Christian college, Overland Park;
(13) Kansas Wesleyan university, Salina;
(14) Manhattan Christian college, Manhattan;
(15) McPherson college, McPherson;
(16) MidAmerica Nazarene university, Olathe;
(17) Newman university, Wichita;
(18) Ottawa university, Ottawa;
(19) Southwestern college, Winfield;
(20) Sterling college, Sterling;
(21) Tabor college, Hillsboro; and
(22) University of Saint Mary, Leavenworth; and
(k) any institution that does not have a physical presence in Kansas
and that is otherwise subject to this act, but only to the extent that and for
the period of time that such institution is participating in the state
authorization reciprocity agreement as authorized under K.S.A. 74-32,194,
and amendments thereto, for the purpose of providing distance education
to students in this state Kansas. As used in this subsection, the term
"distance education" means the same as defined in K.S.A. 74-32,194, and amendments thereto.

Sec. 19. K.S.A. 74-32,165 is hereby amended to read as follows: 74-32,165: (a) (1) The state board may adopt rules and regulations for the
administration of this act.

(2) The state board shall adopt rules and regulations that impose
requirements on any postsecondary institution that is closing. Such rules
and regulations may include, but not be limited to, notice requirements,
teach-out plans, maintenance of academic records, refund requirements
and transcript requests.

(b) (1) Specific standards shall be set for determining those
institutions which qualify for approval to confer academic
degrees. Such standards shall be consistent with standards applicable to
state educational institutions under the control and supervision of the state
board.

(2) Each degree-granting institution shall make progress toward
institutional accredited status with an accrediting agency for higher
education recognized by the United States department of education. Once
institutional accredited status is achieved by an institution, such degree-
granting institution shall maintain accredited status. The provisions of this
paragraph shall not apply to any private postsecondary educational
institution that was awarded degree-granting authority prior to July 1, 2004, and maintains such authority on July 1, 2020.

(3) Additional standards may be set for those institutions that receive
federal title IV student financial aid, including, but not limited to,
requiring audited financial statements. The state board may grant
exceptions to the additional standards by the adoption of rules and
regulations.

(c) The state board shall maintain a list of institutions that have been
issued a certificate of approval.

(d) Any state agency having information which will enable the
state board to exercise its powers and perform its duties in administering
the provisions of this act shall furnish such information when requested by
the state board.

Sec. 20. K.S.A. 74-32,167 is hereby amended to read as follows: 74-
32,167. (a) No institution shall establish a physical presence
within this state Kansas without obtaining a certificate of approval from
the state board as provided in this act. No institution shall confer or award
any degree, certificate or diploma, whether academic or honorary, unless
such institution has been approved for such purpose by the state board.

(b) Any contract entered into by or on behalf of any owner, employee
or representative of an institution which is subject to the provisions of
this act, but which has not obtained a certificate of approval, shall be
unenforceable in any action.

Sec. 21. K.S.A. 74-32,168 is hereby amended to read as follows: 74-
32,168. (a) Each institution shall apply to the state board for a certificate of
approval. At least 60 days before an institution which opens or maintains a
branch campus in Kansas, such institution shall notify the state board that
it has opened or is maintaining an intention to open a branch campus. Such
branch campus shall be subject to review by the state board to determine
whether it complies with the provisions of this act and the standards of the
state board established pursuant thereto.

(b) An application for a certificate of approval shall be made on a
form prepared and furnished by the state board and shall contain such the
information as may be required by the state board.

(c) The state board may issue a certificate of approval upon
determination that an institution meets the requirements of this act and all
standards established by the state board pursuant thereto. The state board
may issue a certificate of approval to any institution accredited by a
regional or national accrediting agency recognized by the United States
department of education without further evidence.

(d) (1) The state board may issue a provisional certificate of approval
to a degree-granting institution that is not yet accredited by a recognized
accrediting organization and that is seeking to establish a physical
presence in Kansas. The provisional certificate may be renewed annually
as long as the institution continues to progress toward successful
attainment of full institutional accreditation within the regular
accreditation cycle established by the recognized accrediting organization.

(2) The institution shall submit a plan for achieving accreditation.
Such plan shall include identification of the recognized accrediting
organization's eligibility requirements, minimum accreditation
requirements, review processes and the institution's timeline for achieving
full accreditation.

(3) The institution shall submit quarterly updates on the institution's
progress toward full accreditation to the state board.

(4) The state board may adopt rules and regulations imposing additional surety bond requirements for the indemnification of any student for any loss suffered as a result of a failure to achieve full accreditation.

Sec. 22. K.S.A. 74-32,169 is hereby amended to read as follows: 74-32,169. The state board shall issue a certificate of approval to an institution when the state board is satisfied that the institution meets minimum standards established by the state board by adoption of this act, and by rules and regulations adopted pursuant to this act to ensure that:

(a) Courses, curriculum and instruction are of such quality, content and length as may reasonably and adequately ensure achievement of the stated objective for which the courses, curriculum or instruction are offered;

(b) institutions have adequate space, equipment, instructional material and personnel to provide education and training of good quality;

(c) educational and experience qualifications of directors, administrators and instructors are such as may reasonably ensure that students will receive instruction consistent with the objectives of their program of study;

(d) institutions maintain written records of the previous education and training of students and applicant students, and that training periods are shortened when warranted by such previous education and training or by skill or achievement tests;

(e) except as approved by the state board, no earned certificate or degree is given, awarded or granted solely on the basis of any of the following:

(1) Payment of tuition or fees;

(2) credit earned at any other school;

(3) credit for life experience or other equivalency;

(4) testing out; or

(5) research and writing;

(f) no honorary degree is given, awarded or granted by any institution that does not give, award or grant an earned degree, and no fee or other charge is assessed for giving, awarding or granting an honorary degree;

(g) a copy of the course outline, schedule of tuition, fees and other charges, settlement policy, rules pertaining to absence, grading policy and rules of operation and conduct are furnished to students upon entry into class enrollment;

(h) upon completion of training or instruction, students are given certificates, diplomas or degrees as appropriate by the institution indicating satisfactory completion of the program;

(i) adequate records are kept to show attendance, satisfactory
academic progress and enforcement of satisfactory standards relating to attendance, progress and conduct;

(h) institutions comply with all local, state and federal regulations;

(k) institutions are financially responsible and maintain adequate financial records, which for institutions receiving federal title IV student financial aid, includes financial aid information and loan default rates;

(l) institutions are capable of fulfilling commitments for instruction;

(m) institutions do not utilize erroneous or misleading advertising, either by actual statement, omission or intimation;

(n) institutions have and maintain a policy, which shall be subject to state board approval, for the refund of unused portions of tuition, fees and other charges if a student enrolled by the institution fails to begin a course, withdraws or is discontinued therefrom from such course at any time prior to completion. Such policies shall take into account those costs of the institution that are not diminished by the failure of the student to enter or complete a course of instruction; and

(o) institutions adopt, publish and adhere to a procedure for handling student complaints. Institutions shall post information so that students will be aware of the complaint process available to them. The information shall be posted in locations that are used or seen by all students on a regular basis such as the institution's website, enrollment agreement, catalogue or other media;

(p) in accordance with applicable state and federal data protection laws, institutions take appropriate measures to protect students' personally identifiable information and promptly address any breach or unauthorized disclosure of any student's personally identifiable information;

(q) institutions publish the following information as required by the state board of regents:

(1) Graduation rates;

(2) placement rates and other information indicating actual employment and earnings in relevant occupations after successful completion of offered programs; and

(3) loan default rates.

Sec. 23. K.S.A. 74-32,170 is hereby amended to read as follows: 74-32,170. (a) After review of the state board reviews an application for a certificate of approval and if the state board determines that the institution meets the requirements of this act and the standards established by the state board, the state board shall issue a certificate of approval to the institution. Certificates of approval shall be in a form specified by the state board. Certificates of approval shall state:

(1) The date of issuance and term of approval;

(2) the correct name and address of the institution;

(3) the signature of the chief executive officer of the state board or a
person designated by the state board to administer the provisions of this act; and
(4) any other information required by the state board.
(b) Certificates of approval shall be valid for a term of one year.
(c) Each certificate of approval shall be issued to the owner of an institution and shall not be transferable. If a change in ownership of an institution occurs, the new owner shall apply within 60 days prior to the change in ownership for a new certificate of approval. The state board may waive the sixty-day requirement upon determination that an emergency exists and that the waiver and change in ownership would be in the best interests of students currently enrolled in the institution. Whenever a change in ownership occurs as a result of death, court order or operation of law, the new owner shall apply immediately for a new certificate of approval pursuant to section 10, and amendments thereto.
(d) At least 120 days prior to expiration of a certificate of approval, the state board shall forward to notify the institution a renewal application form that it is required to renew its certificate of approval in order to continue maintaining a physical presence in Kansas after the expiration date of its current certificate of approval. Any institution desiring to renew its certificate of approval; shall complete and submit the application for renewal to the state board at least 60 days prior to the expiration of the institution's certificate of approval. An application for renewal shall be deemed late if the institution applying for renewal fails to submit a completed application for renewal at least 60 days prior to the expiration of the institution's certificate of approval. A completed application for renewal includes all documentation, information and fees required by the state board to complete the renewal process. When an application for renewal is deemed late, the state board may require the institution to begin the closure procedure.
(e) Unless exempt from the provisions of this act pursuant to K.S.A. 74-32,164, and amendments thereto, an institution shall not accept payments for tuition, fees or other enrollment charges until the institution receives a certificate of approval from the state board.
(f) Any institution which does not plan to renew a certificate of approval shall notify the state board of its intent not to renew at least 60 days prior to the expiration date of the certificate of approval.
(g) Any institution that is closing, either voluntarily or involuntarily, shall be subject to closure requirements until the state board notifies the institution that all closure requirements are satisfied.
Sec. 24. K.S.A. 74-32,171 is hereby amended to read as follows: 74-32,171. (a) After review of the state board reviews an application for a certificate of approval and if the state board determines that the applicant does not meet the requirements of this act, the state board shall refuse to
issue the certificate of approval and set forth the reasons for the determination.

(b) If an applicant, upon written notification of refusal by the state board to issue a certificate of approval, desires to contest such refusal, the applicant shall notify the state board in writing, of the desire to be heard within 15 days after the date of service of such notice of refusal, of the desire to be heard. Any applicant requesting a hearing pursuant to this section shall be afforded a hearing in accordance with the provisions of the Kansas administrative procedure act. Upon conclusion of any such hearing, the state board shall issue a certificate of approval or a final refusal to do so.

(c) If an applicant, upon service of notice of refusal by the state board to issue a certificate of approval, fails to request a hearing within 15 days after the date of service of such notice of refusal, the state board's refusal shall be a final agency action.

Sec. 25. K.S.A. 74-32,172 is hereby amended to read as follows: 74-32,172. (a) The state board may revoke a certificate of approval or impose reasonable conditions upon the continued approval represented by a certificate. Prior to revocation or imposition of conditions upon a certificate of approval, the state board shall give written notice to the holder of the certificate of the impending action setting forth the grounds for the action contemplated to be taken and affording a hearing on a date within 30 days after the date of such notice. Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) A certificate of approval may be revoked or conditioned if the state board has reasonable cause to believe that the institution is in violation of any provision of this act or of any rules and regulations adopted under this act. An institution that has had a certificate of approval revoked may not reapply for a certificate of approval for 12 months after the final order of revocation, and then only if the institution establishes to the satisfaction of the state board that it has cured all deficiencies. Prior to revocation, the state board shall give written notice to the holder of the certificate of the impending action setting forth the grounds for the action contemplated to be taken and affording the institution holding the certificate of approval an opportunity to request a hearing. If a hearing is requested, such hearing shall be conducted within 30 days after the date the notice was sent. Hearings conducted pursuant to this subsection shall be conducted in accordance with the Kansas administrative procedure act.

(c) A certificate of approval may be conditioned at any time if the state board has reasonable cause to believe additional information is necessary, a violation of this act occurred or it is in the students' best
interest for the institution to continue operations during a change in
ownership or while an institution is completing closure requirements. A
certificate of approval that has been conditioned constitutes authorization
to operate but with conditions, including, but not limited to, reporting
requirements, performance standard requirements, securing new or
additional bonds, limiting the period of time to operate during change of
ownership or for the purpose of teaching out students. The state board
may require any institution with a certificate of approval that has been
conditioned to suspend or cease any part of institutional activity,
including, but not limited to, enrolling students, advertising or delivering
certain classes or programs. Such conditions shall remain in effect until
the circumstances precipitating the conditional status are corrected, and
the state board has completed all reviews relating to the institution's
conditional status. The state board's decision to impose reasonable
conditions shall be a final agency action.

Sec. 26. K.S.A. 74-32,173 is hereby amended to read as follows: 74-32,173. Any action of the state board pursuant to K.S.A. 74-32,170, 74-32,171 or 74-32,172, and amendments thereto, or section 12, and amendments thereto, is subject to review in accordance with the Kansas judicial review act. If it appears to the state board on the basis of its own inquiries or investigations or as a result of a complaint that any provision of this act has been or may be violated, the state board may request the attorney general to institute an action enjoining such violation or for an order directing compliance with the provisions of this act.

Sec. 27. K.S.A. 74-32,175 is hereby amended to read as follows: 74-32,175. (a) Before a certificate of approval is issued under this act, a bond in the penal sum of $20,000 shall be provided by the institution for the period for which the certificate of approval is to be issued. The obligation of the bond shall be that the institution and its officers, agents, representatives and other employees shall be bound:

(1) Comply with the provisions of this act and the rules and regulations and standards established by the state board pursuant to this act, including, but not limited to, protecting students' personally identifiable information; and

(2) upon closure of the institution, or if the institution is no longer seeking state board approval, to deliver or make available to the state board the records of all students who are in attendance at the institution at the time of closure or who have attended the institution at any time prior to closure.

(b) The bond shall be a corporate surety bond issued by a company authorized to do business in this state on a form required by the state board. The bond shall be filed with the state board. If the institution ceases operation, the state board may recover against the bond all necessary costs
for the acquisition, permanent filing and maintenance of student records of
the institution.

(b) In lieu of the corporate surety bond required under subsection (a),
an institution may provide any similar certificate or evidence of
indebtedness or insurance as may be acceptable to the state board if such
certificate or evidence of indebtedness or insurance is conditioned that the
requirements of subsection (a) shall be met.

Sec. 28. K.S.A. 74-32,177 is hereby amended to read as follows: 74-
32,177. (a) No person shall:

1. Operate an institution without a certificate of approval;
2. Solicit prospective students without being registered as required
by this act;
3. Accept contracts or enrollment applications from a representative
who is not registered as required by this act;
4. Use fraud or misrepresentation to obtain a certificate of approval;
5. Use fraud or misrepresentation in advertising or in procuring
enrollment of a student;
6. Use the term "accredited" in the name or advertisement of the
institution unless such institution is accredited as defined in this act; and
or
7. Use the term "university" in the name or advertisement of the
institution unless such institution is a university as defined by this act.

(b) Violation of any provision of subsection (a) or any other
provision of this act is a class C nonperson misdemeanor.

(c) The state board may revoke or condition a certificate of approval
for any violation of subsection (a) or any other provision of this act.

Sec. 29. K.S.A. 74-32,178 is hereby amended to read as follows: 74-
32,178. Upon application of the attorney general or a county or district
attorney, a district court shall have jurisdiction to enjoin any violation of
this act and to enjoin persons from engaging in business in this state. In
any action brought to enforce the provisions of this act, if the court finds
that a person willfully used any deceptive or misleading act or practice or
operates an institution without first obtaining and maintaining a certificate
of approval, the attorney general or a county or district attorney, upon
petition to the court, may recover on behalf of the state, in addition to the
criminal penalties provided in this act, a civil penalty not exceeding $5,000
$20,000 for each violation. For purposes of this section, an intentional
violation occurs when the person committing the violation knew or should
have known that the conduct of the person consisted of acts or practices
which that were deceptive or misleading including the operation of an
institution without first obtaining a certificate of approval from the state
board. Any violation of this act or any rule or regulation adopted pursuant
thereto is a deceptive act or practice under the Kansas consumer protection
act. Any remedy provided by this act shall be in addition to any other remedy provided by the Kansas consumer protection act.

Sec. 30. K.S.A. 74-32,181 is hereby amended to read as follows: 74-32,181. (a) The state board shall fix, charge and collect fees not to exceed the following amounts by adopting rules and regulations for such purposes:

(1) For institutions chartered, incorporated or otherwise organized under the laws of Kansas and having their principal place of business within the state of in Kansas:

Initial application fees:
- Non-degree granting institution: $2,000
- Degree granting institution: $3,000

Initial evaluation fee (in addition to initial application fees):
- Non-degree level: $750
- Associate degree level: $1,000
- Baccalaureate degree level: $2,000
- Master's degree level: $3,000
- Professional or doctoral degree level: $4,000

Renewal application fees:
- Non-degree granting institution: Up to 2% of gross tuition, but not less than $500, nor more than $25,000
- Degree granting institution: Up to 2% of gross tuition, but not less than $1,000, nor more than $25,000

New program submission fees, for each new program:
- Non-degree program: $250
- Associate degree program: $500
- Baccalaureate degree program: $750
- Master's degree program: $1,000
- Professional or doctoral degree program: $2,000

Branch campus site fees, for each branch campus site:
- Initial non-degree granting institution: $1,500
- Initial degree granting institution: $2,500

Renewal branch campus site fees, for each branch campus site:
- Non-degree granting institution: Up to 2% of gross tuition, but not less than $500, nor more than $25,000
- Degree granting institution: Up to 2% of gross tuition, but not less than $1,000, nor more than $25,000

Representative fees:
- Initial registration: $200
- Late submission of renewal of application fee: $500
- Student transcript copy fee: $10
- Returned check fee: $50

(2) For institutions domiciled or having their principal place of
business outside the state of Kansas:

Initial application fees:

- Non-degree granting institution: $4,000
- Degree granting institution: $5,500

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

- Non-degree level: $1,500
- Associate degree level: $2,000
- Baccalaureate degree level: $3,000
- Master's degree level: $4,000
- Professional or doctoral degree level: $5,000

Renewal application fees:

- Non-degree granting institution: Up to 3% of gross tuition, but not less than $1,000, nor more than $25,000
- Degree granting institution: Up to 3% of gross tuition, but not less than $2,000, nor more than $25,000

New program submission fees, for each new program:

- Non-degree program: $500
- Associate degree program: $750
- Baccalaureate degree program: $1,000
- Master's degree program: $1,500
- Professional or doctoral degree program: $2,500

Branch campus site fees, for each branch campus site:

- Initial non-degree granting institution: $4,000
- Initial degree granting institution: $5,500

Renewal branch campus site fees, for each branch campus site:

- Non-degree granting institution: Up to 3% of gross tuition, but not less than $1,000, nor more than $25,000
- Degree granting institution: Up to 3% of gross tuition, but not less than $2,000, nor more than $25,000

Representative fees:

- Initial registration: $350
- Late submission of renewal of application fee: $500
- Student transcript copy fee: $10
- Returned check fee: $50

(b) Fees shall not be refundable.

(c) If there is a change in the ownership of an institution and, if at the same time, there also are changes in the institution's programs of instruction, location, entrance requirements or other changes, the institution shall be required to submit an application for an initial certificate of approval and shall pay all applicable fees associated with an initial application.

(d) An application for renewal shall be deemed late if the applicant fails to submit a completed application for renewal, including all required
documentation, information and fees requested by the state board to complete the renewal process, at least 60 days prior to the expiration of the institution's certificate of approval.

(e) The state board shall annually determine on or before June 1 of each year the amount of revenue which will be required to properly carry out and enforce the provisions of the Kansas private and out-of-state postsecondary educational institution act for the next ensuing fiscal year and shall fix the fees authorized for such year at the sum deemed necessary for such purposes within the limits of this section.

(f) Fees may be charged to conduct on-site reviews for degree granting and non-degree granting institutions or to review curriculum in content areas where the state board does not have expertise.

Sec. 31. K.S.A. 74-32,182 is hereby amended to read as follows: 74-32,182. (a) The state board shall remit all moneys received pursuant to the provisions of this act to the state treasurer. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount remitted in the state treasury and, except as otherwise provided in this act, shall credit the same such remittance to the private and out-of-state postsecondary educational institution fee fund to be used for the purpose of administering this act. All expenditures from such fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board or the board's designee.

(b) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the private and out-of-state postsecondary educational institution fee fund interest earnings based on:

(1) The average daily balance of moneys in such fee fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 32. K.S.A. 74-32,184 is hereby amended to read as follows: 74-32,184. Within the limits of appropriations therefore, the state board shall develop and maintain a statewide data collection system to collect and analyze private and out-of-state postsecondary educational information, including, but not limited to, student, course, financial aid and program demographics that will assist the state board in improving the quality of private and out-of-state postsecondary education. Failure of an institution to submit complete and substantially accurate data on a timely basis when requested by the state board shall be a violation of this act.

Sec. 33. K.S.A. 74-32,194 is hereby amended to read as follows: 74-32,194. (a) As used in this section:

(1) "Community college" means any community college established
under the laws of this state;
(2) "distance education" means any course or program offered by a postsecondary educational institution to students who are located in a state in which the postsecondary educational institution does not have a physical presence;
(3) "independent postsecondary educational institution" means any postsecondary educational institution which was granted approval to confer academic or honorary degrees by the state board of education under the provisions of K.S.A. 17-6105, prior to its repeal;
(4) "municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state;
(5) "out-of-state postsecondary educational institution" means the same as defined in K.S.A. 74-32,163, and amendments thereto;
(6) "postsecondary educational institution" means any degree-granting public postsecondary educational institution, independent postsecondary educational institution, private postsecondary educational institution and out-of-state postsecondary educational institution;
(7) "private postsecondary educational institution" means the same as defined in K.S.A. 74-32,163, and amendments thereto;
(8) "public postsecondary educational institution" means any state educational institution, municipal university, community college and technical college, and includes any entity resulting from the consolidation or affiliation of any two or more of such public postsecondary educational institutions;
(9) "state authorization reciprocity agreement" means an agreement among states, districts and territories that establishes comparable standards for providing distance education from their postsecondary educational institutions to out-of-state students;
(10) "state board" means the state board of regents;
(11) "state educational institution" means the same as defined in K.S.A. 76-711, and amendments thereto; and
(12) "technical college" means any technical college established under the laws of this state.
(b) The state board is authorized to enter into the state authorization reciprocity agreement for the purposes of:
(1) Authorizing and allowing any postsecondary educational institution with a physical presence in Kansas to voluntarily participate in the state authorization reciprocity agreement and provide distance education in other states in accordance with the terms of the state authorization reciprocity agreement; and
(2) authorizing and allowing any postsecondary educational institution that does not have a physical presence in Kansas and that is a participating member of the state authorization reciprocity agreement to deliver distance education in this state in accordance with the terms of the state authorization reciprocity agreement, notwithstanding the provisions of the private and out-of-state postsecondary education institution act.

(c) A postsecondary educational institution shall be deemed to have a "physical presence" in the state if the postsecondary education institution:

(1) Has established a campus, branch instructional facility or administrative office within the boundaries of the state;

(2) requires students to physically meet for instruction within the state more than twice per full term;

(3) provides information from a physical site located within the state Kansas;

(4) offers short courses within the state requiring 10 or more hours of attendance by students; or

(5) maintains a mailing address or phone exchange in the state Kansas.

(d) The state board may assume and exercise all powers, duties and responsibilities associated with and required or authorized under the terms of the state authorization reciprocity agreement for any postsecondary educational institution which that has a physical presence in the state Kansas and has voluntarily submitted to the jurisdiction of the state board to the extent required to enable the postsecondary educational institution to participate in the state authorization reciprocity agreement.

(e) The state board may terminate membership or participation of any postsecondary educational institution with a physical presence in Kansas that is participating in the state authorization reciprocity agreement if the state board has reasonable cause to believe that the postsecondary educational institution is in violation of any provision of this section or the agreement.

(f) The state board shall be authorized to recover actual costs incurred in the course of investigating and prosecuting complaints against a postsecondary educational institution that is participating in the state authorization reciprocity agreement, and shall be able to recoup tuition on behalf of any student. The amount collected by the state board for the actual costs related to the investigation and prosecution of the complaint or for tuition on behalf of any student, as certified by the president or chief executive officer of the state board to the state treasurer, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state authorization reciprocity fund.

(g) There is hereby established in the state treasury the state
authorization reciprocity fund, which shall be administered by the state board. All expenditures from the state authorization reciprocity fund shall be for reimbursement to the state board for any costs associated with investigating and prosecuting complaints and recovering tuition on behalf of any student under the provisions of the state authorization reciprocity agreement. All expenditures from the state authorization reciprocity fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president or chief executive officer of the state board or the designee of the president or chief executive officer of the state board.

(h) Nothing in this section shall preclude the state board from exercising its authority under any other provision of law, nor the attorney general from pursuing violations of any provisions of the Kansas consumer protection act.

(i) The state board may adopt rules and regulations as necessary to implement the provisions of this section.

Sec. 34. K.S.A. 74-32,417 is hereby amended to read as follows: 74-32,417. As used in this act:

(a) "Career technical education program" means a program of vocational or technical training or retraining— which that is operated at the postsecondary level and is designed to prepare persons for gainful employment.

(b) "Career technical education institution" means any technical college, community college, municipal university, or any state educational institution— which that operates one or more career technical education programs.

(c) "Community college," "institute of technology," "municipal university," "state educational institution," "technical college," and "state board"— have the meanings respectively ascribed thereto mean the same as such terms are defined in K.S.A. 74-32,407, and amendments thereto.

(d) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 74-32,163, and amendments thereto.

(e) "Program" means the Kansas training information program established by this act.

Sec. 35. K.S.A. 74-32,419 is hereby amended to read as follows: 74-32,419. (a) Every career technical education institution and private or out-of-state postsecondary educational institution which that desires to participate in the program, shall:

(1) On or before October 1 in each fiscal year, transmit the following information to the state board:

(A) The social security number of each person who completed a career technical education program operated by the career technical
education institution or private or out-of-state postsecondary educational
institution during the prior fiscal year; and
(B) such other information as the state board may require in order to
conduct follow-up surveys and studies—\textit{which that} will assist in the
evaluation of career technical education programs; and
(2) prior to or at the time of enrollment at the career technical
education institution or private or out-of-state postsecondary educational
institution, make available to persons enrolling in a vocational education
program the most current report published and distributed by the state
board.
(b) Information transmitted to the state board pursuant to subsection
(a)(1) shall be confidential and shall not be disclosed or made public in
such a manner that any individual person can be identified thereby.
Sec. 36. K.S.A. 65-2877a, as amended by section 5 of chapter
52 of the 2019 Session Laws of Kansas, 74-32,162, 74-32,163, 74-32,164, 74-
32,172, 74-32,173, 74-32,175, 74-32,177, 74-32,178, 74-32,181, 74-
Supp. 17-2707 and 17-7668 are hereby repealed.
Sec. 37. This act shall take effect and be in force from and after its
publication in the statute book.