

HOUSE BILL No. 2622

By Committee on Education

2-4

1 AN ACT concerning the state board of regents; relating to general
2 educational development credential fees; relating to tuition and fees of
3 private and out-of-state postsecondary institutions; concerning the
4 Kansas private and out-of-state postsecondary educational institution
5 act; amending K.S.A. 2015 Supp. 72-4530, 74-32,163, 74-32,165 and
6 74-32,181 and repealing the existing sections; also repealing K.S.A.
7 2015 Supp. 74-32,166 and 74-32,176.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 2015 Supp. 72-4530 is hereby amended to read as
11 follows: 72-4530. (a) The state board of regents may adopt rules and
12 regulations relating to the processing and issuance of general educational
13 development (GED) credentials.

14 (b) Each application to the state board of regents for issuance or
15 duplication of general educational development credentials or verification
16 of credentials shall be accompanied by a fee which shall be established by
17 the state board of regents and shall be in an amount of not more than ~~\$15~~
18 \$25 ~~\$24~~. On or before June 1 of each year, the state board of regents shall
19 determine the amount of revenue which will be required to properly
20 administer the provisions of this section during the next ensuing fiscal
21 year, and shall establish the GED credentials processing fee for such year
22 in the amount deemed necessary for such purposes. Such fee shall become
23 effective on the succeeding July 1 of each year. The state board of regents
24 shall remit all moneys received by or for it from GED credentials
25 processing fees to the state treasurer in accordance with the provisions of
26 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
27 remittance, the state treasurer shall deposit the entire amount in the state
28 treasury to the credit of the GED credentials processing fees fund, which
29 fund is hereby established in the state treasury, and shall be used only for
30 the payment of expenses connected with the processing, issuance or
31 duplication of GED credentials, and for the keeping of records by the state
32 board of regents. All expenditures from the GED credentials processing
33 fees fund shall be made in accordance with appropriation acts upon
34 warrants of the director of accounts and reports issued pursuant to
35 vouchers approved by the state board of regents or by a person or persons
36 designated by the state board.

1 Sec. 2. K.S.A. 2015 Supp. 74-32,163 is hereby amended to read as
2 follows: 74-32,163. As used in the Kansas private and out-of-state
3 postsecondary educational institution act:

4 (a) "Academic degree" means any associate, bachelor's, professional,
5 master's, specialist or doctoral degree.

6 (b) "Accreditation" means an accreditation by an agency recognized
7 by the United States department of education.

8 (c) "Branch campus" means any subsidiary place of business
9 maintained within the state of Kansas by an institution at a site which is
10 separate from the site of the institution's principal place of business and at
11 which the institution offers a course or courses of instruction or study
12 identical to the course or courses of instruction or study offered by the
13 institution at its principal place of business.

14 ~~(d) "Commission" means the advisory commission on private and~~
15 ~~out-of-state postsecondary educational institutions established pursuant to~~
16 ~~K.S.A. 2015 Supp. 74-32,166, and amendments thereto.~~

17 ~~(e)~~ (e) "Distance education" means any course delivered primarily by use
18 of correspondence study, audio, video or computer technologies.

19 ~~(f)~~ (e) "Out-of-state postsecondary educational institution" means a
20 postsecondary educational institution chartered, incorporated or otherwise
21 organized under the laws of any jurisdiction other than the state of Kansas.

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

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

27 ~~(i)~~ (h) "Owner of an institution" means:

28 (1) In the case of an institution owned by an individual, that
29 individual;

30 (2) in the case of an institution owned by a partnership, all full, silent
31 and limited partners;

32 (3) in the case of an institution owned by a corporation, the
33 corporation, its directors, officers and each shareholder owning shares of
34 issued and outstanding stock aggregating at least 10% of the total of the
35 issued and outstanding shares; and

36 (4) in the case of an institution owned by a limited liability company,
37 the company, its managers and all its members.

38 ~~(j)~~ (i) "Person" means an individual, firm, partnership, association or
39 corporation.

40 ~~(k)~~ (j) "Physical presence" means:

41 (1) The employment in Kansas of a Kansas resident for the purpose
42 of administering, coordinating, teaching, training, tutoring, counseling,
43 advising or any other activity on behalf of the institution; or

1 (2) The delivery of, or the intent to deliver, instruction in Kansas with
2 the assistance from any entity within the state in delivering the instruction
3 including, but not limited to, a cable television company or a television
4 broadcast station that carries instruction sponsored by the institution.

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

7 (1) Is a business enterprise, whether operated on a profit or not-for-
8 profit basis, which has a physical presence within the state of Kansas or
9 which solicits business within the state of Kansas;

10 (2) offers a course or courses of instruction or study through
11 classroom contact or by distance education, or both, for the purpose of
12 training or preparing persons for a field of endeavor in a business, trade,
13 technical or industrial occupation or which offers a course or courses
14 leading to an academic degree; and

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

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

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

21 (⊕) (n) "Support" or "supported" means the primary source and means
22 by which an institution derives revenue to perpetuate operation of the
23 institution.

24 (⊕) (o) "University" means a postsecondary educational institution
25 authorized to offer any degree including a bachelor, graduate or
26 professional degree.

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

29 Sec. 3. K.S.A. 2015 Supp. 74-32,165 is hereby amended to read as
30 follows: 74-32,165. (a) The state board may adopt rules and regulations for
31 the administration of this act. ~~Prior to the adoption of any such rules and~~
32 ~~regulations, the state board shall afford the advisory commission an~~
33 ~~opportunity to make recommendations thereon.~~

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

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

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

1 Sec. 4. K.S.A. 2015 Supp. 74-32,181 is hereby amended to read as
 2 follows: 74-32,181.(a) The state board shall fix, charge and collect fees not
 3 to exceed the following amounts by adopting rules and regulations for
 4 such purposes:

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

8 Initial application fees:

9	Non-degree granting institution.....	\$2,000
10	Degree granting institution.....	\$3,000

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

12	Non-degree level.....	\$750
13	Associate degree level.....	\$1,000
14	Baccalaureate degree level.....	\$2,000
15	Master's degree level.....	\$3,000
16	Professional or doctoral degree level.....	\$4,000

17 Renewal application fees:

18	Non-degree granting institution.....	2% of gross tuition,
19	but not less than \$800 \$500, nor more than \$25,000	
20	Degree granting institution.....	2% of gross tuition,
21	but not less than \$1,600 \$1,000, nor more than \$25,000	

22 New program submission fees, for each new program:

23	Non-degree program.....	\$250
24	Associate degree program.....	\$500
25	Baccalaureate degree program.....	\$750
26	Master's degree program.....	\$1,000
27	Professional or doctoral degree program.....	\$2,000
28	Program modification fee, for each program.....	\$100

29 Branch campus site fees, for each branch campus site:

30	Initial non-degree granting institution.....	\$1,500
31	Initial degree granting institution.....	\$2,500

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

33	Non-degree granting institution.....	2% of gross tuition,
34	but not less than \$800 \$500, nor more than \$25,000	
35	Degree granting institution.....	2% of gross tuition,
36	but not less than \$1,600 \$1,000, nor more than \$25,000	
37	On-site branch campus review fee, for each site.....	\$250

38 Representative fees:

39	Initial registration.....	\$200
40	Renewal of registration.....	\$150
41	Late submission of renewal of application fee.....	\$125 \$500
42	Student transcript copy fee.....	\$10
43	Returned check fee.....	\$50

1	Changes in institution profile fees:	
2	Change of institution name.....	\$100
3	Change of institution location.....	\$100
4	Change of ownership only.....	\$100
5	(2) For institutions domiciled or having their principal place of	
6	business outside the state of Kansas:	
7	Initial application fees:	
8	Non-degree granting institution.....	\$4,000
9	Degree granting institution.....	\$5,500
10	Initial evaluation fee (in addition to initial application fees):	
11	Non-degree level.....	\$1,500
12	Associate degree level.....	\$2,000
13	Baccalaureate degree level.....	\$3,000
14	Master's degree level.....	\$4,000
15	Professional or doctoral degree level.....	\$5,000
16	Renewal application fees:	
17	Non-degree granting institution.....	3% of gross tuition,
18	but not less than \$2,400 <i>\$1,000</i> , nor more than \$25,000	
19	Degree granting institution.....	3% of gross tuition,
20	but not less than \$3,000 <i>\$2,000</i> , nor more than \$25,000	
21	New program submission fees, for each new program:	
22	Non-degree program.....	\$500
23	Associate degree program.....	\$750
24	Baccalaureate degree program.....	\$1,000
25	Master's degree program.....	\$1,500
26	Professional or doctoral degree program.....	\$2,500
27	Program modification fee, for each program.....	\$100
28	Branch campus site fees, for each branch campus site:	
29	Initial non-degree granting institution.....	\$4,000
30	Initial degree granting institution.....	\$5,500
31	Renewal branch campus site fees, for each branch campus site:	
32	Non-degree granting institution.....	3% of gross tuition,
33	but not less than \$2,400 <i>\$1,000</i> , nor more than \$25,000	
34	Degree granting institution.....	3% of gross tuition,
35	but not less than \$3,000 <i>\$2,000</i> , nor more than \$25,000	
36	On site branch campus review fee, for each site.....	\$500
37	Representative fees:	
38	Initial registration.....	\$350
39	Renewal of registration.....	\$250
40	Late submission of renewal of application fee.....	\$125 <i>\$500</i>
41	Student transcript copy fee.....	\$10
42	Returned check fee.....	\$50
43	Changes in institution profile fees:	

- 1 Change of institution name.....\$100
- 2 Change of institution location.....\$100
- 3 Change of ownership only.....\$100

4 (b) Fees shall not be refundable.

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

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

17 (e) The state board shall determine on or before June 1 of each year
18 the amount of revenue which will be required to properly carry out and
19 enforce the provisions of the Kansas private and out-of-state
20 postsecondary educational institution act for the next ensuing fiscal year
21 and shall fix the fees authorized for such year at the sum deemed necessary
22 for such purposes within the limits of this section. ~~Prior to adoption of any~~
23 ~~such fees, the state board shall afford the advisory commission an~~
24 ~~opportunity to make recommendations on the proposed fees.~~

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

28 (g) The provisions of this section shall expire on June 30, 2017.

29 Sec. 5. K.S.A. 2015 Supp. 72-4530, 74-32,163, 74-32,165, 74-
30 32,166, 74-32,176 and 74-32,181 are hereby repealed.

31 Sec. 6. This act shall take effect and be in force from and after its
32 publication in the statute book.