

## Article 28 Private and Out-of-State Postsecondary Education Institutions

**88-28-1. Definitions.** The following terms, wherever used in this article, shall have the meanings specified in this regulation: (a) “Academic year” means instruction consisting of at least 24 semester credit hours over a period of two semesters or the equivalent.

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

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

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

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

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

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

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

(3) “Associate in general studies degree” means an associate’s degree that meets the following conditions:

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

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

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

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

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

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

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

(A) Requires at least 124 semester credit hours or the equivalent;

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) A comprehensive examination; or

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

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

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

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

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

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

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

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

(3) includes a specialization in a professional field.

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

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

(n) “Master’s degree” means a degree that meets the following conditions:

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

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

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

(A) A research thesis;

(B) a work of art; or

(C) the solution of an applied professional problem.

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

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

(2) training that prepares a person for a field of endeavor in a business, trade, technical, or industrial occupation.

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

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

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

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

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

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

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

(2) All reports from the local fire department and other agencies responsible for ensuring public health and safety for the current year and the previous year shall be maintained on-site, and one copy shall be sent to the state board annually.

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

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

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

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

(5) All permanent educational records and financial records of the students shall be securely maintained and protected from theft, fire, and other possible loss.

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

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

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

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

- (B) exhibit a positive net worth in which the total assets exceed the total liabilities; or
- (C) demonstrate a profit earned.

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

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

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

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

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

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

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

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

- (A) Is published in the institution's catalog;
- (B) complies with K.S.A. 74-32,169 and amendments thereto;
- (C) establishes that each student will be reimbursed for any items for which the student was charged but did not receive, including textbooks and software;
- (D) has no more stringent requirements than the following:
  - (i) All advance monies, other than an initial, nonrefundable registration fee, paid by the student before attending class shall be refunded if the student requests a refund, in writing, within three days after signing an enrollment agreement and making an initial payment; and

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

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

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

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

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

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

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

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

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

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

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

(A) A table of contents;

(B) a date of publication;

(C) a list of any approvals, including contact information for the state board, and accreditations, including contact information, affiliations, and memberships that the institution has obtained;

(D) any requirements that students must meet to be admitted;

(E) an academic calendar or a reference to a published calendar used by the institution;

(F) the name and nature of each occupation for which training is given;

(G) the curricula offered, including the number of clock-hours or credit hours for each course in each curriculum;

(H) a description of the physical space and the educational equipment available;

(I) the tuition and fees charged;

(J) a description of the system used to measure student progress;

(K) the graduation or completion requirements, or both;

(L) the institutional mission;

(M) identification of the owner of the institution;

(N) a list of the instructors teaching in Kansas, including their degrees held and the institutions from which their degrees were received;

(O) the institutional rules;

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The institution received the prior, written consent of the authors;

(ii) the institution did not provide remuneration in any manner for the endorsements; and

(iii) the institution keeps all letters of endorsement, recommendation, or commendation on file, subject to inspection, for at least three years after the last use of the contents in advertising or promotional materials.

(14) Each curriculum shall meet the following requirements:

(A) Be directly related to the institution's published mission;

(B) evidence a well-organized sequence of appropriate subjects leading to occupational or professional competence;

(C) reasonably and adequately ensure achievement of the stated objectives for which the curriculum is offered;

(D) if the curriculum prepares students for licensure, be consistent with the educational requirements for licensure; and

(E) if courses are delivered by distance education, meet the same standards as those for courses conducted on-site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) have concurrent, related work experience.

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

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

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

(A) The name of the graduate;

(B) the name of the program completed;

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

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

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

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

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

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

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

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

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

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

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

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

- (A) The membership;
  - (B) the manner of appointment;
  - (C) the terms of office; and
  - (D) all matters related to the duties, responsibilities, and procedures of that body.
- (4) The financial statements for the institution shall be audited by a CPA.

(c) If an institution has accreditation issued by a regional or national accrediting agency recognized by the United States department of education, that accreditation may be accepted by the state board as presumptive evidence that the institution meets the minimum requirements specified in this regulation. However, each degree program for which degree-granting authority is sought shall meet the criteria specified in the definition of that degree in K.A.R. 88-28-1. (Authorized by K.S.A. 2005 Supp. 74-32,165; implementing K.S.A. 2005 Supp. 74-32,165 and 74-32,169; effective P-\_\_\_\_\_.)

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

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

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

- (1) An outline or syllabus of each course offered in Kansas;
- (2) a description of the institution's facilities, equipment, and instructional materials;
- (3) a certification by an owner of the applicant institution or the owner's designee that the building that is to house the institution meets the requirements of all local, state, and federal regulations;
- (4) a resume of each administrator and instructor that includes the individual's education, previous work experience, professional activities, and, if applicable, licensure;
- (5) evidence of the institution's professional development and in-service activities;
- (6) a copy of the proposed catalog or, if existing, a copy of each of the institution's most recent catalogs, bulletins, and brochures, with any supplements;
- (7) a copy of the enrollment agreement;
- (8) a copy of the credential to be given to each student upon completion of a program;
- (9) a description of how the student and administrative records are maintained as required by K.A.R. 88-28-2;
- (10) a copy of any advertising used;
- (11) a financial statement showing income and expenditures for the most recent, complete fiscal year. These documents shall be prepared and acknowledged by a certified public accountant and, in the case of an institution requesting degree-granting authority, shall be audited by a certified public accountant;
- (12) a ledger sheet for each student showing the receipt of money for tuition, fees, books, supplies, and any other items charged to the student; and

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

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

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

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

(e) If an institution is found to be eligible for a certificate of approval, an owner of the applicant institution or the owner's designee shall be notified of the conditional approval of the institution. Following notification, an owner of the applicant institution or the owner's designee shall furnish a surety bond or other equivalent security acceptable to the state board in the amount of \$20,000, as required by K.S.A. 74-32,175 and amendments thereto. A certificate of approval shall not be issued until the surety bond or other security is filed with the state board.

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

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

- (1) An outline of the curriculum to be offered for the new degree;
- (2) the qualifications of the faculty to be involved in the program of study;
- (3) the relationship of the new degree program to the mission of the institution; and
- (4) any other information requested by the board. (Authorized by K.S.A. 2005 Supp. 74-32,165; implementing K.S.A. 2005 Supp. 74-32,167, 74-32,168, 74-32,172, and 74-32,175; effective P-\_\_\_\_\_.)

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

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

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

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

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

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

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

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

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

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

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

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

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

implementing K.S.A. 2005 Supp. 74-32,165, 74-32,169, 74-32,170, 74-32,171, and 74-32,181; effective P-\_\_\_\_\_.)

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

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

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

(d) On the state board's own motion or upon a written complaint filed by any person doing business with the representative, an investigation of the representative may be conducted by the state board. Based upon the results of the investigation, the representative or the institution may be ordered by the state board to take corrective action, or proceedings may be initiated by the state board to revoke the representative's certificate of registration under the provisions of K.S.A. 74-32,172 and amendments thereto. (Authorized by K.S.A. 2005 Supp. 74-32,165; implementing K.S.A. 2005 Supp. 74-32,174; effective P-\_\_\_\_\_.)

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

(a) For institutions domiciled or having their principal place of business within the state of Kansas, the following fees shall apply:

(1) (A) Initial issuance of certificate of approval without degree-granting authority	\$1,700.00
(B) Renewal of certificate of approval without degree-granting authority	\$1,200.00
(2) (A) Initial issuance of certificate of approval with degree-granting authority	\$2,000.00
(B) Renewal of certificate of approval with degree-granting authority	\$1,600.00
(3) (A) Initial registration of representative .....	\$ 150.00
(B) Renewal of registration of representative .....	\$ 100.00

(b) For institutions domiciled or having their principal place of business outside the state of Kansas, the following fees shall apply:

(1) (A) Initial issuance of certificate of approval without degree-granting authority	\$3,400.00
(B) Renewal of certificate of approval without degree-granting authority	\$2,400.00
(2) (A) Initial issuance of certificate of approval with degree-granting authority	\$3,800.00
(B) Renewal of certificate of approval with degree-granting authority	\$2,800.00
(3) (A) Initial registration of representative .....	\$ 300.00
(B) Renewal of registration of representative .....	\$ 200.00

(c) For any institution that has ceased operation, the following fee shall apply:

Student transcript as requested or authorized by the student .....	\$ 10.00
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(Authorized by and implementing K.S.A. 2005 Supp. 74-32,181; effective Oct. 20, 2006; amended April 16, 2010.)

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

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

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

(1) A title that identifies the enrollment agreement as a contract or legal agreement;

(2) the name and address of the institution;

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) the date on which the enrollment agreement becomes effective;

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

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

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

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

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

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

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

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