



SHEEO

STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

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Kansas Board of Regents

Vertical Tabs

1. Agency and Contact Information

1A1. Agency Name:

Kansas Board of Regents

1A2. Agency Description - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.):

The Kansas Board of Regents authorizes private and out-of-state institutions to operate in Kansas by granting a Certificate of Approval that must be renewed annually.

1A3. Agency Contact - Please review and correct as necessary the contact information below:

Crystal Puderbaugh

Senior Associate Director, Academic Affairs

Kansas Board of Regents

785-430-4287

cpuderbaugh@ksbor.org [1]

Jennifer Armour

Associate Director, Academic Affairs

Kansas Board of Regents

785-430-4288

jarmour@ksbor.org [2]

Danielle Garretson

Office Operations Associate

Kansas Board of Regents

785-430-4290

dgarretson@ksbor.org [3]

1A4. Who should institutions contact if they have questions about your agency's authority, policies, or application process:

Crystal Puderbaugh (Senior Associate Director), Jennifer Armour (Associate Director), Danielle Garretson (Office Operations Associate)

EMAIL: cpuderbaugh@ksbor.org [1], jarmour@ksbor.org [2], dgarretson@ksbor.org [3]

1B. Links - Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency's responsibility for authorization:

[Home Page](#) [4]

[Regulations](#) [5]

2. Types of Educational Providers Authorized

2A1. Institution Types Authorized - Indicate the types of institutions that your agency authorizes. Feel free to provide a short explanation of any ambiguity:

Public, in-state degree granting institutions

Public, out-of-state degree granting institutions

Private, in-state, not-for-profit degree granting institutions

Private, out-of-state, not-for-profit degree granting institutions

Private, in-state, for-profit degree granting institutions

Private, out-of-state, for-profit degree granting institutions

Public, in-state, non-degree granting institutions

Public, out-of-state, non-degree granting institutions

Non-degree, not-for-profit institutions

Non-degree, for-profit institutions

Religious Institutions

2A2. Clarifying comments:

Institutions exclusively delivering programs on property that is not jurisdictionally within or regulated by the state, such as schools located on federal military bases, or officially recognized Indian reservations, are not covered by Kansas statutes and regulations.

2C1. Accreditation - Is accreditation required for an institution to be authorized in your state:

No

2D1. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both:

Both Institutions and Programs

2E1a. Education:

Yes

2E1b. Name and Contact information, Education:

Kansas Department of Education, Teacher Licensure Susan Helbert, Interim Director
(785) 296-3411 shelbert@ksde.org [6]

Website - <http://www.ksde.org/> [7]

2E2a. Nursing:

Yes

2E2b. Name and Contact Information:

Kansas Board of Nursing

Mary Blubaugh, Executive Administrator (785) 296-5752, mary.blubaugh@ksbn.state.ks.us [8] Website - <http://ksbn.org/index.htm> [9]

2E3a. Social Work:

Yes

2E3b. Name and Contact Information:

Website - <http://www.ksbsrb.ks.gov> [10]

2E4a. Counseling Psychology:

Yes

2E4b. Name and Contact Information:

Website - <http://www.ksbsrb.ks.gov> [10]

2E5a. Allied Health Professions and Related Programs:

Yes

2E5b. Name and Contact Information:

Kansas Department of Aging and Disability Services, Brenda Dreher, Director of Health Occupation Credentialing (785) 296-6647 brenda.drerer@ks.gov [11] Website <https://www.kdads.ks.gov/> [12]

Board of Healing Arts, Website - <http://www.ksbha.org> [13]

2E6a. Others (please list):

Yes

2E6b. Name and Contact Information:

<http://www.kansas.gov/agencies> [14]

3. Exemptions

3A1. General Exemptions - Are certain institutions or programs exempt by law or policy from your state authorization requirements:

Yes

3A2. If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? If available, please provide any pertinent web links:

The following exemptions are established by K.S.A. 74-32,164 :

- (a) An institution supported primarily by Kansas taxation from either a local or state source;
- (b) an institution or training program which offers instruction only for avocational or recreational purposes as determined by the state board of regents;
- (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) an institution which is otherwise regulated and approved under any other law of this state;

(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 it has found that the operation of such institution is outside the purview of this act;

(h) the Kansas City College and Bible School, Inc.; and

(i) any postsecondary educational institution that 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.

Whether one of these statutory exemptions applies is fact specific. Thus, each situation must be reviewed on a case by case basis. If a specific school qualifies as a private or out-of-state postsecondary educational institution that is operating in Kansas, it must obtain a certificate of approval from Kansas in order to lawfully offer its programs within Kansas, unless there is an exception that applies. There is currently no Kansas statute allowing the Kansas Board of Regents to waive the requirements of K.S.A. 74-32,162 et seq. if a school is subject to its dictates.

3A3. If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.:

The institution that believes it is exempt may contact the KBOR office providing the pertinent facts. KBOR may request updates and rescind exemption, should facts change to the contrary. Schools falling under any exception should be aware that any material change in applicable facts could require them to obtain a certificate of approval in order to lawfully operate.

3B. Other Requirements - If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.):

Possibly. It will depend upon the nature of the school and program.

3C1. Religious Institutions - Does your state constitution or do your state laws provide any exemptions for religious institutions:

No

4. Authorization of Distance Education

4A1. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence:

Yes

4A2. Clarifying Comments:

If an online school is engaging in activities that indicate they are “operating” in Kansas, they will be

required to obtain a certificate of approval. Lack of physical presence alone will not exempt a school from compliance with state law, if the facts indicate that the school is soliciting students in Kansas or otherwise operating in Kansas. The review to determine application of Kansas statutes to such online programs is fact specific and utilizes tests typically associated with “long-arm jurisdiction” principles. On the other hand, a purely “passive” program will not usually be subject to Kansas approval.

5. Physical Presence Policy – Common “Triggers”

5A. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard:

Physical presence in Kansas is determined by reviewing whether an institution has an actual “brick and mortar” location in Kansas, is conducting direct marketing to Kansas residents (e.g. radio, television, newspaper, magazine, direct mail, and/or telephone ads directed at Kansans), providing education to a number of Kansans who remain in Kansas while receiving such education, etc.

INSTRUCTIONAL ACTIVITIES

5B1a. Hosting short term, face-to-face, seminars or conferences in the state where students meet in person:

No

5B1b. Clarifying Comments:

It depends. If that was the only trigger, no, but if it was this, plus other activity, yes.

5B2a. Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution:

Yes

5B2c. Does this apply only to distance education students or more generally:

More Generally

5B3a. Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently:

Yes

5B3c. Does this apply only to distance education students or more generally:

More Generally

PROPERTY IN THE STATE

5B6a. Housing ONLY computer servers or other equipment at a physical location in the state:

Yes

5B7a. Maintaining an in-state address or phone number, regardless of use:

Yes

RECRUITING ACTIVITIES

5B8a. Organized, consistent, on - the - ground recruiting of students in the state by employees or agents of the institution:

Yes

5B8c. What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs):

No

5B8d. Clarifying Comments:

If that was the only trigger, no, but if it was this, plus other activity, yes.

THIRD PARTY AGREEMENTS/CONTRACTS

5B9a. Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.):

Yes

5B10a. Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution:

Yes

5B10b. Clarifying Comments:

It depends on the totality of factors present.

5B11a. Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution:

Yes

ADVERTISING

5B12a. Advertising in local media sources that are largely viewed by residents of the state

:

Yes

5B13a. Advertising in national media sources that can be accessed by residents of the state:

No

EMPLOYMENT IN THE STATE

5B14a. Employing full-time faculty in the state to provide instruction via distance education programs to students in the state:

Yes

5B14c. What about adjunct faculty:

Yes

5B15a. Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state:

Yes

5B15c. What about adjunct faculty:

Yes

5B16a. Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis:

Yes

OTHER

5B17a. Other [please explain]:

Yes

5B17b. Clarifying Comments::

It is a collection of factors, such as how much money has your institution collected from Kansas students over the last five years. If that is a relatively significant amount, then that would be a trigger to look at.

5C1. Combinations - Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that, if combined, would create a physical presence:

Yes

5C2. Clarifying Comments:

We cannot provide a mathematical formula because determining long-arm jurisdiction is not a science. If a school offering online education has had significant or numerous contacts with the state and its residents, it can assume that it should obtain a certificate of approval in order to lawfully operate within the state. On the other hand, if the online education is passively marketed and the number or extent of contacts with Kansas is minimal, is it less likely that the terms of K.S.A. 74-32,162 et seq will apply.

6. Application Process

6A. Description - Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents:

The first step in the process is completing an initial inquiry.

We ask that a school representative visit our website at <https://kbor.edvera.com/> ^[15], sign-up for an account and complete the initial inquiry questionnaire. After we receive the completed questionnaire, we will then determine the next step for the institution.

The application process generally proceeds as follows:

- School completes the initial inquiry questionnaire from the above listed link
- School completes and submits the application materials and fees to the above listed contacts
- Kansas Board of Regents staff thoroughly reviews the submitted application materials and programs are reviewed based on statutory requirements
- When appropriate, subject matter experts may be asked to evaluate programs
- Upon request, school supplies additional information or makes corrections to meet requirements
- Degree programs are submitted for approval as an agenda item at a monthly Kansas Board of Regents' meeting
- For non-degree programs, staff has authority to grant approval if all requirements have been met
- When all the applicable requirements have been met, the school is approved to operate and issued a Certificate of Approval.
- Site evaluations may be required
- Yearly renewal is required and documentation must be submitted that evidences continuing compliance with statutory minimums.

6B. Processing Time - Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate:

After all the appropriate documentation has been provided, the approval process can take as little as

four weeks, or up to several months depending on the quality of submission documentation, program evaluation requirements and staff workload.

6C. Duration - What is the authorization duration:

1 year.

6D. Maintenance - What does an institution need to do to maintain authorization:

Reapply for a Certificate of Approval and continue complying with statutorily required minimums. Yearly renewal requires virtually the same documentation and process as the initial application.

6E. Reporting - What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly:

This information is required every year. More frequently if there are any significant changes (e.g. ownership of the school or loss of accreditation). The only information that is published is the name of the school, address, phone number, website, accreditation and approved programs.

(see K.S.A. 74-32,169 and K.A.R. 88-8-2)

EACH INSTITUTION MUST PROVIDE SUFFICIENT EVIDENCE THAT IT MEETS and CONTINUES TO COMPLY WITH THE FOLLOWING CRITERIA:

- a) Courses, curriculum and instruction must be 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) space, equipment, instructional material and personnel must be adequate to provide education and training of good quality;
- (c) educational and experience qualifications of directors, administrators and instructors are such as may reasonably insure that students will receive instruction consistent with the objectives of their program of study;
- (d) the institution must maintain written records of the previous education and training of students and applicant students, and training periods must be shortened when warranted by such previous education and training or by skill or achievement tests;
- (e) 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 must be furnished to students upon entry into class;
- (f) upon completion of training or instruction, the institution must provide students with certificates, diplomas or degrees, as appropriate, indicating satisfactory completion of the program;
- (g) the institution must keep adequate records to show attendance, satisfactory academic progress and enforcement of satisfactory standards relating to attendance, progress and conduct;
- (h) the institution must maintain compliance with all local, state and federal regulations;

(i) the institution must be financially responsible and capable of fulfilling commitments for instruction;

(j) the institution must not utilize erroneous or misleading advertising, either by actual statement, omission or intimation;

(k) the institution must 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 or withdraws or is discontinued therefrom 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

(l) the institution must have adopted, published 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 web site, enrollment agreement, catalogue or other media.

6F. Loss of Status - Can an institution lose its authorized status? If so, how?:

Yes. (see K.S.A. 74-32,172 et seq.)

(a) The state board may revoke a certificate of approval or impose reasonable conditions upon the continued approval represented by a certificate. . .

(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.

6Ga. Multi-Institutional Systems - Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process:

Yes, but each branch/campus must file a separate application for a Certificate of Approval.

6Gb. Would multi-institution public systems be treated the same as multi-location for-profit institutions:

Yes.

6H. Distinctive Features - What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment):

Each degree-granting school must be approved by our Board of Regents. They meet once a month with the exception of July and August. The school must first provide all required materials before our division can recommend the Board grant a certificate of approval to a degree granting school.

6I1. Amendments - Is your agency currently planning to amend its application process by the end of 2013:

No

7. Fees Associated with Authorization

7A. Application Fee - Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available:

Yes, there are fees for several different categories.

http://kansasregents.org/about/rules-regulations/private_postsecondary_r... [16]

7B. Other Costs - Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.):

\$20,000 Bond to cover the costs of record storage etc. should the school close

7C. Renewal Costs - What are the costs, if any, to renew authorization:

http://kansasregents.org/about/rules-regulations/private_postsecondary_r... [16]

7D. Exemption Costs - What costs are associated with receiving a waiver or exemption to authorization:

None.

8. Interstate Reciprocity

8A. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe:

Current state law does allow KBOR to participate in interstate reciprocal agreements.

8B. What is the process, if any, to obtain a reciprocal agreement with your state:

The state Board of Regents would have to approve such agreements.

8C. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements:

State Authorization Reciprocity Agreement (SARA)

9. Consumer Protection and Student Complaints

9A1. Does your agency have a process for handling complaints about postsecondary institutions or programs::

Yes

9A2. If yes, please describe the process or provide a web link to the material that describes the complaint process:

The schools' complaint process should be posted at each school.

The process for filing a complaint with KBOR is discussed at the following links.

Private and Out-of-State: http://kansasregents.org/academic_affairs/private_out_of_state/complaint... [17]

Kansas Public Institutions: http://kansasregents.org/students/university_student_complaints [18]

Kansas SARA Institutions: http://kansasregents.org/academic_affairs/sara [19]

Kansas Independent Institutions:

http://kansasregents.org/academic_affairs/private_out_of_state/private_a... [20]

9A3a. If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions):

No

9B. Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available:

Jennifer Armour
Business Analyst
1000 SW Jackson, Ste 520
Topeka, KS 66612
(785) 430-4288
jarmour@ksbor.org [2]

10. Enforcement

10A. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action:

A letter is mailed to the institution explaining why they need to apply for a Certificate of Approval and appropriate statutes and regulations are cited. We then give the school 60 days to comply. If no attempt to comply is made within a reasonable time frame, we contact the Kansas Attorney General's office to request assistance.

10B. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies:

Yes, they may contact our office and explain why they believe an approval from our office should not be required. We are happy to speak with representatives of schools, but also request official positions be submitted in writing so there is record of the matter.

11. Legislative or Regulatory Changes

11A1. Amendments - Is your agency or state legislature currently planning to amend its regulations or alter its physical presence policy:

No

11B1. Federal Regulations - Is your agency or state legislature making changes in your

state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations:

No

11C1. Other Changes - Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization:

No

Source URL: http://sheeo.org/sheeo_surveys/user/45

Links

[1] <mailto:cpuderbaugh@ksbor.org>

[2] <mailto:jarmour@ksbor.org>

[3] <mailto:dgarretson@ksbor.org>

[4] http://www.kansasregents.org/academic_affairs/private_out_of_state

[5] http://www.kansasregents.org/academic_affairs/private_out_of_state/statutes_regulations

[6] <mailto:shelbert@ksde.org>

[7] <http://www.ksde.org/>

[8] <mailto:mary.blubaugh@ksbn.state.ks.us>

[9] <http://ksbn.org/index.htm>

[10] <http://www.ksbsrb.ks.gov>

[11] <mailto:brenda.drerer@ks.gov>

[12] <https://www.kdads.ks.gov/>

[13] <http://www.ksbha.org>

[14] <http://www.kansas.gov/agencies>

[15] <https://kbor.edvera.com/>

[16] http://kansasregents.org/about/rules-regulations/private_postsecondary_rules_regulations?showall=&start=6

[17] http://kansasregents.org/academic_affairs/private_out_of_state/complaint_process

[18] http://kansasregents.org/students/university_student_complaints

[19] http://kansasregents.org/academic_affairs/sara

[20]

http://kansasregents.org/academic_affairs/private_out_of_state/private_and_out_of_state_institutions/independent_postsecondary_institutions