

Kansas Administrative Regulations

State Board of Regents

Article 28.—Private and Out-of-State Postsecondary Education Institutions

88-28-2. Minimum requirements.

(a) To qualify for a certificate of approval, each applicant institution shall meet the requirements 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) The owner or the owner's designee has received all required inspections and written reports from the local fire department, state fire marshal, and other agencies responsible for ensuring public health and safety and has completed any required improvements. The written reports shall be maintained on-site and provided to the state board upon request.

(3) The administrative personnel of the institution 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 academic, enrollment, and financial records of the students shall be securely maintained and protected from theft, fire, and other possible loss. Student transcripts shall be kept in an accessible format for 50 years from each student's last date of attendance.

(6) 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 demonstrate a profit earned before depreciation, amortization, and taxes and meet at least one of the following requirements for the most recent fiscal or calendar year:

(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. Extraordinary items, prior period adjustments, changes in accounting principles, questionable accounting treatments, unsecured or uncollateralized related-party receivables, intangible assets, and restricted assets shall be excluded; or

(B) exhibit a positive net worth in which the total assets exceed the total liabilities. Net worth shall be calculated by subtracting total liabilities from total assets. Extraordinary items, prior period adjustments, changes in accounting principles, questionable accounting treatments, unsecured or uncollateralized related-party receivables, intangible assets, and restricted assets shall be excluded.

(7) Each institution shall have a tuition refund policy and a student enrollment cancellation policy, called the "refund policy" in this article of the state board's 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;

(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 documents, as described in K.A.R. 88-28-7;

(iii) each student who has completed 25 percent or less of a course and withdraws shall be eligible for a pro rata refund. The completion percentage shall be based on the total number of calendar days in the course and the total number of calendar days completed. 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. After a student has attended more than 25 percent of the course, tuition and fees shall not be refundable;

(iv) all 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; and

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

(8) 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.

(9) 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 requirements 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)(7);

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

(R) the institution's policies for the transfer of clock-hours or credit hours and for advanced-standing examinations for students transferring to the institution or transferring to a different institution;

(S) an attendance policy; and

(T) a grievance policy and complaint procedures, including contact information for the state board, as required by K.S.A. 74-32,169 and amendments thereto.

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

(11) 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 either the documented median starting wage of a majority of the institution's graduates who graduated within the most recent calendar year or a

citation to a governmental agency or nationally recognized source of the quoted salaries;

(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.

(12) 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.

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

(14) 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.

(15) 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.

(16) 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.

(17) 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.

(18) The instructors in all programs shall maintain continuous professional experience in their professional fields.

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

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

(21) 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.

(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.

(5) The institution shall be accredited by or making progress toward successful attainment of accreditation by a recognized accrediting organization.

(c) If an institution has accreditation issued by an 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. Accreditation shall not be accepted by the state board as presumptive evidence of compliance with minimum financial requirements.

(Authorized by K.S.A. 2021 Supp. 74-32,165; implementing K.S.A. 2021 Supp. 74-32,165, 74-32,168, and 74-32,169; effective Oct. 20, 2006; amended May 26, 2017; amended Feb. 17, 2023.)

***** Authenticated Kansas Administrative Regulation *****