

Kansas Administrative Regulations

State Board of Regents

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

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, or functional equivalents;
- (7) a copy of the enrollment documents, or functional equivalent;

(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 include either a balance sheet and an income statement or a statement of financial position and a statement of activities. These documents shall be audited by a certified public accountant if the institution is requesting degree-granting authority or the institution participates in title IV student financial aid programs under the higher education act of 1965, as amended;

(12) for an institution in its first calendar year of operation, a business plan with the initial application, which shall include the following:

(A) An income statement or statement of activities that provides projected revenue and expenses for the first year of operation; and

(B) written documentation evidencing the amounts and sources of capital currently available to the institution for payment of start-up costs and any potential losses; and

(13) a copy of any certificate of accreditation issued to the institution by an accrediting agency recognized by the United States department of education and a copy of a report of any adverse actions during the last three academic years.

(d) 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 pending approval of the institution. Following notification, an owner of the applicant institution or the owner's designee shall furnish a surety bond 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 is filed with and accepted by the state board.

(e) 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 or condition the institution's certificate of approval. 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 requirements specified in K.S.A. 74-32,169, and amendments thereto, and K.A.R. 88-28-2.

(f) If an institution or an owner of the institution is named in any criminal action or civil action alleging dishonesty, fraud, or a consumer protection violation after the institution has obtained a certificate of approval, the owner or owner's designee shall immediately notify the state board of the criminal or civil action.

(g) If there are any changes or adverse actions taken by the United States department of education or the institution's accreditor, the owner or the owner's designee shall notify the state board within a week of receipt of notice of the changes or adverse actions taken.

(h) An owner or the owner's designee of each institution with degree-granting authority that seeks to begin a new degree program 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 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. 2021 Supp. 74-32,165; implementing K.S.A. 2021 Supp. 74-32,167, 74-32,168, 74-32,172, 74-32,175 and 74-32,177; effective Oct. 20, 2006; amended May 26, 2017; amended Feb. 17, 2023.)

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