

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2003

HOUSE BILL No. 2008

By Legislative Educational Planning Committee

1-7

12 ~~AN ACT concerning proprietary schools, relating to certification and reg-~~
13 ~~istration fees, amending K.S.A. 72-4938 and repealing the existing~~
14 ~~section.~~

15 **AN ACT concerning public postsecondary education; concerning**
16 **certain persons deemed to be residents for purposes of tuition**
17 **and other fees at postsecondary educational institutions.**

18

19 *Be it enacted by the Legislature of the State of Kansas:*

20 ~~Section 1. K.S.A. 72-4938 is hereby amended to read as follows: 72-~~
21 ~~4938. Fees for certificates of approval and registration of representatives~~
22 ~~shall be collected by the state board in accordance with the following~~
23 ~~schedule (a) The state board shall fix, charge and collect fees for certifi-~~
24 ~~cates of approval, registration of representatives and providing transcripts~~
25 ~~to students who attended a proprietary school that has ceased operation~~
26 ~~by adopting rules and regulations for such purposes, subject to the fol-~~
27 ~~lowing limitations:~~

28 ~~(a) (1) For schools domiciled or having their principal place of busi-~~
29 ~~ness within the state of Kansas:~~

30 ~~(1) (A) Initial issuance of certificate of approval \$800.00 not more than \$1,700~~

31 ~~(2) (B) Renewal of certificate of approval 300.00 not more than 1,200~~

32 ~~(3) (C) Initial registration of representative 50.00 not more than 150~~

33 ~~(4) (D) Annual renewal of registration of representative 25.00 not more than 100~~

34 ~~(b) (2) For schools domiciled or having their principal place of busi-~~
35 ~~ness outside the state of Kansas:~~

36 ~~(1) (A) Initial issuance of certificate of approval \$1500.00 not more than \$3,400~~

37 ~~(2) (B) Renewal of certificate of approval 750.00 not more than 2,400~~

38 ~~(3) (C) Initial registration of representative 100.00 not more than 300~~

39 ~~(4) (D) Annual renewal of registration of representative 75.00 not more than 200~~

40 ~~(3) For retrieval of student transcript from school~~
41 ~~that has ceased operation not more than 10~~

42 ~~(b) The state board shall determine annually the amount necessary to~~
43 ~~carry out and enforce the provisions of the Kansas proprietary school act~~

1 ~~for the next ensuing fiscal year and shall fix by rules and regulations the~~
2 ~~fees authorized for such year at the sum deemed necessary for such pur-~~
3 ~~poses within the limits of this section. Prior to adoption of any such rules~~
4 ~~and regulations, the state board shall afford the advisory commission on~~
5 ~~proprietary schools an opportunity to make recommendations on the pro-~~
6 ~~posed rules and regulations. The amount of all fees prescribed by this~~
7 ~~section prior to the effective date of this act shall continue in effect and~~
8 ~~shall be charged and collected until the amount of such fees is changed~~
9 ~~by rules and regulations adopted by the state board pursuant to this sec-~~
10 ~~tion.~~

11 ~~— Sec. 2. K.S.A. 72-4938 is hereby repealed.~~

12 **Section 1. (a) Any individual who is enrolled or has been ac-**
13 **cepted for admission at a postsecondary educational institution as**
14 **a postsecondary student shall be deemed to be a resident of Kansas**
15 **for the purpose of tuition and fees for attendance at such postse-**
16 **condary educational institution.**

17 **(b) As used in this section:**

18 **(1) “Postsecondary educational institution” has the meaning as-**
19 **cribed thereto in K.S.A. 74-3201b, and amendments thereto; and**

20 **(2) “individual” means a person who (A) has attended an ac-**
21 **credited Kansas high school for three or more years, (B) has either**
22 **graduated from an accredited Kansas high school or has earned a**
23 **general educational development (GED) certificate issued within**
24 **Kansas, regardless of whether the person is or is not a citizen of the**
25 **United States of America; and (C) in the case of a person without**
26 **lawful immigration status, has filed with the postsecondary educa-**
27 **tional institution an affidavit stating that the person ~~has~~ [or the**
28 **person’s parents have] filed an application to legalize such person’s**
29 **immigration status, or [such person] will file such an application**
30 **as soon as such person is eligible to do so or, in the case of a person**
31 **with a legal, nonpermanent immigration status, has filed with the**
32 **postsecondary educational institution an affidavit stating that such**
33 **person has filed an application to begin the process for citizenship**
34 **of the United States or will file such application as soon as such**
35 **person is eligible to do so.**

36 **(c) The provisions of this section shall not apply to any individ-**
37 **ual who:**

38 **(1) Has a valid student visa; or**

39 **(2) at the time of enrollment, is eligible to enroll in a public**
40 **postsecondary educational institution located in another state upon**
41 **payment of fees and tuition required of residents of such state.**

42 ~~[(d) Any individual who files an affidavit pursuant to subsection~~
43 ~~(b) which contains false information or fails to file an application~~

1 ~~to legalize such person's immigration status or begin the process for~~
2 ~~citizenship as required by subsection (b) shall not be deemed a res-~~
3 ~~ident of the state of Kansas for the purpose of tuition and fees.]~~

4 *[(d) Any individual who: (1) Files an affidavit which contains*
5 *false information; (2) fails to file an application to legalize such*
6 *person's immigration status within one year of becoming eligible;*
7 *(3) fails to begin the process for citizenship within one year of be-*
8 *coming eligible; or (4) fails to maintain an active application for*
9 *citizenship after filing therefor shall not be deemed a resident of the*
10 *state of Kansas for the purpose of tuition and fees. In addition, such*
11 *individual shall be required to repay the difference between the*
12 *amount of fees and tuition actually paid and the amount such per-*
13 *son would have paid as a nonresident of the state of Kansas, plus*
14 *interest at a rate not to exceed the maximum under K.S.A. 16-201,*
15 *and amendments thereto, for the time such individual was enrolled*
16 *as a resident pursuant to this section.]*

17 Sec. ~~2~~ **2**. This act shall take effect and be in force from and after its
18 publication in the statute book.