

HOUSE BILL No. 2572

AN ACT concerning postsecondary educational institutions; relating to private and out-of-state institutions; amending K.S.A. 58-3046a, 72-4450, 72-4451, 72-4452, 74-3201b and 74-32,144 and repealing the existing sections.

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

Section 1. K.S.A. 58-3046a is hereby amended to read as follows: 58-3046a. (a) Except as provided in K.S.A. 58-3040, and amendments thereto, any person who applies for an original license in this state as a salesperson shall submit evidence, satisfactory to the commission, of attendance of a principles of real estate course, of not less than 30 hours of instruction, approved by the commission and received within the 12 months immediately preceding the filing of application for salesperson's license. The commission may require the evidence to be furnished to the commission with the original application for license or it may require the applicant to furnish the evidence to the testing service designated by the commission as a prerequisite to taking the examination required by K.S.A. 58-3039 and amendments thereto. If the evidence is furnished to the testing service, the instruction shall have been received within 12 months immediately preceding the date of the examination.

(b) Except as provided in K.S.A. 58-3040, and amendments thereto, any person who applies for an original license in this state as a broker shall submit evidence, satisfactory to the commission, of attendance of 24 hours of instruction, approved by the commission and received within the 12 months immediately preceding the filing of application for broker's license. Such hours shall be in addition to any hours of instruction used to meet the requirements of subsection (c), (d), (e) or (f). The commission may require the evidence to be furnished to the commission with the original application for license, or it may require the applicant to furnish the evidence to the testing service designated by the commission as a prerequisite to taking the examination provided in K.S.A. 58-3039, and amendments thereto. If the evidence is furnished to the testing service, the instruction shall have been received within 12 months immediately preceding the date of the examination.

(c) Except as provided in subsections (d), (e) and (f), at or prior to each renewal date established by the commission, any person who is licensed in this state as a broker or as a salesperson shall submit evidence, satisfactory to the commission, of attendance of not less than 12 hours of additional instruction approved by the commission and received during the renewal period.

(d) Any person who obtained an original license in this state as a salesperson after July 1, 1988, and before July 1, 1991, shall submit evidence, satisfactory to the commission, of attendance of courses of instruction approved by the commission at or prior to each renewal date established by the commission as follows:

(1) At or prior to the first license renewal, 50 hours of instruction received after the date of licensure. Such evidence shall not be required until the second license renewal if the original license expires less than six months after issuance.

(2) At or prior to each license renewal thereafter, 12 hours of additional instruction received during the renewal period.

Any salesperson who obtains a broker's license in this state prior to completing the 50 hours of instruction required by this subsection shall submit the same evidence to renew the broker's license that would have been required to renew the salesperson's license.

(e) Any person who obtains an original license in this state as a salesperson on or after July 1, 1991 and before October 1, 1997, shall submit evidence, satisfactory to the commission, of attendance of courses of instruction approved by the commission at or prior to each renewal date established by the commission as follows:

(1) At or prior to the first license renewal, 30 hours of instruction received after the date of licensure. Such evidence shall not be required until the second license renewal if the original license expires less than six months after issuance.

(2) At or prior to each license renewal thereafter, 12 hours of additional instruction received during the renewal period.

Any salesperson who obtains a broker's license in this state prior to completing the 30 hours of instruction required by this subsection shall submit the same evidence to renew the broker's license that would have been required to renew the salesperson's license.

(f) Any person who obtains a temporary license in this state as a salesperson on and after October 1, 1997, shall submit evidence, satisfactory to the commission, of attendance of courses of instruction approved by the commission as follows:

(1) No later than ten days prior to the expiration date of the temporary license, 30 hours of instruction received after the date of licensure.

(2) At or prior to the first renewal of a license issued pursuant to subsection (f)(2) or (4) of K.S.A. 58-3039, and amendments thereto, 12 hours of additional instruction received during the renewal period. Such evidence shall not be required until the second license renewal if the license expires less than six months after issuance.

(3) At or prior to each license renewal thereafter, 12 hours of additional instruction received during the renewal period.

(g) Except for courses reviewed pursuant to subsection (j), on and after January 1, 1994, courses of instruction required by this section shall be courses approved by the commission and offered by:

(1) An institution which is accredited by the north central association of colleges and secondary schools accrediting agency;

(2) an area vocational or vocational-technical school as defined by K.S.A. 72-4412, and amendments thereto;

(3) a ~~proprietary school~~ *private or out-of-state postsecondary educational institution* which has been issued a certificate of approval pursuant to the Kansas ~~proprietary school~~ *private and out-of-state postsecondary educational institution act*;

(4) any agency of the state of Kansas; or

(5) a similar institution, approved by the commission, in another state.

(h) The commission shall adopt rules and regulations to: (1) Prescribe minimum curricula and standards for all courses offered to fulfill education requirements of this act, (2) designate a course of study to fulfill any specific requirement, which may include requiring that licensees pass a test as prescribed by the commission for any course designated by the commission in rules and regulations as a mandatory core requirement, (3) prescribe minimum qualifications for instructors of approved courses and (4) establish standards and procedures for approval of courses and instructors, monitoring courses, advertising, registration and maintenance of records of courses, and withdrawal of approval of courses and instructors.

(i) The commission may approve nontraditional courses consisting solely or primarily of home study, videotaped or computer-assisted instruction. For the purpose of this section, attendance of one hour of instruction shall mean 50 minutes of classroom instruction or the equivalent thereof in nontraditional study as determined by the commission.

(j) Courses of instruction required by this section shall be courses approved by the commission either before or after their completion. The commission may give credit toward the 12 hours of additional instruction required by subsection (c), (d), (e) or (f) to any licensee who submits an application for course review obtained from the commission and pays the fee prescribed by K.S.A. 58-3063, and amendments thereto, if, in the judgment of the commission, the course meets the objectives of continuing education.

(k) The commission shall publish annually a list of educational institutions and entities and the courses offered by them in this state which are approved by the commission.

(l) No license shall be issued or renewed unless the applicable requirements set forth in this section are met within the time prescribed.

Sec. 2. K.S.A. 72-4450 is hereby amended to read as follows: 72-4450. As used in this act:

(a) "Vocational education program" means a program of vocational or technical training or retraining which is operated at the postsecondary level and is designed to prepare persons for gainful employment.

(b) "Vocational education institution" means any area vocational school, area vocational-technical school, community college, municipal university, or any state educational institution which operates one or more vocational education programs.

(c) "Area vocational school," "area vocational-technical school," "community college," "municipal university," "state educational institu-

tion,” and “state board” have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

(d) ~~“Proprietary school” has the meaning ascribed thereto in K.S.A. 72-4019, and amendments thereto.~~ *“Private postsecondary educational institution” and “out-of-state postsecondary educational institution” have the meanings ascribed thereto in K.S.A. 2005 Supp. 74-32,163, and amendments thereto.*

(e) “Program” means the Kansas training information program established by this act.

Sec. 3. K.S.A. 72-4451 is hereby amended to read as follows: 72-4451. There is hereby established the Kansas training information program. The state board shall adopt rules and regulations for administration of the program and shall:

(a) On or before December 31 in each fiscal year, publish and distribute a report of the employment placement rates and average salaries earned by persons completing vocational education programs in this state during the most recently ended fiscal year for which such information is available. The information required in such report shall be separately reported by program and by institution or school;

(b) establish an advisory committee consisting of representatives of vocational education institutions and participating ~~proprietary schools~~ *private and out-of-state postsecondary educational institutions* to assist in the administration of the program. *Such representatives shall be comprised of persons who reside or work in Kansas;* and

(c) prescribe all forms necessary for vocational education institutions and participating ~~proprietary schools~~ *private and out-of-state postsecondary educational institutions* to provide the information necessary to produce the report required by this section.

Sec. 4. K.S.A. 72-4452 is hereby amended to read as follows: 72-4452. (a) Every vocational education institution; and ~~every proprietary school~~ *private or out-of-state postsecondary educational institution* which desires to participate in the program, shall:

(1) On or before August 1 in each fiscal year, transmit to the state board (A) the social security number of each person who completed a vocational education program operated by the vocational education institution or ~~proprietary school~~ *private or out-of-state postsecondary educational institution* during the prior fiscal year, and (B) such other information as the state board may require in order to conduct follow-up surveys and studies which will assist in the evaluation of vocational education programs; and

(2) prior to or at the time of enrollment at the vocational education institution or ~~proprietary school~~ *private or out-of-state postsecondary educational institution*, make available to persons enrolling in a vocational education program the most current report published and distributed by the state board.

(b) Information transmitted to the state board pursuant to subsection (a)(1) shall be confidential and shall not be disclosed or made public in such a manner that any individual person can be identified thereby.

Sec. 5. K.S.A. 74-3201b is hereby amended to read as follows: 74-3201b. As used in the Kansas higher education coordination act:

(a) “State board of regents” or “state board” means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto, except as otherwise specifically provided in this act.

(b) “State educational institution” means any state educational institution, as defined in K.S.A. 76-711, and amendments thereto.

(c) “Municipal university” means Washburn university of Topeka or any other municipal university established under the laws of this state.

(d) “Community college” means any community college established under the laws of this state.

(e) “Technical college” means any technical college established under the laws of this state.

(f) “Vocational education school” means any area vocational school or area vocational-technical school established under the laws of this state.

(g) “Public university” means any state educational institution.

(h) “Postsecondary educational institution” means any public university, municipal university, community college, technical college and vo-

cational education school, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.

(i) ~~“Proprietary school” means any proprietary school as defined in K.S.A. 72-4919, and amendments thereto. The term proprietary school does not include within its meaning any school or educational institution specifically exempted from the definition of proprietary school by the provisions of K.S.A. 72-4920, and amendments thereto. “Private postsecondary educational institution” and “out-of-state postsecondary educational institution” have the meanings ascribed thereto in K.S.A. 2005 Supp. 74-32,163, and amendments thereto.~~

(j) “Adult basic education program” and “adult supplementary education program” have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.

(k) “Representative of a postsecondary educational institution” means any person who is the holder of an associate degree, a bachelor’s degree, or a certificate of completion awarded by a postsecondary educational institution.

Sec. 6. K.S.A. 74-32,144 is hereby amended to read as follows: 74-32,144. During the period of transition from general supervision by the state board of education of the community colleges, technical colleges, area vocational schools and area vocational-technical schools to supervision and coordination thereof by the state board of regents, from jurisdiction of the abolished state board of regents over the public universities to jurisdiction of the state board of regents established by K.S.A. 74-3202a, and amendments thereto, and from regulation by the state board of education of ~~the proprietary schools~~ *private and out-of-state postsecondary educational institutions* to regulation thereof by the state board of regents, the state board of education and the abolished state board of regents shall provide such assistance as the state board of regents established by K.S.A. 74-3202a, and amendments thereto, may request in order to enable such state board of regents to assume in an orderly manner the exercise of powers and the performance of duties and functions transferred under authority of this act. During such period of transition, the state board of regents established by K.S.A. 74-3202a, and amendments thereto, may exercise such powers and perform such duties and functions relating to the control or supervision of postsecondary educational institutions as may be authorized by interagency agreements entered into with the abolished state board of regents or with the state board of education.

Sec. 7. K.S.A. 58-3046a, 72-4450, 72-4451, 72-4452, 74-3201b and 74-32,144 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.