

MINUTES OF THE COMMITTEE ON HIGHER EDUCATION.

The meeting was called to order by Chairperson Tom Sloan at 3:30 p.m. on January 15, 2003 in Room 231-N of the Capitol.

All members were present except: Representative Kuether  
Representative Phelps  
Representative Pottorf

Committee staff present: Mary Galligan, Legislative Research  
Carolyn Rampey, Legislative Research  
Paul West, Legislative Research  
Jim Wilson, Revisor's Office  
Mona Gambone, Committee Secretary

Conferees appearing before the committee: Mr. Bob Kelly, Independent Colleges  
Dr. Patricia Anderson, Director, Proprietary Schools

Others attending: See attached list

Chairman Sloan called the meeting to order at 3:30 p.m..

Chairman Sloan explained the Committee Rules (Attachment 1). He asked for questions, there were none.

Chairman Sloan introduced the staff to the Committee and asked each Committee member to introduce themselves.

Chairman Sloan called attention to a handout he had provided, the Opinion from the Hutchinson News concerning the value of higher education (Attachment 2).

Chairman Sloan asked Committee members to convey their particular interests in higher education to himself, the Vice Chairman or the Ranking Minority Member.

Chairman Sloan then gave an overview of the three subcommittees of the Higher Education Committee:  
Subcommittee on Work Force Development, chaired by Representative Tafanelli  
Subcommittee on Distance Learning, chaired by Representative Krehbiel  
Subcommittee on Commercialization of Ideas and Inventions, chaired by Representative Gordon

Chairman Sloan asked the Subcommittees to report back to the Committee on February 3, 2003, with a summary of their deliberations and if there is any legislation needed in these areas. The Subcommittees are to meet as they can, not at the regular Committee time.

Chairman Sloan urged the Committee members to visit institutions of higher education, both in and out of their districts, in order to familiarize themselves with all types of facilities.

Chairman Sloan asked the Committee to approve the introduction of three Committee bills:

1. To change the status of classified employees at Regents' institutions;
2. Securitization of the tobacco settlement money with some going for health programs and some going for higher education programs;
3. To require the Board of Regents to do performance audits of degree and certificate programs on a four-year basis and make reports.

Representative Storm made the motion to introduce the bills; Representative Horst seconded the motion, the motion passed. Chairman Sloan asked if any members of the Committee had any legislation they

CONTINUATION SHEET

MINUTES OF THE COMMITTEE ON HIGHER EDUCATION at 3:30 p.m. on January 15, 2003 in Room 231-N of the Capitol.

would like to have introduced; there were none. He asked if anyone in the audience had anything; there were no comments.

Chairman Sloan pointed out to the Committee the large map which was displayed in the front of the Committee room indicating the locations of institutions of higher education in Kansas.

Chairman Sloan introduced Paul West, Legislative Research, who presented a brief overview of higher education in Kansas (Attachment 3). There were no questions of Mr. West.

Chairman Sloan introduced Mr. Bob Kelly, Kansas Independent Colleges, who distributed a brochure to the Committee and discussed it's contents: the impact independent colleges have on the state; their differences and similarities to other colleges; how financial aid is distributed at independent colleges; enrollment; and interaction with state government. Mr. Kelly then responded to questions from Committee members.

Chairman Sloan then introduced Dr. Patricia Anderson, Director of Proprietary Schools, who gave an overview of Proprietary Schools in Kansas (Attachments 4, 5 and 6). Dr. Anderson then responded to questions from Committee members.

Chairman Sloan announced the staff assignments for the Subcommittees:

- Carolyn Rampey to Work Force Development
- Paul West to Commercialization of Ideas and Inventions
- Mary Galligan to Distance Learning

Chairman Sloan asked Dick Carter, Board of Regents, to furnish a list of contacts at their Regents institutions to the Committee Secretary.

There being no further business, the meeting was adjourned at 4:45 p.m..

The next meeting is scheduled for January 22, 2003.



COMMITTEE RULES  
2003 - 2004  
KANSAS HOUSE OF REPRESENTATIVES  
COMMITTEE ON HIGHER EDUCATION

The purpose of these rules is to ensure the smooth operation of the Committee and facilitate the understanding of members of the Committee and the public in understanding the legislation brought to this Committee. Unless stated to the contrary, the rules of the House or Mason's Manual of Legislative Procedure will apply.

PROTOCOL OF MEETING & COMMITTEE INFORMATION

1. Items listed on the agenda shall be brought before the Committee in order of appearance. However, the chair may at any time bring to discussion, and possible vote, any bills previously heard.
2. Original motions shall be in order when a bill is pending for consideration. A substitute motion will not be allowed. Original motions must be withdrawn or defeated prior to the "next" motion being made. Amendments to motions are not in order.
3. An amendment to a bill must be "germane" to the area of law that is being proposed or changed. Since committees serve the purpose of examining issues for which there may be multiple solutions or approaches, "germaneness" will be interpreted as broadly as possible. Only the chair shall determine if an amendment is "germane".
4. The question of adjournment shall be reserved to the chair and no motion to adjourn shall be entertained.
5. A motion to "table a bill" shall be in order at any time a question (including an original motion) is pending. The motion to "table a bill" is non-debatable and requires a majority vote by members present to pass. A successful motion to "table a bill" shall lay the bill over a minimum of one day. The chair may refuse to accept a motion to table a bill or move a bill out of Committee with just cause. Just cause includes, but is not limited to, the chair's desire for full Committee debate on the bill prior to decisions on the bill being made.
6. A motion to "take from the table" shall be in order only when such item is on the agenda or is taken up by the chair. The motion requires a simple majority and is debatable.
7. A motion to report a bill "without recommendation" shall not be in order; bills shall be passed, amended and passed, defeated, or tabled.
8. A motion to reconsider a previous successful motion shall only be made by a member voting on the prevailing side of the original motion. A simply majority vote of members present shall be required to reconsider a previous successful motion.



9. A motion to report a bill out of Committee shall not be in order until all amendments, which have been prepared by the Revisor of Statutes' office and reported to the chairman in advance of the meeting, have been considered.
10. No conferee shall be interrupted, except by the chair, during presentation of their testimony.
11. Questioning of a conferee shall be limited to the subject matter on the agenda for the day. If the questioning of a conferee by a Committee member goes beyond "reasonableness", the chair may discontinue the Committee member's questioning of that conferee.
12. There shall be no recorded Committee votes on Committee action. Any Committee member may request their individual vote be recorded on a bill.
13. The chair shall set the Committee Agenda.
14. Only persons specifically recognized by the chair may address the Committee or respond to Committee questions. Committee members must be recognized by the chair prior to questioning a conferee.
15. Seating will be assigned by the Chairman.
16. Requests for excused absences will be honored. Prior notification of absences shall be communicated to the Committee secretary.
17. All cell phones and pagers in the Committee room shall be in "silent" mode and use of cell phones in the Committee room will not be permitted.
18. Video and audio taping is prohibited except by the media unless approved in advance by the chair.
19. All powers, duties and responsibilities not addressed above are reserved to the chair.

Date: Tues 7-23-02

- ( ) Topeka Capital Journal
- ( ) Wichita Eagle
- ( ) Kansas City Star
- ( ) Chanute Tribune
- ( ) Dodge City Daily Globe
- ( ) E
- ( ) G
- ( ) H

- ( ) Hutchinson News
- ( ) Iola Register
- ( ) Johnson County Sun
- ( ) Junction City Daily Union
- ( ) Kansas City Kansan

- ( ) Manhattan Mercury
- ( ) Olathe Daily News
- ( ) Ottawa Herald
- ( ) Parsons Sun
- ( ) Pittsburg Morning Sun
- ( ) Salina Journal
- ( ) Winfield Daily Courier

# Opinion

## Lifetime earnings

### Report highlights value of a college education

The Census Bureau issued an interesting and timely report last week.

The bureau said that a survey of American workers showed that more schooling translates into higher lifetime earnings.

The report came out just as college students and their parents started absorbing the impact of a Kansas Board of Regents decision.

The regents last month approved tuition rate increases at public universities in the state that range from 6 percent to 32 percent. The move increased tuition at the state's two largest universities - the University of Kansas and Kansas State University - by 25 percent.

Based on a 30-hour academic year, tuition for state residents increased \$588 to \$2,921 a year at KU and rose \$585 to \$2,918 annually at K-State. Tuition for out-of-state residents rose to \$10,124 annually at KU, after an \$864 (9.3 percent) increase, and to \$10,178 at K-State, after a \$918 (9.9 percent) jump.

But the Census Bureau's report

showed that a college education remains well worth the additional investment.

The survey, based on 1999 salaries, projected that:

- A high school graduate will make \$1.2 million while working full-time between ages 25 and 64.
- A college graduate will earn \$2.1 million over that typical work-life period.
- A master's degree-holder will earn \$2.5 million.
- A person with a professional degree, such as a doctor or lawyer, will earn even more - \$4.4 million.

The survey shows how education can heavily influence a person's lifetime earnings capability.

If tuition rises 25 percent annually at KU and K-State for each of the next four years, that cost factor of a bachelor's degree will total roughly \$16,850. Yet the additional \$900,000 to \$1 million in lifetime earnings a college graduate can expect to make covers the added tuition expense 53-times over.

In other words, even with the tuition hikes, a college degree from the state's two largest public universities remains a good value for the individuals paying the freight.

January 15, 2003

**To:** House Higher Education Committee  
**From:** Paul R. West, Senior Fiscal Analyst  
**Re:** Higher Education in Kansas

The following provides a brief overview of the organization of higher education in Kansas.

## **Kansas Board of Regents**

The Kansas Board of Regents serves as the centerpiece of higher education in Kansas. The Board provides governance of the six state universities and coordinates the efforts of the community college and technical education sectors, administers state student financial aid and federal vocational education aid, conducts research on educational issues important to the state, and serves as the voice for public postsecondary education.

The current organization of the Board was created as a portion of 1999 SB 345. Under the provisions of that act, the Board consists of nine members who are appointed by the Governor subject to confirmation by the Senate. One member of the Board is appointed from each congressional district with the remaining members appointed at large. No two members may reside in the same county at the time of their appointment and no more than five Board members may be members of the same political party.

The Board is organized into three advisory commissions: the Commission for Community Colleges and Vocational/Technical Education; the Commission for Public Universities; and the Commission for Higher Education Coordination. Under the provisions of 2002 SB 647, these commissions will be abolished effective June 30, 2003 and the Board will be organized in the manner it deems most appropriate.

The Board is charged with the responsibility of governing the six state universities. In addition, the Board provides supervision and coordination to the state's 19 community colleges, Washburn University, and the 11 area vocational/technical schools/colleges. The state's community colleges and Washburn University are governed by their own boards of trustees, while the governance of the area vocational/technical schools and colleges is split between either a single school district board of education or joint boards made up of two or more local school boards. An additional five area vocational/technical schools are under the control of community colleges.

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In addition to governing the state universities and coordinating the activities of the community colleges, the Board of Regents has numerous other responsibilities. Some of these include:

- Serve as the representative of public postsecondary education before the Legislature and the Governor;
- Develop and maintain a comprehensive plan for the coordination of higher education;
- Determine institutional roles and review institutional missions and goals;
- Develop articulation procedures among and between postsecondary institutions;
- Review budget requests and present a unified budget request for higher education to the Governor and Legislature each year;
- Create and maintain a uniform postsecondary education database;
- Develop and implement a comprehensive plan for the utilization of distance learning technologies;
- Conduct continuous studies on ways to maximize the utilization of resources for higher education while also improving higher education access and affordability;
- Administer and allocate funding for state financed student financial aid, including state funding for the independent colleges;
- Administer and allocate funding for adult basic education programs; and
- Register proprietary schools that wish to offer courses in the state.

### **Senate Bill 345**

In 1999 the Legislature passed SB 345, also known as the Kansas Higher Education Coordination Act. In addition to creating the current structure of the Board, the bill shifted state funding for community colleges and postsecondary vocational education aid from the State Board of Education to the Kansas Board of Regents. (State financial support for Washburn University had been shifted to the Board of Regents in 1992.) The bill also established a new funding formula for state financial support for the community colleges and Washburn University.

The new funding formula ties state financial support for community colleges and Washburn University to State General Fund expenditures for underclassmen at the state's regional universities (Emporia, Fort Hays, and Pittsburg) per FTE student. The formula

provides for an increasing percentage of state funding to be provided over a four year period, beginning with 50 percent of the prior year expenditures at the regional universities and increasing to 65 percent in the fourth year of the program. The formula also provides replacement funding for the phased elimination of out-district tuition paid to community colleges, provides for financing a pool of funds for faculty salary increases at the state universities, and provides for performance funding to all public higher education sectors beginning in the third year of the formula.

The first two years (FY 2001 and FY 2002) of funding under the new formula were accomplished as scheduled, resulting in an increase of \$43.4 million in State General Fund expenditures for higher education compared to FY 2000. Fiscal constraints prevented the third year of increased funding in the current fiscal year and the future of continued implementation of the formula remains in doubt, at least in the short term, due to the state's recent financial difficulties.

### **Senate Bill 647**

The 2002 Legislature modified the provisions of the Higher Education Coordination Act with the passage of SB 647. In addition to eliminating the Board's commissions and clarifying that the Board is the voice for public higher education, the bill authorizes the Board to execute a performance agreement with each public postsecondary educational institution. Beginning in FY 2006, any increase in state funding for that particular educational institution is contingent on meeting the goals and standards outlined in the performance agreement.



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## Overview of Proprietary Schools For the House Higher Education Committee

January 15, 2003

**Dr. Patricia M. Anderson**  
**Director of Proprietary Schools**

Good afternoon, Chairman Sloan and members of the committee. My name is Patricia Anderson, and I am the Director of Proprietary Schools for the Kansas Board of Regents. I am responsible for the oversight of proprietary school certification, and I am here on behalf of the Kansas Board of Regents regarding oversight of proprietary schools.

K.S.A. 72-4916 *et seq* grants the Board oversight of Kansas proprietary schools. K.S.A. 72-4919 defines proprietary schools as “any business enterprise whether operated on a profit or not-for-profit basis which:

- (1) Maintains a place of business within the state of Kansas, or solicits business within the state of Kansas;
- (2) Is not specifically exempted by the provisions of this act; and

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- (3) Offers a course or courses of instruction or study through classroom contact or by correspondence, or both, for the purpose of training or preparing persons for a field of endeavor in a business, trade, technical, or industrial occupation, except as hereinafter excluded.”

This act applies to all institutions that are not specifically exempt from the act as listed in K.S.A.72-4720 and includes the enforcement of standards for approval. These standards serve in the following three ways:

- They are the standards by which a school's management and instructional staff may evaluate the school.
- They provide a checklist for a visiting team in making a personal examination of the school.
- They are the standards used by the Board of Regents in reviewing all pertinent evidence to determine whether or not the school is worthy of approval.

The Board is instructed to develop rules and regulations for the administration of the act after giving the Advisory Commission on Proprietary Schools the opportunity to provide recommendations. The advisory commission is comprised of nine members: five who are owners or operators of proprietary schools and four who are from the public sector. The Board in accordance with K.S.A. 72-4922 appoints this commission.

Seventy-seven schools have completed the annual approval process at this time. This process includes the following: a written application; a bond for the purpose of obtaining and

maintaining records should the school close; and supporting documents to show that standards have been met. The standards of K.S.A. 72-4926 encompass curriculum, qualifications of administration and teaching staff, record keeping for administration and teaching, and the financial well being of the institution. Another requirement is that any person recruiting students for the school be registered as a representative of the institution. This also requires a written application that must be reviewed by KBOR staff.

Proprietary school fees are set in statute. Following the statute, these fees have limited purposes, which include the initiation and renewal of certificates of approval for proprietary schools, and the initiation and renewal of registration for representatives of proprietary schools. Currently, there is no authority to use any funding other than the revenue from fees to support the proprietary school oversight.

Following a legislative post audit of the Board's regulation of proprietary schools, in which auditors recommended that oversight efforts be strengthened, Board staff developed a proposal to strengthen regulatory oversight by changing management function from the current half-time position to a full-time position. This change would necessitate an increase in fees charged to administer the Proprietary School Act. The elements of the proposal are contained in HB 2008, which we will speak to at a later date. Thank you for the opportunity to comment. I will be happy to answer any questions you may have.

# Kansas

## Proprietary Schools

2002

Kansas Board of Regents  
700 SW Harrison Suite 1410  
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House Higher Education Committee  
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## KANSAS ADVISORY COMMISSION ON PROPRIETARY SCHOOLS

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**Dr. Patricia Anderson  
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Kansas Board of Regents  
Approved Proprietary Schools  
March 2002

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 913-684-2977  
 Exam Review

Models, Inc. dba John Robert Powers  
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 Mission KS 66202  
 913-722-3555  
 Modeling

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 Exam Review  
 National Dental Board Exam

Muddy River Training Center, LLC  
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 Nashville TN 37206  
 615-226-3990  
 Autobody Repair & Painting  
 Automotive Electronics

Lowry School of Real Estate  
 P O Box 129  
 Sycamore KS 67363  
 316-331-5596  
 Real Estate Principles  
 Real Estate Brokers License  
 Real Estate Contracts/Finance

National American University  
 10310 & Mastin  
 Overland Park KS 66214  
 913-693-2917  
 Business/Office Administration  
 Computer Technology  
 Computer Information Systems

Midwest Inspectors Institute  
 514 Delaware Street  
 Leavenworth KS 66048  
 913-680-1757  
 Home Inspection

New Horizons Computer Learning Center  
 3985 E. Harry St  
 Wichita KS 67218  
 316-687-2600  
[www.nhwichita.com](http://www.nhwichita.com)  
 Computer Training

Midwestern Real Estate Institute  
 512 Pleasant Ave  
 Leavenworth KS 66048  
 913-758-0344  
[mri66048@aol.com](mailto:mri66048@aol.com)  
 Real Estate Principles/Contracts Finance  
 Estate Brokers License

New Horizons Computer Learning Center  
 of Overland Park  
 9611-E Metcalf Ave  
 Overland Park KS 66212  
 913-677-9933  
[newhorizons.com](http://newhorizons.com)  
 Computer Applications  
 Computer Technology

Nex-Tech  
2418 Vine St.  
Hays KS 67601  
(785) 625-7070  
jwick@nex-tech.com  
Computer Training

Norris Training Systems  
400 N. Woodlawn Ste 111-115  
Wichita KS 67208  
316-685-5621/800-828-7181  
D.Norris34@AOL.COM  
Insurance Training

Pinnacle Career Institute  
15329 Kensington Avenue  
Kansas City MO 64147-1212  
816-331-5700  
jperez@electronicsinstitute.com  
Industrial Related Employment

Professional Fitness Institute  
450 North Rogers Road  
Olathe KS 66062  
913-397-0800  
if-pvi@swbell.net  
Fitness Related Employment

Real Estate School of Lawrence  
2628 Bluestem Dr./PO box 3271  
Lawrence KS 66046  
785-843-1309  
cjpgresl@sunflower.com  
Real Estate Principles  
Real Estate Continuing Education  
Real Estate Brokers License

Realty School of KS (RSK)  
3241 E. Douglas  
Wichita KS 67218  
316-685-3652  
RSK.NET  
Real Estate Brokers License  
Real Estate Continuing Education  
Real Estate Principles

Reece & Nichols Training Center  
11500 Granada  
Leawood KS 66211  
913-491-1001  
l.ross@jdreece.com  
Real Estate Principles  
Real Estate Continuing Education  
Real Estate Contracts/finance

ComSkill Learning Center  
1 Ward Parkway Suite 110  
Kansas City MO 64112  
816-931-2958  
Computer Training

Spartan School of Aeronautics  
8820 East Pine St  
Tulsa OK 74115  
918-836-6886  
THarrison@mail.spartan.edu  
www.spartan.edu  
Airframe Technician  
Aviation Maintenance Technician  
Avionics Technician

Stuppy's Mid-America School Floral  
Design  
1720 SW 42nd St.  
Topeka KS 66609  
888-859-4199 X569  
Floral Design

TechSkills, LLC  
10 East Cambridge Circle Dr Suite 150  
Kansas City KS 66103  
913-342-7100  
mrector@techskills.com  
Techskills.com  
Computer Training  
Computer Technology  
Computer Applications

Tindle Construction, Inc  
1217 W Main  
Neodesha KS 66757  
316-325-3299  
tci@twinmounds.com  
twinmounds.com/~tci/  
Welding

Total Health Works Therapeutic Massage  
138 S. Hydraulic  
Wichita KS 67211  
316-262-8400  
Massage Therapy

U S Dentools, Inc.  
417 N Rawhide Dr Ste H  
Olathe KS 66061  
913-397-8005  
usdent@usdentools.com  
usdentools.com  
Autobody Repair & Painting

Universal Tech Inst. Of AZ  
 3121 W. Weldon Ave  
 Phoenix AZ 85017  
 602-264-4164/800-859-1202  
 ssmith@uticorp.com  
 uticorp.com  
 Air Conditioning & Refrigeration  
 Automotive Diesel Technology  
 Automotive Technology

Universal Tech. Inst. Of TX  
 721 Lockhaven Dr  
 Houston TX 77073  
 281-443-6262/800-325-0354  
 Air Conditioning & Refrigeration  
 Automotive Diesel Technology  
 Automotive Technology

Vatterott College  
 3639 Comotara  
 Wichita KS 67226  
 316-634-0066  
 deanao@vatterott-college.com  
 vatterott-college.com  
 Computer Technology  
 Nursing: CAN

Vatterott College of St. Joseph  
 3131 Frederick Avenue  
 St. Joseph MO 64506  
 816-364-3599  
[www.vatterott-college.edu](http://www.vatterott-college.edu)  
 Computer Technology  
 Nursing/CAN

Vatterott College of Kansas City  
 8955 E 38<sup>th</sup> Terrace  
 Kansas City MO 64129  
 816-861-1000  
 Computer Technology  
 Nursing/CAN

Weigand School of Real Estate  
 8414 W 13th Street  
 Wichita KS 67212-2979  
 316-733-7400  
[mlaham@weigand.com](mailto:mlaham@weigand.com)  
 Real Estate Principles

Westwood College of Aviation Technology  
 10851 W 120th Ave  
 Broomfield CO 80021  
 303-466-1714  
 Airframe Technician  
 Electronics

Westwood College of Tech.  
 7350 N. Broadway  
 Denver CO 80221  
 303-426-7000 X205  
 Drafting & Cad  
 Electronics

Wichita Area Builders Assoc  
 730 N. Main  
 Wichita KS 67203  
 316-265-4226  
 Real Estate Continuing Education

Wichita Technical Institute, Inc.  
 942 S. West St.  
 Wichita KS 67213  
 316-943-2241  
[www.wtielectronics.com](http://www.wtielectronics.com)  
 wtielectronics.com  
 Electronics Technology

Wichita Technical Institute, Inc.  
 1710 SW Topeka Blvd.  
 Topeka KS 66612  
 785-354-4568  
[ghively@wtielectronics.com](mailto:ghively@wtielectronics.com)  
 Electronics

Willis College of Business & Technology  
 85 O'Conner Street  
 Ottawa, Ontario Canada K1P 5M6  
 Computer Training

Wright Business School  
 8951 Metcalf Ave  
 Overland Park KS 66212  
 913-385-7700  
[llisa219@adl.com](mailto:llisa219@adl.com)  
 Accounting  
 Administrative Assistant  
 Computer Technology

Wyoming Tech. Inst.  
 4373 North 3rd  
 Laramie WY 82072  
 307-742-3776  
[rgaddis@wyotech.com](mailto:rgaddis@wyotech.com)  
 wyotech.com  
 Autobody Repair & Painting  
 Automotive Diesel Technology  
 Automotive Electronics

**PROGRAMS TAUGHT IN APPROVED PROPRIETARY SCHOOL**

**Accounting/Bookkeeping**

Brown Mackie of Salina  
Brown Mackie of Overland Park  
DeVry Institute of Technology  
DeVry Institute of Technology  
DeVry Institute of Technology  
Lawrence Career College  
Wright Business School

**Acupuncture**

Kansas College of Chinese Medicine

**Administrative Assistant**

Lawrence Career College  
Wright Business College

**Air Conditioning & Refrigeration**

Universal Tech Inst. Of Arizona  
Universal Tech. Inst. Of Texas

**Airframe Technician**

Westwood College of Aviation  
Spartan School of Aeronautics

**Autobody Repair and Painting**

Nashville Auto Diesel College  
U. S. Dent, Inc.  
Wyoming Technical Institute

**Automotive Diesel Technology**

Universal Tech Inst. Of Arizona  
Universal Tech. Inst. Of Texas  
Wyoming Tech. Inst

**Automotive Technology**

Universal Tech Inst. Of AZ  
Universal Tech Inst. Of TX  
NASCAR Technical Institute

**Baking Science & Technology**

American Institute of Baking

**Business/Office Administration**

Brown Mackie of Salina  
Brown Mackie of Overland Park

National American University

**Cattle Management & Breeding**

Graham School, Inc

**Commercial Art**

Art Instruction Schools-Palmer Writers  
School, Inc

**Commercial Truck Driving**

Hook-Up Drivers

**Computer Aided Drafting**

Westwood College of Technology

**Computer Training**

New Horizons Computer Learning Center of  
Overland Park  
New Horizons Computer Learning Center of  
Wichita  
ComSkill Learning Center  
Bryan Career College  
Willis College of Business of Business  
Technology  
CentriQ University  
TechSkills.Com, LLC  
Computer Source  
Executrain of Overland Park  
P.C. University

**Computer Technology**

Brown Mackie of Salina  
Brown Mackie of Olathe  
Bryan Career College  
DeVry Institute of Technology of AZ  
DeVry Institute of Technology of MO  
DeVry Institute of Technology of TX  
New Horizons Computer Learning Center of  
Overland Park  
Wright Business School  
Vatterott College of Kansas City  
Vatterott College of St. Joseph  
TechSkills.com, LLC  
National American University  
Computer Source  
High-Tech Institution, Inc.

High-Tech Institute, the Bryman School  
 High-Tech Institute, Cambridge college

**Dental Assistant**

Dental Careers Academy of Topeka

**Dress Design**

Letizia's College-Art of Dress Design

**Electronics**

DeVry Institute of Technology of AZ  
 DeVry Institute of Technology of MO  
 DeVry Institute of Technology of TX  
 Electronics Institute, Inc.  
 Westwood College of Tech.  
 Westwood College of Aviation Technology  
 Wichita Technical Institute, Inc

**Exam Review**

Kaplan Educational Centers (SM)  
 Kaplan Educational Centers Lawrence  
 Becker Conviser CPA Review  
 Crown Professional Seminars

**Fitness Related Employment**

Professional Fitness Institute

**Floral Design**

Stuppy's Mid-America School of Floral  
 Design

**Heavy Equipment**

Muddy River Training Center, LLC

**Herbology**

Kansas College of Chinese Medicine

**Home Inspection**

Midwest Inspectors Institute

**Income Tax Preparation**

H & R Block Tax Training School  
 Jackson Hewitt Tax Service

**Industry Related Employment**

Pinnacle Career Institute

**Insurance Training**

A.D. Banker & Co

Norris Training Systems

**Massage Therapy**

BMSI Insitute  
 Kansas College of Chinese Medicine  
 Kansas Massage Institute, Inc.  
 Total Health Works Therapeutic Massage

**Medical Transcription**

At Home Professions

**Modeling Development**

John Casablancas Center  
 Models & Images

**Motor Coach Systems and Operation**

JGPTA Academy

**Motorcycle Technician**

Clinton Technical Institute of AZ  
 Clinton Technical Institute of FL

**Nursing : CNA, LPN, RN**

Vatterott

**Real Estate Brokers License**

Corky Hyatt Seminars  
 Career Educ Systems, Inc.  
 Center for Professional Betterment  
 Lowry School of Real Estate  
 Real Estate School of Lawrence  
 Realty School of KS (RSK)  
 Midwestern Real Estate Institute

**Real Estate Continuing Education**

Corky Hyatt Seminars  
 Career Educ Systems, Inc.  
 Center for Professional Betterment  
 Kansas City Regional Assn. of Realtors  
 Kansas Assoc of Realtors  
 Real Estate School of Lawrence  
 Realty School of KS (RSK)  
 Reece & Nichols Training Center  
 Wichita Area Builders Assoc

**Real Estate Contracts/finance**

Lowry School of Real Estate  
 Midwestern Real Estate Institute



**Real Estate Principles**

Weigand School of Real Estate  
Corky Hyatt Seminars  
Kansas Assoc of Realtors  
Lowry School of Real Estate  
Real Estate School of Lawrence  
Realty School of KS (RSK)  
Midwestern Real Estate Institute  
Reece & Nichols training Center

**Travel**

Bryan Career College  
Int'l Aviation & Travel Academy

**Watercraft Technician**

Clinton Technical Institute of AZ  
Clinton Technical Institute of FL

**Welding**

Trindle Construction, Inc.

**Writing**

Art Instruction Schools-Palmer Writers  
School

**X-ray**

Kansas X-Ray School

## PREFACE

This manual is provided to assist representatives of proprietary schools soliciting students in the state of Kansas. Familiarity with the contents of this manual should help in alleviating criticism and complaints relating to unethical or unlawful practices in the marketing of the proprietary school.

It is our mutual objective to furnish Kansas citizens with quality postsecondary education. We trust you will cooperate in this endeavor.

For information call Patricia Anderson at (785) 296-4917.

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**A. Definition of Representative:**

A REPRESENTATIVE is defined as a person employed by a proprietary school (whether the school is located within or without the state of Kansas) to act as an agent, solicitor, broker or independent contractor to directly procure students or enrollees for the school by solicitation within or without this state at any place other than the office or place of business of the school.

**B. The Ethical Conduct of Representatives:**

In many instances the Representative is the first personal contact between the school and the prospective student. The Representative must project an image which is a true representation of the school and is, therefore, expected to:

1. Have a thorough understanding of the school, its course offerings, facilities, administrative policies and staff qualifications.
2. Be completely familiar with the requirements and limitations of the Kansas Proprietary School Act (K.S.A. 72-4916 *et seq.*) and the Rules and Regulations pertaining to such law.
3. Carefully explain to the prospective student that, in addition to course completion, certain positions require that a state or federal examination be passed and a license be obtained prior to employment.
4. Cultivate a highly professional working relationship with school officials, such as superintendents, principals, counselors and teachers when contacting prospective students who are enrolled in their schools.
5. Abstain from discrediting other schools by any derogatory comments.
6. Make no attempt to encourage a student to withdraw from a school he or she is attending or to change plans after signing an application and paying the registration fee to another school.
7. Refrain from exaggerating prospects concerning job and wage opportunities available.
8. Provide to the applicant a copy of the enrollment agreement and

a receipt for any money collected.

9. Conduct himself/herself in a highly professional and ethical manner at all times.

**C. Accountability of Schools for Actions of Representatives:**

In many instances the Representative is the first personal contact between the school and the prospective student. The Representative must project an image which is a true representation of the school and is, therefore, expected to:

1. There will be no solicitation of student enrollment through Representatives, advertising, mail, circulars or other means until the school has obtained a Certificate of Approval from the Kansas Board of Regents.
2. No person may represent a school until he/she is registered in accordance with K.S.A. 72-4931.
3. Officers or other school personnel may engage in the enrollment of students on the school premises without securing a Representative Registration. Anyone soliciting students not on the school premises must have a Representative Registration.
4. Each school is responsible for informing its Representatives of courses, services, prices, terms and operating policies of the school.
5. The school must notify the Kansas Board of Regents in writing if a Representative is dismissed or resigns. Every effort should be made to return the Representative Registration to the Kansas Board of Regents.
6. Each school is fully responsible for statements, actions and conduct of its Representatives. School administrators must instruct each Representative of his/her responsibility and accountability under the Kansas law and rules and regulations.
7. No school or its Representative shall imply or advertise that their school is "enforced" or "recommended" by the Kansas Board of Regents. If any reference is made to the Certificate of Approval is issued by the Board, the reference shall read, "Approved by the Kansas Board of Regents."
8. No owner, partner, officer, employee or Representative acting on behalf of the school shall make any fraudulent statement, mis-

leading statement of fact or misrepresentation.

9. No guarantee of placement or certain wages for graduates will be promised or implied by any school or Representative.
10. No negotiation or assignment of any promissory instrument received in payment of tuition or other charges shall be made without an endorsement stating: "Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced thereby."
11. It shall be the responsibility of any official Representative of the school to follow these rules:
  - (a) Determine, with reasonable certainty, that a prospective student for enrollment is fully informed regarding the nature of the course he/she wishes to take and what the training can reasonably be expected to do for him/her.
  - (b) Determine, with reasonable certainty, that a prospective student is fully informed as to his/her obligations and responsibilities and his/her rights under the signed contract.
  - (c) Establish qualifications which an enrollee must possess to enable him/her to successfully assimilate the course of instruction offered. The school shall further determine, with reasonable certainty, prior to the acceptance of the student enrollment that he/she is properly qualified to take training for which he/she is applying.
  - (d) Determine that the prospective student has no handicap (physical or otherwise) which could prevent successful on-the-job performance after completing the course of instruction.
  - (e) Keep records of all contacts and correspondence for any applicant accepted for enrollment who does not meet normal qualifications for acceptance, so such action can be justified to the Kansas Board of Regents, if so requested.



## ARTICLE 49 — PROPRIETARY SCHOOLS

**72-4916. Title of Act.** This act shall be known and may be cited as the "Kansas proprietary school act." (L. 1971 ch. 228, § 1; July 1.)

**72-4917.** (L. 1971, ch. 228, § 2; Repealed L. 1998, ch. 171, § 31; July 1.)

**72-4918.** (L. 1971, ch. 228, § 3; Repealed L. 1998, ch. 171, § 31; July 1.)

**72-4919. Definitions.** As used in this act:

(a) "Proprietary school" or "school" means any business enterprise whether operated on a profit or not-for-profit basis; which:

- (1) Maintains a place of business within the state of Kansas, or solicits business within the state of Kansas;
- (2) is not specifically exempted by the provisions of this act; and
- (3) offers a course or courses of instruction or study through classroom contact or by correspondence, or both, for the purpose of training or preparing persons for a field of endeavor in a business, trade, technical, or industrial occupation, except as hereinafter excluded.

(b) "Owner" of a school means:

- (1) In the case of a school owned by an individual, that individual;
- (2) in the case of a school owned by a partnership, all full, silent, and limited partners; and
- (3) in the case of a school owned by a corporation, the corporation, its directors, officers and each shareholder owning shares of issued and outstanding stock aggregating at least 10% of the total of the issued and outstanding shares.

(c) "Branch school" means any subsidiary place of business maintained within the state of Kansas by a school at a site which is separate from the site of the principal place of business maintained by the school and at which subsidiary place of business the school offers a course or courses of instruction or study identical to the course or courses of instruction or study offered by the school at its principal place of business.

(d) "School employee" means any person, other than an owner, who directly or indirectly receives compensation from a proprietary school for services rendered.

(e) "Representative" means any person employed by a proprietary school to act as an agent, solicitor, or broker to procure students or enrollees for the school by solicitation within this state at any place other than the office or a place of business of the

school.

(f) "State board" means the Kansas Board of Regents, or such person or persons as may be designated by the state board to administer the provisions of this act.

(g) "Support" or "supported" means the primary source and means by which a school derives revenue to perpetuate operation of the school.

(h) "Person" means any individual, firm, partnership, association, or corporation. (L. 1971, ch. 228, § 4; L. 1998, ch. 171, § 11, L. 1999, ch. 147, § 121., May 20.)

**72-4920. Exemptions.** The following are exempt from the provisions of this act and shall not be considered to be within the definition of proprietary school:

(a) A school or educational institution supported primarily by taxation from either a local or state source.

(b) Nonprofit schools owned, controlled, operated and conducted by bona fide religious, denominational, eleemosynary or similar institutions exempt from property taxation under the laws of this state. Such schools may choose to apply for a certificate of approval and, upon approval of the application and issuance of a certificate, shall be subject to the provision of this act as determined by the state board.

(c) A school or training program which offers instruction only for avocational or recreational purposes as determined by the state board.

(d) A course or courses of instruction or study 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.

(e) A course or courses of study or instruction 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.

(f) Private colleges and universities which award a baccalaureate, or higher degree, maintain and operate educational programs for which credits are given and are accredited by a nationally recognized accrediting agency listed by the United States office of education.

(g) A school which is otherwise regulated and approved under any other law of this state.

(h) 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. A school

financed or subsidized by federal or special funds may apply to the state board for exemption from the provisions of this act and may be declared exempt by the state board when it finds the operation of such school to be outside the purview of this act. (L. 1971, ch. 228, § 5; L. 1998, ch. 171, § 12; July 1.)

**72-4921. State board; powers; rules and regulations.** (a) The state board shall adopt rules and regulations for administration of the provisions of this act. Prior to the adoption of any such rules and regulations, the state board shall afford the commission an opportunity to make recommendations thereon.

(b) The state board shall maintain a list of proprietary schools which have been issued a certificate of approval. (L. 1971, ch. 228, § 6; L. 1998, ch. 171, § 13; July 1.)

#### **ADVISORY COMMISSION**

**72-4922. Advisory commission on proprietary schools; creation; membership; meetings; compensation and allowances; quorum; duties.** (a) The advisory commission on proprietary schools, referred to as the commission, is hereby created. The commission shall consist of nine members appointed by the state board. Members shall serve from the date of appointment for terms of four years. If a commission member resigns, or is otherwise unable to serve, a new member shall be appointed by the state board to fill the unexpired term. Five members of the commission shall be owners or managers of proprietary schools, and at least two of the five members shall represent schools, which at the time of appointment of such members, have enrollments of under 125 students. Four members shall be selected from among the following categories: Secondary schools, postsecondary schools, agriculture, business or management, organized labor, and health occupations.

(b) The commission shall elect one member as chairperson of the commission and such other officers as may be necessary.

(c) The commission shall meet at least annually in Topeka during the month of October, and shall conduct special meetings on the call of the chairperson or the state board or at the request of at least four members of the commission.

(d) Members or the advisory commission on proprietary schools attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto.

(e) A majority of the commission is a quorum to conduct busi-

ness, but no less than four members must concur to pass upon any matter before the commission.

(f) The commission shall recommend policies, regulations, minimum standards and general rules that the commission deems necessary for administering the provisions of this act. (L. 1974, ch. 348, § 102; L. 1975, ch. 416, § 9; L. 1998, ch. 171, § 14; July 1 )

**72-4923.** (L. 1971, ch. 228 § 8; Repealed L. 1998, ch. 171, § 31; July 1.)

#### **CERTIFICATES OF APPROVAL — ENTITLEMENT**

**72-4924. Proprietary school obtaining certificate; contracts.**

(a) No proprietary school may operate within this state without obtaining a certificate of approval from the state board as provided in this act.

(b) Any contract entered into by or on behalf of any owner, school employee or representative of a school which is subject to the provisions of this act, but which has not obtained a certificate of approval, shall be unenforceable in any action. (L. 1971, ch. 228, § 9; L. 1998, ch. 171, § 15; July 1.)

#### **APPLICATIONS**

**72-4925. Same; certificate; application; requirements.** (a) Each proprietary school shall apply to the state board for a certificate of approval. A proprietary school shall not be required to obtain a certificate of approval for maintenance of any branch school.

(b) An application for a certificate of approval shall be made on a form prepared and furnished by the state board and shall contain such information as may be required by the state board.

(c) The state board may issue a certificate of approval upon determination that a proprietary school meets the standards established by the state board. The state board may issue a certificate of approval to any proprietary school accredited by a regional or national accrediting agency recognized by the United States office of education without further evidence. (L. 1971, ch. 228, § 10; L. 1998, ch. 171, § 16; July 1.)

**72-4926. Same; certificate; criteria for issuance.** The state board shall issue a certificate of approval to a school when the state board is satisfied that the school meets minimum standards established by the state board by adoption of rules and regulations to insure that:

(a) Courses, curriculum, and instruction in proprietary schools are of such quality, content, and length as may reasonably and

adequately insure achievement of the stated objective for which the courses, curriculum or instruction are offered.

(b) Proprietary schools have adequate space, equipment, instructional material, and personnel 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 training consistent with the objectives of their program of study.

(d) Proprietary schools maintain written records of the previous education and training of students and applicant students, and that training periods are 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 are furnished to students upon entry into class.

(f) Upon completion of training, students are given certificates or diplomas by the school indicating satisfactory completion of training in courses.

(g) Adequate records are kept to show attendance, satisfactory academic progress, and enforcement of satisfactory standards relating to attendance, progress, and conduct.

(h) Schools comply with all local, city, county, municipal, state and federal regulations.

(i) Schools are financially responsible and capable of fulfilling commitments for training.

(j) Schools do not utilize erroneous or misleading advertising, either by actual statement, omission, or intimation.

(k) Schools 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 in the event a student enrolled by the school fails to begin a course or withdraws or is discontinued therefrom at any time prior to completion, which policies shall take into account those costs of the school that are not diminished by the failure of the student to enter or complete a course of instruction. (L. 1971, ch. 228, § 11; L. 1998, ch. 171, § 17; July 1.)

#### **CERTIFICATE OF APPROVAL — FORM — CONTENT**

**72-4927. Certificate of approval; application; form; term; transferability; change in ownership of school; renewal; required prior to operation of school.** (a) The state board, upon review of an application for a certificate of approval duly submitted in accordance with the provisions of K.S.A. 72-4925, and amend-

ments thereto, shall issue a certificate of approval to the applicant proprietary school. Certificates of approval shall be in a form specified by the state board with advice from the commission. Certificates of approval shall state at least the following ments thereto, and meeting the requirements of K.S.A. 72-4926, information:

(1) The date of issuance and term of approval;  
(2) the correct name and address of the school; and  
(3) the signature of the commissioner of education or a person designated by the state board to administer the provisions of this act.

(b) Certificates of approval shall be valid for a term of one year.

(c) Each certificate of approval shall be issued to the owner of an applicant proprietary school and shall be nontransferrable. In the event of a change in ownership of a proprietary school, the new owner must apply, within 30 days prior to the change in ownership, for a new certificate of approval. The state board may waive the 30 day requirement upon determination that an emergency exists and that the waiver and change in ownership would be in the best interests of students currently enrolled in the proprietary school. Whenever a change of ownership occurs as a result of death, court order or operation of law, the new owner shall apply immediately for a new certificate of approval.

(d) At least 60 days prior to expiration of a certificate of approval, the state board shall forward to the proprietary school a renewal application form.

(e) Any school which is not yet in operation when its application for a certificate of approval is filed shall not accept payments for tuition, fees or other enrollment charges until receipt of the certificate of approval.

(f) Any school which does not plan to renew a certificate of approval must notify the state board at least 60 days prior to the expiration date of the certificate of approval. (L. 1973, ch. 283, § 1; L. 1977, ch. 247, § 1; July 1; L. 1981, ch. 284, § 1; L. 1998, ch. 171, § 18; July 1.)

**72-4928. Certificate of approval; denial; notice and hearing.**

(a) If the state board, upon review and consideration of an application for a certificate of approval, determines the applicant to be unacceptable, the state board shall refuse to issue the certificate and set forth the reasons for the determination.

(b) If an applicant, upon written notification of refusal by the state board to issue a certificate of approval, desires to contest such refusal, the applicant shall notify the state board in writing, within 15 days after the date of service of such notice of refusal, of the

desire to be heard, and such applicant shall be afforded a hearing in accordance with the provisions of the Kansas administrative procedure act. Upon conclusion of any such hearing, the state board shall issue a certificate of approval or a final refusal to do so.

(c) If an applicant, upon service of notice of refusal by the state board to issue a certificate of approval, fails to request a hearing within 15 days after the date of service of such notice of refusal, the state board's refusal shall be final. (L. 1971, ch. 228, § 13; L. 1988, ch. 356, § 275; L. 1998, ch. 171, § 19; July 1.)

**72-4929 Same; revocation or imposition of conditions;**

**notification; hearings.** (a) The state board may revoke a certificate of approval or impose reasonable conditions upon the continued approval represented by a certificate. Prior to revocation or imposition of conditions upon a certificate of approval, the state board shall notify the holder of the certificate in writing of the impending action setting forth the grounds for the action contemplated to be taken and affording a hearing on a date within 30 days after the date of such notice. Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) A certificate of approval may be revoked or conditioned if the state board has reasonable cause to believe that the school is in violation of any provision of this act or of any rules and regulations adopted under this act. (L. 1971, ch. 228, § 14; L. 1988, ch. 356, § 276; L. 1989, ch. 283, § 13; L. 1998, ch 171, § 20; July 1.)

**72-4930. Judicial review.** Any action of the state board pursuant to K.S.A. 72-4928, 72-4929 or 72-4931, and amendments thereto, is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. (L. 1971 ch. 228, § 15; L. 1986, ch. 318, § 129, July 1.)

**72-4931. Registration of representatives.** (a) Each representative of a proprietary school shall register with the state board. Application for registration may be made at any time on a form prepared and furnished by the state board and shall contain such information as may be required by the state board.

(b) Registration of a representative shall be effective upon receipt of notice from the state board and shall remain in effect until expiration of the certificate of approval of the school employing such representative. Renewal of representative registration shall be in accordance with the renewal application form forwarded to the school by the state board.

(c) Denial or revocation of registration of a representative by the



state board shall be in accordance with the provisions of this act applicable to denial or revocation of a certificate of approval.

(d) A representative employed by more than one school shall not be required to register for each school when such schools have a common ownership. (L. 1971, ch. 228, § 16; L. 1998, ch. 171, § 21; July 1.)

## **BOND REQUIREMENTS**

**72-4932. Bond requirements; alternatives; waiver; maintenance of student records.** (a) Before a certificate of approval is issued under this act, a bond in the penal sum of \$20,000 shall be provided by the school for the period for which the certificate of approval is to be issued. The obligation of the bond shall be that the school and its officers, agents, representatives and other employees shall be bound, upon closure of the school, to deliver or make available to the state board the records of all students who are in attendance at the school at the time of closure or who have attended the school at any time prior to closure. The bond shall be a corporate surety bond issued by a company authorized to do business in this state. The bond shall be filed with the state board. If the proprietary school ceases operation, the state board may recover against the bond all necessary costs for the acquisition, permanent filing and maintenance of student records of the proprietary school.

(b) In lieu of the corporate surety bond required under subsection (a), a school may provide any similar certificate or evidence of indebtedness or insurance as may be acceptable to the state board if such certificate or evidence of indebtedness or insurance is conditioned that the requirements of subsection (a) shall be met. (L. 1971, ch. 228, § 17; July 1; L. 1981, ch. 284, § 2; L. 1992, ch. 41, § 2; L. 1993, ch. 40, § 1; L. 1998, ch. 171, § 22; July 1.)

**72-4933. Tuition; payment in advance; limitations.** (a) Subject to the provisions of subsection (b), no tuition in an amount greater than \$350 shall be collected from a student by any school more than 30 days before the student receives classroom instruction, and not more than \$150 of such amount may be retained by a school from any student who fails to enter the school.

(b) In the case of a correspondence school, no tuition in an amount greater than \$200 shall be collected from a student prior to the first submission of a lesson by the student, and not more than \$75 of such amount may be retained by a school from any student who fails to enter the school. (L. 1971, ch. 228, § 18; July 1; L. 1981, ch. 284, § 3; L. 1998, ch. 171, § 23; July 1.)



**72-4934. Prohibitions; penalty.** (a) No person shall:

(1) Operate a school without a certificate of approval;  
(2) solicit prospective students without being registered as required by this act;

(3) accept contracts or enrollment applications from a representative who is not registered as required by this act;

(4) use fraud or misrepresentation in advertising or in procuring enrollment of a student.

(b) Violation of any provision of subsection (a) or of any other provision of this act is a class C nonperson misdemeanor. (L. 1971, ch. 228, § 19; L. 1998, ch. 171, § 24; July 1.)

**72-4935. Injunction; civil penalties.** Upon application of the attorney general or a county or district attorney, the district courts shall have jurisdiction to enjoin any violation of this act and to enjoin persons from engaging in business in this state. In any action brought to enforce the provisions of this act, if the court finds that a person willfully used any deceptive or misleading act or practice, the attorney general or a county or district attorney, upon petition to the court, may recover on behalf of the state, in addition to the criminal penalties provided in this act, a civil penalty not exceeding \$1,000 per person for each violation. For purposes of this section, a willful violation occurs when the person committing the violation knew or should have known that the conduct of the person consisted of acts or practices which were deceptive or misleading. (L. 1971, ch. 228, § 20; L. 1998, ch. 171, § 25; July 1.)

**72-4936. Notes and contracts; noncompliance with act.** Any note or contract taken by any school or its officers, directors, agents, or representatives, without having complied with the provisions of this act, shall be null and void and any person who shall have entered into a contract with such school or its officers, directors, agents, or representatives shall be entitled to a full refund of the money or consideration paid plus interest accruing from the date of payment at a rate per annum equal to the rate specified in K.S.A. 16-207, and amendments thereto, together with other damages sustained by such person. (L. 1971, ch. 228, § 21; L. 1998, ch. 171, § 26; July 1.)

**72-4937. Promissory instruments and notes; defenses.** Whenever any school negotiates any promissory instrument or note received from a student or on behalf of a student as payment of tuition or other fees charged by each school, any person or assignee or holder to whom the instrument or note is assigned shall take such instrument or note subject to all defenses which

would be available to the student from whom or on behalf of whom the instrument or note was received. (L. 1971, ch. 228, § 22; L. 1998, ch. 171, § 27; July 1.)

**72-4938. Certification and registration fees.** Fees for certificates of approval and registration of representatives shall be collected by the state board in accordance with the following schedule:

(a) For schools domiciled or having their principal place of business within the state of Kansas:

- |  |          |
|--|----------|
| (1) Initial issuance of certificate of approval      | \$800.00 |
| (2) Renewal of certificate of approval               | 300.00   |
| (3) Initial registration of representative           | 50.00    |
| (4) Annual renewal of registration of representative | 25.00    |

(b) For schools domiciled or having their principal place of business outside the state of Kansas:

- |  |           |
|--|-----------|
| (1) Initial issuance of certificate of approval      | \$1500.00 |
| (2) Renewal of certificate of approval               | 750.00    |
| (3) Initial registration of representative           | 100.00    |
| (4) Annual renewal of registration of representative | 75.00     |

(L. 1971, ch. 228, § 23; L. 1977, ch. 247, § 2; L. 1998, ch. 171, § 28; July 1.)

**72-4939. State board; expenses for investigation and examination.**

(a) The state board shall remit all moneys received pursuant to the provisions of this act to the state treasurer. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount remitted in the state treasury and shall credit the same to the proprietary school fee fund to be used for the purpose of administering this act. All expenditures from the proprietary school fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board or by a person or persons designated by the state board.

(b) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the proprietary school fee fund interest earnings based on: (1) The average daily balance of moneys in the proprietary school fee fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month. (L. 1971, ch. 228, § 24; L. 1998, ch. 171, § 29; July 1.)

**72-4940. Severability.** If any clause, paragraph, subsection or section of the Kansas proprietary school act shall be unconstitutional or invalid, it shall be conclusively presumed that the legisla-

ture would have enacted the remainder of the act without such unconstitutional or invalid clause, paragraph, subsection or section. (L. 1971, ch. 228, § 25; L. 1998, ch. 171, § 30; July 1.)

**72-4941.** (L. 1992, ch. 41, §1; Repealed L. 1993, ch. 40, Sec. 2; July 1.)

### **ARTICLE 23 --- PROPRIETARY SCHOOLS**

**88-23-1. Definitions.** (a) "Board" means the board of regents.

(b) "Closure of a school" means no longer allowing students access to the school to receive instruction. Closure occurs on the calendar day immediately following the last day on which students are allowed access to the school to receive instruction.

(c) "To enter school" means the commencement of school class attendance by the student, with respect to a noncorrespondence school, and with the first submission of a lesson by the student for evaluation with respect to a correspondence school. (Authorized by and implementing K.S.A. 1998 Supp. 72-4921; effective Jan. 28, 2000.)

**88-23-2. Minimum standards.** (a) Except as provided in subsection (b), in order to qualify for a certificate of approval, each school shall submit evidence indicating that the school meets the criteria listed in K.S.A. 72-4926 and amendments thereto.

(b) National accreditation shall be accepted by the board as evidence of the school's competence. (Authorized by K.S.A. 1998 Supp. 72-4921; implementing K.S.A. 1998\_Supp. 72-4925, 72-4926; effective Jan. 28, 2000.)

**88-23-3. Certificate of approval.** (a) Application for certificate of approval. An application for a certificate of approval shall be made on a form provided by the board. Upon receiving a request for an application form, the applicant shall be sent by the board the form, a copy of K.S.A. 72-4916 *et seq.*, and a copy of this article of the Kansas administrative regulations.

(1) Each school that has been in operation for at least one year shall submit the following information with its application:

(A) A balance sheet and profit and loss statement showing income and expenditures for the most recent, complete fiscal year. These documents shall be prepared and acknowledged by a certified public accountant;

(B) a description of the school's facilities, equipment, and instructional materials;

(C) a certification by an officer or owner of the school that the school complies with all local, city, county, municipal, state, and federal regula-

tions;

(D) one copy of each of the school's most recent catalogues, bulletins, and brochures, with supplements, including the following information:

(i) Fee schedules and charges for tuition, books, supplies, and any other items required to be paid by students;

(ii) policies of the school covering the refund of unused portions of tuition and other charges when courses are not completed by students for any reason; and

(iii) policies of the school governing student conduct and attendance;

(E) the school's enrollment agreement;

(F) an outline or syllabus for each course;

(G) any certificate of accreditation issued to the school by a regional or national accrediting agency recognized by the United States department of education;

(H) a copy of the certificate given to students upon completion of a program;

(I) copies of any advertising used; and

(J) a resume of each instructor and administrator that includes the individual's education and previous work experience.

(2) Each school that has not been in operation for at least one year shall submit the following information with its application:

(A) If incorporated, a current financial statement of the corporation, and, if unincorporated, an individual financial statement of each owner. All financial statements shall be prepared and acknowledged by a certified public accountant;

(B) a copy of the existing or proposed school catalogue, including the following information:

(i) A fee schedule and charges for tuition, books, supplies, and any other items required to be paid for by students;

(ii) policies of the school covering the refund of unused portions of any tuition or other charges when courses are not completed by a student for any reason; and

(iii) policies of the school governing student conduct and attendance;

(C) a copy of the certificate to be given to a student upon completion of a program;

(D) an outline or syllabus of each course;

(E) a certification by an officer or owner of the school that the building which is to house the school complies with all local, city, county, municipal, state, and federal regulations;

(F) a description of the school's facilities, equipment, and instructional materials;

(G) a resume of each administrator and instructor that includes the individual's education and previous work experience; and

(H) the school's enrollment agreement.

(b) Review of application; inspection and evaluation of school. If an

application submitted in accordance with these regulations is found to be complete and the applicant meets the requirements in K.S.A. 72-4926 and amendments thereto, the instructional facilities of the applicant may be inspected and evaluated by the board or professional consultants appointed by the board.

(c) Conditional approval of application; filing of surety bond. If a school is found to be eligible for a certificate of approval, it shall be notified of its conditional approval and instructed to furnish a surety bond or other equivalent security acceptable to the board in the amount of \$20,000, as provided by K.S.A. 72-4932 and amendments thereto. A certificate of approval shall not be issued until the surety bond or other security is filed with the board.

(d) Subsequent investigation.

(1) On the board's own motion or upon complaint filed by any person doing business with the school, an investigation of the school may be conducted by the board.

(2) Based upon the results of the investigation, the school may be ordered by the board to take corrective action, or proceedings may be initiated by the board to revoke the school's certificate of approval under the provisions of K.S.A. 72-4929 and amendments thereto. (Authorized by K.S.A. 1998 Supp. 72-4921; implementing K.S.A. 1998 Supp. 72-4925, 72-4926; effective Jan. 28, 2000.)

**88-23-4. Registration of representative.** (a) Application for registration of representative. Any person who is to serve as a representative of any proprietary school shall complete a representative's application form provided by the board. Upon receipt of a request for an application form, the applicant shall be sent the form by the board, together with a copy of K.S.A. 72-4916 et seq. and a copy of this article of the Kansas administrative regulations.

Each application shall be signed by the applicant and by the owner or an officer of the school that the applicant seeks to represent and shall attest that if registration is issued, the applicant will be employed by the school.

(b) Denial of application for registration. If the board, upon review and consideration of an application, determines that the application is denied, the applicant shall be notified by the board of the denial and the reason or reasons for the denial. The notice shall also advise the applicant of the right to request a hearing under K.S.A. 72-4931 and amendments thereto.

(c) Evidence of registration of representative. Upon approval of the application, a certificate of registration of the representative shall be issued by the board, which shall state the name of the registrant, the name of the school or schools that the registrant may represent, the date of issuance, and the date of expiration. The certificate of registration shall