

HOUSE BILL No. 2544

By Committee on Appropriations

1-31

1 AN ACT concerning postsecondary educational institutions; relating to
2 distance education; state authorization reciprocity agreement; amending
3 K.S.A. 2013 Supp. 74-32,164 and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) As used in this section:

7 (1) "Community college" means any community college established
8 under the laws of this state;

9 (2) "distance education" means any course or program offered by a
10 postsecondary educational institution to students who are located in a state
11 in which the postsecondary educational institution does not have a
12 physical presence;

13 (3) "independent postsecondary educational institution" means any
14 postsecondary educational institution which was granted approval to
15 confer academic or honorary degrees by the state board of education under
16 the provisions of K.S.A. 17-6105, prior to its repeal;

17 (4) "municipal university" means Washburn university of Topeka or
18 any other municipal university established under the laws of this state;

19 (5) "out-of-state postsecondary educational institution" has the
20 meaning ascribed thereto in K.S.A. 2013 Supp. 74-32,163, and
21 amendments thereto;

22 (6) "postsecondary educational institution" means any degree-
23 granting public postsecondary educational institution, independent
24 postsecondary educational institution, private postsecondary educational
25 institution and out-of-state postsecondary educational institution;

26 (7) "private postsecondary educational institution" has the meaning
27 ascribed thereto in K.S.A. 2013 Supp. 74-32,163, and amendments thereto;

28 (8) "public postsecondary educational institution" means any state
29 educational institution, municipal university, community college and
30 technical college, and includes any entity resulting from the consolidation
31 or affiliation of any two or more of such public postsecondary educational
32 institutions;

33 (9) "state authorization reciprocity agreement" means an agreement
34 among states, districts and territories that establishes comparable standards
35 for providing distance education from their postsecondary educational
36 institutions to out-of-state students;

1 (10) "state board" means the state board of regents;

2 (11) "state educational institution" means any state educational
3 institution, as defined in K.S.A. 76-711, and amendments thereto; and

4 (12) "technical college" means any technical college established
5 under the laws of this state.

6 (b) The state board is authorized to enter into the state authorization
7 reciprocity agreement for the purposes of:

8 (1) Authorizing and allowing any postsecondary educational
9 institution with a physical presence in Kansas to voluntarily participate in
10 the state authorization reciprocity agreement and provide distance
11 education in other states in accordance with the terms of the state
12 authorization reciprocity agreement; and

13 (2) authorizing and allowing any postsecondary educational
14 institution that does not have a physical presence in Kansas and that is a
15 participating member of the state authorization reciprocity agreement to
16 deliver distance education in this state in accordance with the terms of the
17 state authorization reciprocity agreement, notwithstanding the provisions
18 of the private and out-of-state postsecondary education institution act.

19 (c) A postsecondary educational institution shall be deemed to have a
20 "physical presence" in the state if the postsecondary education institution:

21 (1) Has established a campus, branch instructional facility or
22 administrative office within the boundaries of the state;

23 (2) requires students to physically meet for instruction within the state
24 more than twice per full term;

25 (3) provides information from a physical site located within the state;

26 (4) offers short courses within the state requiring 10 or more hours of
27 attendance by students; or

28 (5) maintains a mailing address or phone exchange in the state.

29 (d) The state board may assume and exercise all powers, duties and
30 responsibilities associated with and required under the terms of the state
31 authorization reciprocity agreement for any postsecondary educational
32 institution which has a physical presence in the state and has voluntarily
33 submitted to the jurisdiction of the state board to the extent required to
34 enable the postsecondary educational institution to participate in the state
35 authorization reciprocity agreement.

36 (e) The state board may terminate membership or participation of any
37 postsecondary educational institution with a physical presence in Kansas
38 that is participating in the state authorization reciprocity agreement if the
39 state board has reasonable cause to believe that the postsecondary
40 educational institution is in violation of any provision of this section.

41 (f) The state board shall be authorized to recover actual costs incurred
42 in the course of investigating and prosecuting complaints against a
43 postsecondary educational institution that is participating in the state

1 authorization reciprocity agreement, and shall be able to recoup tuition on
2 behalf of any student. The amount collected by the state board for the
3 actual costs related to the investigation and prosecution of the complaint or
4 for tuition on behalf of any student, as certified by the president or chief
5 executive officer of the state board to the state treasurer, shall be deposited
6 in the state treasury in accordance with the provisions of K.S.A. 75-4215,
7 and amendments thereto, and shall be credited to the state authorization
8 reciprocity fund.

9 (g) There is hereby established in the state treasury the state
10 authorization reciprocity fund which shall be administered by the state
11 board. All expenditures from the state authorization reciprocity fund shall
12 be for reimbursement to the state board for any costs associated with
13 investigating and prosecuting complaints and recovering tuition on behalf
14 of any student under the provisions of the state authorization reciprocity
15 agreement. All expenditures from the state authorization reciprocity fund
16 shall be made in accordance with appropriation acts upon warrants of the
17 director of accounts and reports issued pursuant to vouchers approved by
18 the president or chief executive officer of the state board or the designee of
19 the president or chief executive officer of the state board.

20 (h) Nothing in this section shall preclude the state board from
21 exercising its authority under any other provision of law, nor the attorney
22 general from pursuing violations of any provisions of the Kansas
23 consumer protection act.

24 (i) The state board may adopt rules and regulations as necessary to
25 implement the provisions of this section.

26 Sec. 2. K.S.A. 2013 Supp. 74-32,164 is hereby amended to read as
27 follows: 74-32,164. The Kansas private and out-of-state postsecondary
28 educational institution act shall not apply to:

29 (a) An institution supported primarily by Kansas taxation from either
30 a local or state source;

31 (b) an institution or training program which offers instruction only for
32 avocational or recreational purposes as determined by the state board;

33 (c) a course or courses of instruction or study, excluding degree-
34 granting programs, sponsored by an employer for the training and
35 preparation of its own employees, and for which no tuition or other fee is
36 charged to the student;

37 (d) a course or courses of instruction or study sponsored by a
38 recognized trade, business or professional organization having a closed
39 membership for the instruction of the members of the organization, and for
40 which no tuition or other fee is charged to the student;

41 (e) an institution which is otherwise regulated and approved under
42 any other law of this state;

43 (f) a course or courses of special study or instruction having a closed

1 enrollment and financed or subsidized on a contract basis by local or state
2 government, private industry, or any person, firm, association or agency,
3 other than the student involved;

4 (g) an institution financed or subsidized by federal or special funds
5 which has applied to the state board for exemption from the provisions of
6 this act and which has been declared exempt by the state board because it
7 has found that the operation of such institution is outside the purview of
8 this act;

9 (h) the Kansas City college and bible school, inc.; ~~and~~

10 (i) any postsecondary educational institution which was granted
11 approval to confer academic or honorary degrees by the state board of
12 education under the provisions of K.S.A. 17-6105, prior to its repeal; *and*

13 *(j) any institution that does not have a physical presence in Kansas*
14 *and that is otherwise subject to this act, but only to the extent that and for*
15 *the period of time that such institution is participating in the state*
16 *authorization reciprocity agreement as authorized under section 1, and*
17 *amendments thereto, for the purpose of providing distance education to*
18 *students in this state. As used in this subsection, the term "distance*
19 *education" has the meaning ascribed thereto in section 1, and*
20 *amendments thereto.*

21 Sec. 3. K.S.A. 2013 Supp. 74-32,164 is hereby repealed.

22 Sec. 4. This act shall take effect and be in force from and after its
23 publication in the statute book.