

MEMORANDUM

To: Joint Committee on Administrative Rules and Regulations
From: Office of Revisor of Statutes
Date: December 13, 2022
Subject: Authority for Proposed Rules and Regulations for December 13, 2022,
Meeting

State Board of Regents

Article 9a, Kansas Promise Scholarship

K.A.R. 88-9a-1, 88-9a-2, 88-9a-3, 88-9a-4, 88-9a-5, 88-9a-6, and 88-9a-7 are authorized by:
K.S.A. 2022 Supp. 74-32,272

“(b) On or before March 1, 2023, the state board of regents shall adopt rules and regulations to implement and administer the Kansas promise scholarship program. Such rules and regulations shall establish:

- (1) A scholarship application process, including, but not limited to, accepting scholarship applications throughout the academic year and processing such applications in the order such applications were received;
- (2) appeal procedures for denial or revocation of a Kansas promise scholarship;
- (3) guidelines to ensure as much as is practicable that, if a student who received a Kansas promise scholarship graduates from a promise eligible program and subsequently enrolls in a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or municipal university, any courses taken by such student shall be transferred to the state educational institution or municipal university and qualify toward the student's baccalaureate degree;
- (4) the terms, conditions and requirements that shall be incorporated into each Kansas promise scholarship agreement, which shall not be more stringent than the requirements for Kansas promise scholarship agreements provided in this act;
- (5) procedures for requesting and approving medical, military and personal absences from an eligible postsecondary educational institution while receiving a Kansas promise scholarship;
- (6) criteria for determining whether a student who received a Kansas promise scholarship fulfilled the residency, employment and repayment requirements included in a Kansas promise scholarship agreement as provided in K.S.A. 2022 Supp. 74-32,276, and amendments thereto;
- (7) criteria for determining when a student who received a Kansas promise scholarship may be released from the requirements of a Kansas promise scholarship, if there are special circumstances that caused such student to be unable to complete such requirements; and
- (8) that no eligible postsecondary educational institution may:
 - (A) Limit scholarship awards to certain promise eligible programs at such institution; or
 - (B) award less than the full Kansas promise scholarship amount for which a student qualifies as long as funds are available in the Kansas promise scholarship program fund.”

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS

K.A.R. 88-28-1, 88-28-2, 88-28-3, 88-28-4, 88-28-8, and 88-28-10 are authorized by: K.S.A. 2022 Supp. 74-32, 165

“(a) (1) The state board may adopt rules and regulations for the administration of this act.

(2) The state board shall adopt rules and regulations that impose requirements on any postsecondary institution that is closing. Such rules and regulations may include, but not be limited to, notice requirements, teach-out plans, maintenance of academic records, refund requirements and transcript requests.”

K.A.R. 88-28-9 is authorized by: K.S.A. 2022 Supp. 74-32,170a

“(c) The state board may adopt rules and regulations to ensure orderly transition of an institution to a new owner, including, but not limited to, requiring a new owner to satisfy the following requirements:

- (1) Maintain and service all student records that were the responsibility of the prior owner;
- (2) resolve all student complaints that were the responsibility of the prior owner and filed with the state board prior to the final approval for change of ownership; and
- (3) honor the terms of student enrollment agreements, institutional scholarships and grants for all students enrolled and taking classes at the time of the change of ownership.”

Kansas Bureau of Investigation

K.A.R. 10-25-1 and 10-25-2 are authorized by: K.S.A. 2022 Supp. 75-712h

“The director of the Kansas bureau of investigation is authorized to adopt rules and regulations establishing:

- (a) Criteria for preliminary screening devices for testing of oral fluid for law enforcement purposes, based on health and performance considerations; and
- (b) a list of preliminary screening devices that are approved for testing of oral fluid for law enforcement purposes and that law enforcement agencies may purchase and train officers to use as aids in determining probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto, or K.S.A. 3-1008, and amendments thereto.”

State Bank Commissioner

K.A.R. 17-11-24 is authorized by: K.S.A. 9-1713

“Except as otherwise provided by law, in order to promote safe and sound practices for entities regulated by the commissioner, the commissioner shall promulgate such rules and regulations as shall be necessary to implement the provisions of K.S.A. 9-542, and amendments thereto, commonly known as the state banking code.”