
KANSAS

FINAL GRADING ANALYSIS

OVERALL SCORE: **296/700 POINTS (42.3%)**
LETTER GRADE: **F**

I. OVERSIGHT BODY: **75/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY THAT IS PUBLICLY ACCOUNTABLE?

45/60 POINTS

Element	Points Available	Points Awarded
1. Oversight body is a multi-member board, commission, or panel created by statute	10	10
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	0
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	10
4. Oversight body can engage in rulemaking	10	10
5. Oversight body's meetings must be open to the public	5	5
6. Oversight body's meetings must allow public comment	5	0
7. Oversight body can initiate investigations	5	5
8. Oversight body can impose penalties for violations	5	5
Total Points	60	45

Explanation:

The Kansas State Board of Regents is charged with the oversight of private postsecondary institutions, among other postsecondary institutions in the state. (K.S.A. §74-3202a(a)(1); K.S.A. § 74-32,163; K.S.A. § 74-32,165; K.S.A. §74-3202a.) The Board is authorized to engage in rulemaking, initiate investigations, and impose some penalties, and may revoke a certificate of approval or impose reasonable conditions upon the continued approval represented by a certificate. (K.S.A. §74-32-172.) Kansas law does not authorize the Board to levy fines, but the attorney general, or the county or district attorney upon petition to the court, may recover a civil penalty on behalf of the state. (K.S.A. §74-32-178.)

The Kansas Open Meetings Act requires Board meetings to be open to the public. (K.S.A. §75-4317 et seq.) However, the Act does not require that the public be allowed to speak at meetings, and nothing in the laws or regulations governing the Board requires that the public be allowed to speak at its meetings.

B. STATUTE-SPECIFIED MEMBERSHIP:

1. TO WHAT EXTENT ARE LIMITATIONS PLACED ON FOR-PROFIT MEMBERSHIP ON THE OVERSIGHT BODY?

25/25 POINTS

Explicit prohibition on for-profit majority, plus no possibility of a majority of the quorum	Explicit prohibition on for-profit majority	Discouraged	No prohibition specified, but not discouraged	For-profit majority mandated
25 Points	20 Points	10 Points	0 Points	-5 points

Explanation:

Kansas law explicitly prohibits membership on the Board of anyone who is an elected official or an officer or employee of any postsecondary institution. (K.S.A. §74-3202a(b)(3).)

2. IS THE OVERSIGHT BODY MANDATED TO INCLUDE AT LEAST ONE CONSUMER ADVOCATE?

0/10 POINTS

Yes	No
10 Points	0 Points

Explanation:

Kansas law does not require the Board to include a consumer advocate.

3. ARE THE MEMBERS APPOINTED BY A PUBLICLY ACCOUNTABLE OFFICIAL OR ELECTED IN A GENERAL ELECTION?

5/5 POINTS

All	Majority	Half	Minority	None
5 Points	3 Points	2.5 Points	1 Point	0 Points

Explanation:

The Board consists of nine members, all appointed by the governor subject to confirmation by the senate. (K.S.A. §74-3202a(a)(1).)

II. STATE OVERSIGHT—EFFICACY: 36/100 POINTS

A. DOES THE STATE REQUIRE ONSITE REVIEW OF PRIVATE POSTSECONDARY INSTITUTIONS?

2.5/10 POINTS

Mandatory onsite reviews			Discretionary	None
Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No review specified
10 Points	8 Points	5 2.5 Points	3 Points	0 Points

Explanation:

Onsite reviews are mandatory for some degree-granting institutions (those without accreditation from an agency recognized by the U.S. Department of Education). These onsite reviews will occur “no more frequently than every five years.” (K.A.R. §88-28-4.) Partial credit is given because the regulation does not apply to institutions which do not have degree-granting authority or to institutions with accreditation from an agency recognized by the federal government. Onsite review is discretionary for these institutions, no more frequently than every five years.

B. DOES THE STATE REQUIRE UNANNOUNCED INSPECTIONS FOR ONSITE REVIEWS?

0/5 POINTS

Required unannounced visits	Discretion to do unannounced visits	No indication
5 Points	3 Points	0 Points

Explanation:

When the Board’s executive officer has determined that an institution is ready for an onsite visit, he/she is required to arrange a visit with the owner of the institution. (K.A.R. §88-28-4(b).)

C. DOES THE STATE REQUIRE REGULAR REVIEWS OF PRIVATE POSTSECONDARY APPROVAL TO OPERATE?

20/20 POINTS

Mandatory			Discretionary	None
Every 2 Years or Less	Every 3-5 years	Over 5 years	Discretion to conduct reviews	No review specified
20 Points	15 Points	10 Points	5 Points	0 Points

Explanation:

Certificates of approval are valid for one year. (K.S.A. § 74-32,170(b).)

D. DO THE CRITERIA FOR RENEWAL OF AUTHORIZATION MANDATE A REVIEW OF FACTORS ESSENTIAL TO ACADEMIC AND ETHICAL INTEGRITY?

11/20 POINTS

8 of 8	7 of 8	6 of 8	5 of 8	4 of 8	3 of 8	2 of 8	1 of 8	0 of 8
20 Points	17.5 Points	15 Points	12.5 Points	10 11 Points	7.5 Points	5 Points	2.5 Points	0 Points

Element	
Admission Requirements	M
Graduation Requirements	M
Placement Rate	
Completion Rate (or Graduation Rate)	
Advertising Practices	M
Cohort Default Rate	
Accreditation Status	M
Financial Aid Policies	D

M=Mandatory; D=Discretionary

Explanation:

Kansas law requires institutions to submit a catalog with their application for approval to operate. (K.A.R. §88-28-3(c)(6).) The catalog includes information about admission requirements, graduation requirements and accreditation status. (K.A.R. §88-28-2.) Institutions must also submit with their application copies of any advertising used (K.A.R. §88-28-3(c)(10)) and a copy of any certificate of accreditation issued to the institution by a regional or national accrediting agency recognized by the U.S. Department of Education. (K.A.R. §88-28-3(c)(11).)

E. DOES THE STATE'S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NONPROFIT POSTSECONDARY INSTITUTIONS?

0/15 POINTS

Yes, strongly distinguished	Yes, moderately distinguished	Yes, slightly distinguished	Not distinguished
15 Points	10 Points	5 Points	0 Points

Explanation:

Kansas law does not distinguish private for-profit institutions from private nonprofit institutions in any significant way related to regulation of postsecondary institutions.

F. DOES THE STATE REQUIRE INCREASED OVERSIGHT/SCRUTINY OF PRIVATE POSTSECONDARY INSTITUTIONS BASED ON POOR PERFORMANCE?

2.5/10 POINTS

Yes, mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Explanation:

Violation of the law may result in conditions being place on continued approval, which requires increased scrutiny, but nothing is in place relevant to schools that are in compliance with the law but performing poorly. (K.S.A. § 74-32,172.)

G. DOES STATE LAW INCLUDE ANY SPECIAL PROTECTIONS FOR VETERANS WHO ATTEND PRIVATE POSTSECONDARY INSTITUTIONS?

0/20 POINTS

Yes	No
20 Points	0 Points

Explanation:

Kansas law has no special protections in place for veterans who attend private postsecondary institutions.

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

0/100 POINTS

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

0/100 POINTS

No exemptions	Few exemptions	Moderate exemptions	Broad Exemptions
100 Points	75 Points	50 Points	0 Points

Explanation:

Many of the institutions that Kansas exempts are common exemptions for certain religious institutions, employer-sponsored programs, public institutions, avocational programs, etc., and would likely not hinder protection of students.

However, Kansas law also exempts any postsecondary educational institution which was granted approval to confer academic or honorary degrees by the state Board of Education under the provisions of K.S.A. 17-6105, prior to its repeal, and any institution that does not have a physical presence in Kansas and that is otherwise subject to applicable law, but only to the extent that and for the period of time that such institution is participating in the State Authorization Reciprocity Agreement. (K.S.A. § 74-32,164.)

In addition, institutions that have accreditation from an agency recognized by the U.S. Department of Education are not required to submit to an onsite visit. (K.A.R. §88-28-4(a).)

And the Board of Regents may issue a certificate of approval to any institution accredited by a regional or national accrediting agency recognized by the U.S. Department of Education without further evidence. (K.S.A. § 74-32,168(c).)

IV. DISCLOSURE REQUIREMENTS: 20/100 POINTS

A. ARE INSTITUTIONS REQUIRED TO DISCLOSE INSTITUTIONAL PERFORMANCE MEASURES TO POTENTIAL STUDENTS?

0/20 POINTS

Yes, mandatory	Yes, discretionary	None
Fact sheet or equivalent required to be given to students	Fact sheet or equivalent given to students upon request	No fact sheet required
20 Points	10 Points	0 Points

Explanation:

Kansas state law does not require institutions to disclose any institutional performance measure to potential students.

B. WHICH INSTITUTIONAL PERFORMANCE DISCLOSURES ARE REQUIRED TO BE GIVEN TO STUDENTS PRIOR TO ENROLLMENT?

0/60 POINTS

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

Kansas state law does not require institutions to disclose any of these institutional performance measure to potential students.

C. DOES THE STATE REQUIRE SCHOOLS TO INCLUDE ELEMENTS ESSENTIAL TO STUDENT PROTECTION PRIOR TO ENROLLMENT OR IN THE ENROLLMENT CONTRACT?

20/20 POINTS

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

Kansas law requires institutions to provide their refund policy, total tuition and fees, and the number of clock hours or credit hours for each course in each curriculum, and the transferability of credit hours in their catalogs. (KAR 88-28-2(9)(A) & (11)(G),(P),(R).) Kansas law requires institutions to provide students with a catalog before accepting any payment from the student. (K.A.R. 88-28-7(a)(1).) Also, institutions are required to include in the enrollment agreement the number of clock-hours or credit hours and the number of weeks or months required for completion of the program or each course in which the student is enrolling. (K.A.R. 88-28-7(b)(4).) The enrollment agreement must include the total amount of tuition required for the program or each course in which the student is currently enrolling. If the total number of clock-hours or credit hours required for completion of the program will span more than one

enrollment period, the enrollment agreement shall include a statement that tuition is subject to change. (K.A.R. 88-28-7(b)(6).)

V. REGULATION OF RECRUITING PRACTICES:

75/100 POINTS

A. HAS THE STATE PUT INTO LAW A LIST OF PROHIBITED ACTS REGARDING ADVERTISING AND RECRUITING?

75/100 POINTS

Yes, strong regulation	Yes, moderate regulation	Yes, weak regulation	No list of prohibited acts
100 Points	75 Points	50 Points	0 Points

PROHIBITED ACTS

Included in list of prohibited acts	
Misleading representations using the word “college” or “university”	X
Misleading institution affiliations (e.g., military, public institution, businesses)	
Promise of employment	X
Compensation for enrollment	/
Compensation or “bounty” to recruiters	
Deception (broad prohibition)	X
Misrepresentation (broad prohibition)	X
Misleading representations re: accreditation	X

1–3=Weak; 3.5–6=Moderate; 6.5–8=Strong

Explanation:

Kansas law prohibits institutions from using fraud or misrepresentation in advertising or in procuring the enrollment of a student; using the term “accredited” in the name or advertisement of the institution unless such institution is accredited; and using the term “university” in the name or advertisement of the institution unless such institution is a university. (K.S.A. § 74-32,177(a)(4-6); K.A.R. §88-28-2(13)(F).) Further, although Kansas law does not explicitly prohibit deception in its list of prohibited acts, it does state that institutions may not use erroneous or misleading advertising either by actual statement, omission, or intimation. (K.S.A. § 74-32,169.) Further, Kansas law states that “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 \$5,000 for each violation.” (K.S.A. § 74-32,178.) These provisions have the same effect as if Kansas were to explicitly prohibit deceptive advertising. Kansas law prohibits schools from advertising in the “help wanted” section of the classified ads, and it prohibits schools from making any overt or implied claim of guaranteed employment during training or upon completion of training, in any manner. (K.A.R. §88-28-2(13)(C),(G).) State law prohibits institutions from making offers of institutional scholarships or partial institutional scholarships, unless the scholarships are bona fide reductions in tuition and are issued under specific, published criteria (which is one way to prohibit offers of compensation for enrollment). (K.A.R. §88-28-2(13)(E).)

VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

70/100 POINTS

A. DOES THE STATE REQUIRE A BOND OR FUND AS A CONDITION OF AUTHORIZATION?

20/20 POINTS

Yes	No
20 Points	0 Points

Explanation:

Kansas law requires institutions to provide a bond or similar certificate or evidence of indebtedness or insurance before the state will issue a certificate of approval to that institution. (K.S.A. §74-32,175; K.A.R. §88-28-3(e).)

B. DOES THE STATE REQUIRE A REFUND OF TUITION IF A STUDENT ENROLLS AS THE RESULT OF MISREPRESENTATION?

20/20 POINTS

Yes, full refund	Yes, partial refund	No refund required
20 Points	10 Points	0 Points

Explanation:

Kansas law does not explicitly require a refund of tuition if as student enrolls as the result of misrepresentation. However, Kansas law does specify that any note or contract taken by any institution or its officers, directors, agents or representatives, without having complied with specified law, shall be null and void and any person who has entered into a contract with such institution 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. (K.S.A. § 74-32,179.) Use of misrepresentation in advertising or in procuring enrollment of a student is prohibited pursuant to K.S.A. § 74-32,177(4). Therefore a student who enrolls as a result of misrepresentation is entitled to a full refund plus interest accruing from the date of payment.

C. DOES THE STATE REQUIRE INSTITUTIONS TO REFUND TUITION IN THE EVENT OF CLOSURE?

0/20 POINTS

Yes, full refund	Yes, partial refund	Yes, refund in limited circumstances	No refund required
20 Points	15 Points	10 Points	0 Points

Explanation:

There are no provisions in Kansas law that require institutions to refund tuition in the event of closure.

D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?
10/10 POINTS

2 years or more (or no deadline)	1-2 years	Under 1 year	Not applicable
10 Points	5 Points	1 Point	0 Points

Explanation:

Kansas law does specify a specific deadline for filing student complaints.

E. DOES THE STATE REQUIRE INSTITUTIONS TO DISCLOSE INFORMATION ABOUT FILING A COMPLAINT WITH THE STATE OVERSIGHT BODY?
10/20 POINTS

Medium	Yes	Discretionary	No
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

Kansas law requires institutions to adopt, publish and adhere to a procedure for handling student complaints. Further, the state requires institutions to post information so that students will be aware of the complaint process available to them. The information must be posted in locations that are used or seen by all students on a regular basis such as the institution’s web site, enrollment agreement, catalogue or other media. (K.S.A. § 74-32,169(1).) Kansas requires institutions to have a complaint policy and to post it, but leaves to the discretion of the institutions the location or locations at which the procedure is posted. The only mandate with regard to location is that the information is posted in a location that is used or seen by all students on a regular basis. Finally, there is no mention that the school policy must include information regarding how to contact the state Board to file a complaint, so the inclusion of this information is left to the discretion of the school as well.

F. IS THE COMPLAINT PROCESS READILY ACCESSIBLE AND AVAILABLE ON THE STATE OVERSIGHT BODY’S WEBSITE?
10/10 POINTS

Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
2 Points	2 Points	3 Points	3 Points	0 Points

Explanation:

Kansas maintains a webpage on which students can find a form, a mailing address, an email address and phone number for questions, and a fax number.

VII. ENFORCEMENT: 20/100 POINTS

A. IS THERE LOSS OF STATE AID FOR SCHOOLS THAT REPEATEDLY PRODUCE SUBSTANDARD GRADUATION RATES, JOB PLACEMENT RATES, AND/OR COHORT DEFAULT RATES?

0/30 POINTS

Yes, required	Yes, required but limited	Yes, discretionary	Yes, discretionary but limited	No
30 Points	20 Points	15 Points	5 Points	0 Points

Explanation:

Kansas law contains no provisions requiring a loss of state aid for schools that repeatedly produce substandard graduation rates, job placement rates, and/or cohort default rates.

B. DOES STATE LAW EXPLICITLY AUTHORIZE A PRIVATE RIGHT OF ACTION FOR STUDENTS AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS AND REGULATIONS IN PLACE TO GOVERN THEM?

0/30 POINTS

Yes	Limited circumstances	No
30 Points	15 Points	0 Points

Explanation:

Kansas law does not explicitly authorize a private right of action for students against institutions that have violated the laws and regulations in place to govern them.

C. DOES STATE LAW EXPLICITLY ALLOW ATTORNEY FEE AWARDS FOR STUDENTS WHO PREVAIL IN LITIGATION AGAINST PRIVATE FOR-PROFIT POSTSECONDARY INSTITUTIONS?

0/20 POINTS

Yes	Limited	No
20 Points	15 Points	0 Points

Explanation:

Kansas law does not explicitly allow attorney fee awards for students who prevail in litigation against such institutions.

D. DOES STATE LAW EXPLICITLY AUTHORIZE
ATTORNEY GENERAL INVOLVEMENT?

20/20 POINTS

Yes	Limited circumstances	No
20 Points	10 Points	0 Points

Explanation:

“...If it appears to the state board on the basis of its own inquiries or investigations or as a result of a complaint that any provision of this act has been or may be violated, the state board may request the attorney general to institute an action enjoining such violation or for an order directing compliance with the provisions of this act.” (K.S.A. § 74-32,173.)

BONUS POINTS:

Kansas does not receive any bonus points.



ILLUMINATING INFORMATION



RECOPROCITY AGREEMENTS

Kansas is a member of the State Authorization Reciprocity Agreements (SARA).

**LITIGATION, INVESTIGATIONS, AND ACTIONS INVOLVING PRIVATE FOR-
PROFIT EDUCATIONAL INSTITUTIONS IN KANSAS**

For information about pending and recent federal and state government investigations and actions regarding for-profit colleges see David Halperin’s compilation at <http://www.republicreport.org/2014/law-enforcement-for-profit-colleges/#sthash.1vc4HmPw.dpuf>.

