

NOTICE: The Board has made every effort to post complete, accurate and up-to-date regulations on its website; however, in a case of discrepancies, the Board shall not be liable for the effect of those discrepancies. For an official copy of these regulations, refer to the Kansas Administrative Regulations published by the Kansas Secretary of State.

Article 26. – COMMUNITY COLLEGES

88-26-1. Definitions. (a) “Board staff” means the designees of the president and chief executive officer of the Kansas board of regents.

(b) “Course of study” and “program” mean a curriculum, the completion of which qualifies a student to receive a degree or a career or technical certificate or to engage in a particular field of employment.

(c) “Distance education course” means any course delivered primarily by correspondence study; audio, video, or computer technology; or any combination of these.

(d) “Out-district course” means any class offered by a community college for credit at a location outside the community college district in which the community college is located.

(e) “Out-district student” means a student who is a resident of Kansas but who resides outside of a community college district, except as otherwise provided in K.S.A. 71-305 and K.S.A. 71-401, and amendments thereto.

(f) “Out-of-state or foreign student” means a student who is not a resident of the state of Kansas.

(g) “President and chief executive officer” means the chief executive officer as described in K.S.A. 74-3203a, and amendments thereto.

(h) "Release of out-district funds form" means the form prescribed by and available from the state board that relates to the payment of out-district tuition.

(i) "Satisfactory progress" has the meanings specified in 34 C.F.R. 668.34(b), (c), and (d), as in effect on October 18, 2002 and hereby adopted by reference.

(j) "State board" means the Kansas board of regents. (Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-2. Accreditation. (a) Accreditation by the higher learning commission of the north central association of colleges and schools shall be presumptive evidence that the criteria specified in subsection (b) are met.

(b) To be approved by the board for purposes of state aid entitlement pursuant to K.S.A. 71-802 and amendments thereto, each community college shall be required to meet the following minimum standards:

(1) The curriculum reasonably and adequately ensures achievement of the stated objectives for which the curriculum is offered.

(2) The faculty members hold the credentials appropriate to the academic program offered as follows:

(A) Except as stipulated in paragraphs (b)(2)(B) and (D), the minimum academic credential held is at least one academic degree higher than the degree level of the courses that the faculty member is teaching.

(B) Faculty members not meeting the standard specified in paragraph (b)(2)(A) possess special competence in their field of knowledge, as measured by accomplishments that may include scholarship, advanced study, creative activities, and relevant professional experience, training, and credentials, including licensure and professional registration.

(C) At least two-thirds of the faculty have earned a baccalaureate or graduate degree from an accredited institution.

(D) Each faculty member teaching a general education course holds a minimum of a graduate degree, including 18 semester hours of graduate coursework related to the discipline of the course being taught.

(3) The student services, apart from the formal instructional experience of the classroom and laboratory, are adequate to meet the institution's stated objectives and include health services, financial aid programs, employment placement programs, advising and counseling programs, which meet both of the following conditions:

(A) The services and programs are readily available and evaluated periodically to determine their overall effectiveness.

(B) The extent of the services provided by the institution and any associated cost to the student are stated in the catalog and other appropriate publications.

(4) The facilities are free from hazards and support learning environments appropriate for the curriculum.

(5) The financial resources of the institution are sufficient for the institution to reasonably and adequately meet its stated objectives and to continue to do so in the foreseeable future.

(6) The planning processes allow the institution to enhance its strengths and minimize its weaknesses in the face of a changing environment.

(7) The governance structure is consistent with the institution's stated objectives and provides for the following:

(A) The governing board ensures that the establishment and the review of policies are based upon sound knowledge.

(B) The governing board's decision making is free from undue influence of governmental bodies, the institution's supporting bodies, including booster clubs and alumni associations, and the institution's employees.

(C) All constituents have an appropriate voice in decision making, and their concerns are taken into consideration in the decision-making process.

(D) Academic freedom of both students and faculty members is upheld to the extent permitted by law and the board of regents' policy.

(8) The institution demonstrates integrity in the relationship with its internal and external constituents.

(A) Due process is recognized in the institutional operations.

(B) The institution's practices are consistent with its published procedures.

(C) The institution accurately portrays its practices, services, and programs.

(D) The institution meets all applicable federal and state requirements.

(c) The loss of accreditation by the community college shall be presumptive evidence that the community college fails to adhere to the minimum standards set by the board. Each community college that loses its accreditation shall be subject to the loss of state aid entitlement, pursuant to K.S.A. 71-802 and amendments thereto, unless the community college demonstrates that it meets the minimum standards specified in

subsection (b). (Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and
K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-3. Admissions. To be eligible for admission to any community college, each applicant shall be required to meet one of the following criteria:

(a) Be a graduate of an accredited high school or a recipient of a general educational development (GED) diploma;

(b)(1) Be enrolled in the eleventh or twelfth grade in either an accredited or non-accredited high school, or be currently homeschooled at the eleventh-grade or twelfth-grade level; and

(2) have an ACT or SAT score at or above the national average, or have a cumulative high school GPA of 3.0 or above;

(c) be a high school student who meets the following requirements:

(1) Has completed 10 units of credit from an accredited high school or is currently being homeschooled at the eleventh-grade or twelfth-grade level;

(2) has obtained a written recommendation from the high school principal for enrollment in an approved technical program, unless the person is currently being homeschooled;

(3) has passed an “ability-to-benefit test” approved by the U.S. department of education; and

(4) will attend a technical program offered in a community college; or

(d)(1) Be 18 years of age or older;

(2) not be a graduate of a state-accredited high school; and

(3) have been determined by the community college, after evaluating the person's educational credentials, to be able to benefit from the courses in which the person wishes to enroll. (Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-4. Credit. (a) Transfer credit. Each community college shall accept credits from all courses and programs that are substantially equivalent to those offered at the community college, as determined by the community college accepting the credits. Any community college accepting transfer credit may evaluate the applicability of the credit towards meeting the graduation requirements. Any community college may award credit for other documented learning experiences, including military educational programs.

(b) Advanced standing. Any community college may award credit for advanced standing based on the policies adopted by that community college's board of trustees.

(c) Credit for lecture, laboratory, and other classes. Each community college shall record one semester hour of credit for any student attending a lecture class, if the student has made satisfactory progress in the class and the class consists of at least 750 minutes of class instruction, plus time allocated for a final exam. Each community college shall record one semester hour of credit for any student attending a laboratory class, if the student has made satisfactory progress in the class and the class consists of at least 1,125 minutes. Each community college shall record one semester hour of credit for any student who completes a minimum of 2,700 minutes in on-the-job training, internships, or clinical experiences in health occupations. The number of semester hours of credit recorded for each distance education course shall be assigned by the community college that provided the course, based on the amount of time needed to achieve the course objectives in a face-to-face format. (Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-5. Graduation requirements. (a) Any community college may award the associate in arts degree, the associate in science degree, or the associate in general studies degree to each student who has satisfactorily completed 60 or more semester hours in a curriculum that parallels that of a Kansas public university for freshmen and sophomores. An associate in applied science degree may be awarded to each student who has satisfactorily completed a program in a two-year career or technical curriculum of 60 or more semester hours and who has also met any other requirements for graduation.

(b) A career or technical certificate may be granted for any program that is less than 60 semester hours in length but is more than 15 semester hours.

(c) A certificate of completion may be awarded for a course of study not exceeding 15 semester hours. (Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-6. Approval of programs. (a) (1) Except as specified in paragraph (a)(2), each program to be offered by a community college shall be required to be approved by the state board before the program is actually offered by the community college. The community college shall submit an application for approval of the program to the state board.

(2) If a program has been approved by the state board in accordance with paragraph (a)(1), the community college may, without separate approval, subsequently offer within the program a separate certificate of completion or a separate career or technical certificate based on credits earned within that program.

(b) The application for any program scheduled to start in a fall semester shall be submitted by February 13 before the fall semester of the school year in which the program is to be offered. The application for any program scheduled to start in a spring semester shall be submitted by August 13 before the spring semester in which the program is to be offered.

(c) The application shall provide information that establishes each of the following:

(1) There is a documented state, regional, or local need for the proposed program.

(2) The community college has the physical and human resources to deliver the program.

(3) The delivery of the program is financially feasible for the state and the community college.

(4) The program does not unnecessarily duplicate any existing programs of the other community colleges within the state.

(d) Upon receipt of an application, the application shall be reviewed by board staff, and a determination shall be made whether the requirements specified in subsection (c) have been met.

(e) If the board staff determines that the requirements specified in subsection (c) have been met, the program shall be recommended by the board staff for approval by the state board. The applicant shall be notified by the board staff, in writing, of the recommendation.

(f) If the board staff determines that the information provided does not meet all of the requirements specified in subsection (c), the applicant shall be notified by the board staff, in writing, of the determination, which shall include in the notice the reason or reasons for the determination. The applicant shall also be notified by the board staff of the right to request a review of the determination in accordance with K.A.R. 88-26-15.

(g) Each applicant shall be sent a notice under subsection (e) or (f) of this regulation within 60 days after the date the application is received by the state board.

(Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-7. Residence determination: out-district students and out-of-state or foreign students. (a) The determination of residency for out-district tuition and student tuition purposes shall be made pursuant to K.S.A. 71-401, K.S.A. 71-402, K.S.A. 71-406, and K.S.A. 71-407, and amendments thereto. The factors that may be considered in determining intent to become a resident shall include the payment of property taxes, the purchase of license tags, the location of employment, voting registration, and any other established ties with the community college district or with a home located in Kansas.

(b) The board of trustees of each community college shall determine the tuition for out-of-state or foreign students. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-8. Determination of student tuition for residency purposes. (a) The president of each community college shall designate a person, referred to in this regulation as the “admissions officer,” to determine whether the amount of student tuition to be paid by each student enrolled in the community college is the proper amount.

(b) (1) The enrollment forms of each community college shall include questions that enable the admissions officer to identify those out-of-state or foreign students who are eligible to pay the same rate of tuition as that for in-state students and those out-of-state or foreign students who are required to pay out-of-state tuition.

(2) If an out-of-state or foreign student, or the student’s spouse or dependent, claims to be eligible to pay the same rate of tuition as that for in-state students, the student, spouse, or dependent shall provide evidence to substantiate the claim. This evidence may include proper military identification, an order of a court or a directive from the secretary of social and rehabilitation services, an affidavit of a person acting as parent of the student, or a copy of a transcript from a Kansas-accredited high school that is signed by the chief administrative officer of the school.

(c) If, upon review of the enrollment forms, the admissions officer determines that a student should pay out-of-state tuition but has been charged and paid in-state tuition, the admissions officer shall give written notice to the student indicating the following:

- (1) The amount of student tuition paid and the amount that should have been paid;
- (2) the reason or reasons that compel the adjustment in student tuition; and

(3) the fact that the additional tuition is due and shall be paid within 10 days of the date of the notice, unless the student, within this 10-day period, requests an appeal in accordance with K.A.R. 88-26-9.

(d) The notice specified in subsection (c) shall be accompanied by a copy of K.A.R. 88-26-9, K.A.R. 88-26-10, and K.A.R. 88-26-12.

(e)(1) If, upon review of the enrollment forms, the admissions officer determines that a student should have paid in-state tuition but was charged and paid out-of-state tuition, the admissions officer shall give notice to the student indicating the following:

(A) The amount of student tuition paid and the amount that should have been paid; and

(B) the reason or reasons that compel the adjustment in student tuition.

(2) The notice specified in this subsection shall be accompanied by the refund due to the student. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-9. Review of student tuition determination. Any student who has been determined to owe out-of-state student tuition and who disagrees with that determination may request a review of the determination by a residence appeal board. The student shall file a written request, on a form provided by the admissions office, for review with the admissions officer designated pursuant to K.A.R. 88-26-8 within 10 days after the date on which notification of the determination was given or sent to the student. The admissions officer designated pursuant to K.A.R. 88-26-8, within five days of receipt of the request, shall submit to the residence appeal board the request, a copy of the student's enrollment forms, and a copy of the notice sent to the student. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-10. Residence appeal board. (a) Each community college shall establish a board of at least three members to review determinations made under the provisions of K.A.R. 88-26-8. This board shall be called the residence appeal board. The members of the residence appeal board shall be appointed by the president of each community college. The admissions officer designated pursuant to K.A.R. 88-26-8 shall not be a member of the residence appeal board. The residence appeal board shall elect a chairperson, who shall schedule meetings for the board and shall preside at meetings of the board. The chairperson shall be eligible to vote in all cases.

(b) The residence appeal board shall meet as often as is necessary in order to review determinations within 45 days after the date the request for review is received by the board.

(c) When a request for review is received by the residence appeal board, the chairperson shall determine at which meeting of the board the determination will be reviewed. The chairperson shall notify the student and the admissions officer designated pursuant to K.A.R. 88-26-8 of the date, time, and place of this meeting.

(d) The residence appeal board shall allow the student and the admissions officer designated pursuant to K.A.R. 88-26-8 to present information concerning the matter. Based upon information provided in the student's enrollment forms and by the student and the admissions officer designated pursuant to K.A.R. 88-26-8, the residence appeal board shall determine the amount of student tuition that should have been paid by the student.

(e) A written decision stating the determination of the residence appeal board shall be made within 10 days after the date the meeting was held. The decision shall be personally delivered or mailed to the student and the admissions officer designated pursuant to K.A.R. 88-26-8.

(f) If the residence appeal board determines that the student should have paid in-state tuition but was charged and paid out-of-state tuition, the decision shall indicate the following:

- (1) The amount of student tuition paid and the amount that should have been paid;
- (2) the reason or reasons that compel the adjustment in student tuition; and
- (3) a refund to the student of the amount of overpayment.

(g) If the residence appeal board determines that the student was properly charged out-of-state tuition, the decision shall state the basis for the determination. The student shall have 10 days after the date of the notice of the decision to request a review in accordance with K.A.R. 88-26-11.

(h) The decision provided for in subsection (g) shall be accompanied by a copy of K.A.R. 88-26-11. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-11. Review of residence appeal board determinations. Any student who disagrees with the decision of the residence appeal board may request that the community college board of trustees review the decision. The student shall file a written request for review with the admissions officer of the community college within 10 days after the date of notification of the decision specified in K.A.R. 88-26-10. The decision of the board of trustees shall be deemed a final agency action for purposes of the Kansas judicial review act. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-12. Out-district tuition for certain students. (a) The president of each community college shall designate a person, referred to in this regulation as the “registrar,” who shall be responsible for identifying those students who are residents of another community college district.

(b) The enrollment forms of each community college shall include questions that enable the registrar to identify those persons described in subsection (a) of this regulation.

(c) A community college shall not be authorized to charge out-district tuition for any student described in subsection (a) of this regulation, unless the community college meets the following criteria:

- (1) Completes a release of out-district funds form for the student;
- (2) files the release of out-district funds form for the student with the state board within 30 days of the student’s enrollment; and
- (3) receives written approval from the board staff to charge out-district tuition for the student.

(d) Within 15 days of the receipt of a release of out-district funds form, a determination shall be made by the board staff regarding whether the course of study or program selected by the student, or a substantially equivalent course of study or program, is offered in the community college district in which the student resides. The determination shall be made upon the basis of information provided on the release of out-district funds form and the information concerning programs offered at each community

college that is on file with the state board pursuant to K.S.A. 71-306, and amendments thereto.

(e) The determination of the board staff shall be indicated on the form and shall include the reason or reasons for the determination. The form shall also include a statement either directing the community college to charge out-district tuition for the student or advising the community college that out-district tuition will not be charged for the student.

(f) A copy of the form completed in accordance with subsection (e) shall be mailed by the board staff to the following individuals:

- (1) The registrar designated pursuant to this regulation;
- (2) the president of the community college in which the student is enrolled; and
- (3) the president of the community college of the district in which the student resides. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-306, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-13. Review of out-district tuition determinations. (a) Any community college may request a review, by an appeal committee, of any determination made pursuant to K.A.R. 88-26-12. The community college shall submit a written request for review to the state board within 15 days of the date that the notice provided for in K.A.R. 88-26-12 was mailed to the community college.

(b) Within 10 days of the receipt of a request for review, an appeal committee shall be appointed by the vice president of academic affairs that consists of three persons who are members of the board staff. The appeal committee shall not include any of the board staff who have participated in the initial decision regarding out-district tuition.

(c) A date, time, and place for a hearing on the matter shall be fixed by the vice president for academic affairs upon receipt of a request for review. The county and each of the institutions that is interested in the matter shall be notified by mail. The date for the hearing shall be at least 10 days, but not more than 30 days, after the date the request for review was received by the vice president for academic affairs. The appeal committee shall be provided with the release of out-district funds form completed in accordance with K.A.R. 88-26-12 and a copy of the information concerning the courses of study or programs upon which the determination was made.

(d) At the hearing of the appeal committee, the county, each of the institutions that has an interest in the matter, and any of the board staff who participated in the initial determination shall be allowed to present information concerning the matter. Based upon information provided in the release of out-district funds form, information concerning

courses of study and programs, and information provided at the hearing, the appeal committee shall determine whether the community college is authorized to charge out-district tuition for the student.

(e) Within 10 days of the hearing, a written statement indicating the determination of the appeal committee and the reason or reasons for the determination shall be prepared by the vice president for academic affairs. The statement also shall direct the community college to charge out-district tuition for the student or shall advise the community college that out-district tuition will not be charged for the student.

(f) The statement prepared under subsection (e) shall be mailed by the vice president for academic affairs to the persons and entities specified in K.A.R. 88-26-12. The decision of the appeal committee shall be deemed a final agency action for purposes of the Kansas judicial review act. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-14. Approval of out-district courses. (a) Each application for approval of an out-district course shall be submitted to the state board. The application shall be reviewed by the board staff to determine whether the proposed out-district course meets all of the following requirements:

(1) There is a local or regional need for the proposed out-district course.

(2) The proposed out-district course is in the region assigned to the applicant institution by the state board, or there is a documented need for the applicant institution to offer instruction outside this assigned region.

(3) The proposed out-district course is not offered to provide recreation or to enhance recreational interests that are not applicable to a regular college instructional program.

(b) If the board staff determines that all of the requirements specified in subsection (a) are met, the approved request shall be sent to the applicant, in writing, within 15 days after the date that the recommendation to approve the request is made.

(c) If the board staff determines that the requirements listed in subsection (a) are not met, the applicant shall be notified, in writing, of the determination, which shall include the reason or reasons for the determination. The applicant shall be advised of the right to request a review of the determination in accordance with K.A.R. 88-26-15.

(d) Each applicant shall be sent a notice under subsection (b) or (c) of this regulation within 30 days of the date the application is received by the state board.

(Authorized by and implementing K.S.A. 71-201, K.S.A. 71-301a, as amended by 2003

HB 2343, § 10, and K.S.A. 71-403, as amended by 2003 HB 2343, § 17; effective Oct.
29, 2004.)

88-26-15. Review of program or out-district course disapproval. (a) Any community college may request a review of any determination made under K.A.R. 88-26-6 or K.A.R. 88-26-14. Each request for review shall be made, in writing, within 15 calendar days of the date that notification of the determination was mailed to the community college. The request for review shall be submitted to the president and chief executive officer, who shall conduct a fair and objective review within 21 calendar days of receiving the request for review. This review may include a hearing by phone or in person with representatives of the community college and board staff members.

(b) The appeal shall be ruled upon by the president and chief executive officer within 10 calendar days of the hearing, and this decision shall be sent in writing to the president of the community college. The decision of the president and chief executive officer shall be deemed a final agency action for purposes of the Kansas judicial review act. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-16. Out-district courses disapproved for community college operating grant purposes. Out-district courses offered to provide recreation or to enhance recreational interests that are not applicable to a regular college instructional program shall not be approved for operating grant purposes. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

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