

## 2021 Kansas Statutes

74-32,163. **Definitions.** As used in the Kansas private and out-of-state postsecondary educational institution act:

- (a) "Academic degree" means any associate, bachelor's, professional, master's, specialist or doctoral degree.
- (b) "Accreditation" means an accreditation by an agency recognized by the United States department of education.
- (c) "Branch campus" means any subsidiary place of business maintained within the state of Kansas by an institution at a site that is separate from the site of the institution's principal place of business and where the institution offers a course or courses of instruction or study identical to the course or courses of instruction or study offered by the institution at its principal place of business.
- (d) "Distance education" means instruction offered by any means in which the student and faculty member are in separate physical locations. "Distance education" includes, but is not limited to, online, interactive video and correspondence courses or programs.
- (e) "Out-of-state postsecondary educational institution" means a postsecondary educational institution, public or private, for-profit or not-for-profit, that is chartered, incorporated or otherwise organized under the laws of any jurisdiction other than the state of Kansas.
- (f) "Institution" means an out-of-state or private postsecondary educational institution.
- (g) "Institution employee" means any person, other than an owner, who directly or indirectly receives compensation from an institution for services rendered.
- (h) "Owner of an institution" means:
  - (1) In the case of an institution owned by one or more individuals, those individuals;
  - (2) in the case of an institution owned by a partnership, all full, silent and limited partners;
  - (3) in the case of an institution 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; and
  - (4) in the case of an institution owned by a limited liability company, the company, its managers and all its members.
- (i) "Person" means an individual, firm, partnership, association, corporation, receiver or trustee.
- (j) "Physical presence" means:
  - (1) Operating an instructional site in Kansas, including, but not limited to:
    - (A) Establishing a physical location in Kansas where students receive instruction; or
    - (B) delivering a course or program that requires students participating in that course or program to physically meet at the same time and place in Kansas to receive instruction;
  - (2) delivering any distance education course to any student who remains in Kansas while participating in such course;
  - (3) maintaining an administrative office in Kansas for the purpose of fulfilling the administrative functions of delivering instruction, whether face-to-face or via distance education;
  - (4) maintaining a mailing address or phone exchange in Kansas;
  - (5) providing office space in Kansas to instructional or non-instructional staff; or
  - (6) providing student support services from a physical site operated by or on behalf of the institution in Kansas.
- (k) "Private postsecondary educational institution" means an entity that:
  - (1) Is a business enterprise, whether operated on a for-profit or not-for-profit basis, that

has a physical presence in Kansas;

(2) offers a course or courses of instruction or study through classroom contact or by distance education, or both, for the purpose of training or preparing individuals for a field of endeavor in a business, trade, technical or industrial occupation, or offers a course or courses leading to an academic degree; and

(3) is not specifically exempted by the provisions of this act.

(l) "Provisional certificate" means a certificate of approval that can be awarded to a degree-granting institution seeking to establish a physical presence in Kansas but is not yet accredited by a recognized accrediting organization. A "provisional certificate" constitutes authorization to operate in Kansas but only under certain conditions deemed necessary by the state board, including, but not limited to, reporting requirements or securing new or additional bonds.

(m) "Representative" means any person employed by an institution to act as an agent, solicitor or broker to recruit students or enrollees for the institution.

(n) "State board" means the state board of regents or the state board's designee.

(o) "Support" or "supported" means the primary source and means by which an institution derives revenue to perpetuate operation of the institution.

(p) "University" means a postsecondary educational institution authorized to offer any degree, including an associate, bachelor, graduate or professional degree.

(q) "State educational institution" means any state educational institution as defined in K.S.A. 76-711, and amendments thereto.

**History:** L. 2004, ch. 185, § 3; L. 2010, ch. 150, § 2; L. 2016, ch. 74, § 5; L. 2021, ch. 17, § 6; July 1.