

JAN 4 2024

SCOTT SCHWAB  
SECRETARY OF STATE

## State of Kansas

## Kansas Board of Regents

**Notice of Hearing on Proposed Adoption of Administrative Regulations**

The Kansas Board of Regents will conduct a public hearing to consider proposed revocations of K.A.R. 88-13-7, 88-13-8, 88-14-1, 88-14-2, 88-14-3, 88-14-4, 88-18-1, 88-18-2, 88-18-3, 88-18-4, 88-18-5, 88-18-6, 88-18-7, 88-18-8, 88-20-2, 88-20-6, 88-20-7, 88-21-5, 88-21-6, 88-21-7, 88-22-5, 88-27-1, and 88-27-2. The hearing will be held at 11:00 a.m. on March 19, 2024, in the Kansas Board of Regents Board Room, 1000 SW Jackson St., Ste. 520, Topeka, KS 66612.

This 60-day notice of the public hearing shall constitute a public comment period for receiving written public comments on the proposed revoked regulations. All interested parties may submit comments prior to the hearing to Gage Rohlf at the Kansas Board of Regents at the address above, at (785) 430-4236, or by email to [grohlf@ksbor.org](mailto:grohlf@ksbor.org). All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations during the hearing. To provide all parties with an opportunity to present their views, it may be necessary to request each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Gage Rohlf using the contact information listed above. Individuals with hearing or speech disabilities may contact the Kansas Relay Center at 800-766-3777 for communication accommodations.

Copies of the proposed regulations and the economic impact statement may be found at <http://www.kansasregents.org/about/rules-regulations> or by contacting Gage Rohlf.

A summary of the proposed regulations and the economic impact statement of the regulations follows:

The Board of Regents has begun its first five-year review of its rules and regulations pursuant to K.S.A. 77-440. As part of that review, the agency has identified 23 unnecessary regulations: 14 regulations that are obsolete because they relate to obsolete programs, and 9 obsolete regulations that relate to ongoing programs.

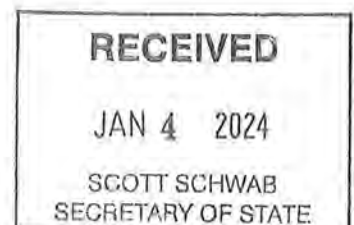
These revocations would eliminate those obsolete regulations. The regulations related to obsolete programs are: (1) K.A.R. 88-14-1 through 88-14-4 (Community Resource Program); (2) K.A.R. 88-18-1 through 88-18-8 (Kansas Honors Scholarship Program); and (3) K.A.R. 88-27-1 and 88-27-2 (Washburn University Out-District Tuition). The underlying statutory programs no longer receive state funding and are no longer active.

The obsolete regulations related to ongoing programs are: K.A.R. 88-13-7, 88-13-8, 88-20-6, 88-20-2, 88-20-7, 88-21-5, 88-21-6, 88-21-7 and 88-22-5. These regulations relate to the Student Assistance programs, Nursing Service Scholarship Program, Kansas Ethnic Minority Scholarship Program, and Kansas Teachers Scholarship Program. The regulations are generally obsolete because they reference individual income tax returns, which are no longer used to determine scholarship eligibility, and because they set out confidentiality requirements that have been superseded by other laws. K.A.R. 88-20-2 establishes an out-of-date limit on nursing service scholarships, and K.A.R. 88-21-7 establishes an out-of-

date method for apportioning awards under the Ethnic Minority Scholarship Program in the event scholarship funds are over-subscribed.

There is not anticipated to be any economic impact on specific businesses, sectors, public utility ratepayers, or local governments. Revoking these regulations will not impose any implementation or compliance costs on those groups. Revoking the regulations is not anticipated to have any economic impact on the general public.

Blake Flanders  
President and CEO  
Kansas Board of Regents



88-13-7. (Authorized by K.S.A. 1976 Supp. 72-6112, 72-6815; effective, E-76-57, Dec. 12, 1975; effective E-77-5, March 19, 1976; effective Feb. 15, 1977; revoked P-  
\_\_\_\_\_.)

88-13-8. (Authorized by K.S.A. 1976 Supp. 72-6111, 72-6814; effective, E-76-57, Dec. 12, 1975, effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; revoked P-  
\_\_\_\_\_.)

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88-14-1 and 88-14-2. (Authorized by K.S.A. 74-5024, as amended by L. 1987, Ch. 305, Sec. 3(b); implementing L. 1987, Ch. 305, Sec. 1(a); effective T-88-51, Dec. 16, 1987; effective May 1, 1988; revoked P-\_\_\_\_\_.)

88-14-3. (Authorized by K.S.A. 74-5024, as amended by L. 1987, Ch. 305, Sec. 3(b); implementing K.S.A. 74-5026, as amended by L. 1987, Ch. 305, Sec. 5, and K.S.A. 74-5027, as amended by L. 1987, Ch. 305, Sec. 6; effective T-88-51, Dec. 16, 1987; effective May 1, 1988; revoked P-\_\_\_\_\_.)

88-14-4. (Authorized by K.S.A. 74-5024, as amended by L. 1987, Ch. 305, Sec. 3(b); implementing K.S.A. 74-5026, as amended by L. 1987, Ch. 305, Sec. 5; effective T-88-51, Dec. 16, 1987; effective May 1, 1988; revoked P-\_\_\_\_\_.)

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88-18-1 and 88-18-2. (Authorized by L. 1988, Ch. 358, Sec. 4; implementing L. 1988, Ch. 358, Sec. 2-6; effective Dec. 19, 1988; revoked P-  
\_\_\_\_\_.)

88-18-3. (Authorized by K.S.A. 1990 Supp. 72-9704; implementing K.S.A. 1990 Supp. 72-9701 et seq; effective Dec. 19, 1988; amended Dec. 14, 1992; revoked P-  
\_\_\_\_\_.)

88-18-4 and 88-18-5. (Authorized by L. 1988, Ch. 358, Sec. 6; implementing L. 1988, Ch. 358, Sec. 2-6; effective Dec. 19, 1988; revoked P-  
\_\_\_\_\_.)

88-18-6. (Authorized by L. 1988, Ch. 358, Sec. 6; implementing L. 1988, Ch. 358, Sec. 2-6; K.S.A. 1987 Supp. 45-221(a)(17): effective Dec. 19, 1988; revoked P-  
\_\_\_\_\_.)

88-18-7. (Authorized by and implementing L. 1988, Ch. 358, Sec. 4; effective Dec. 19, 1988; revoked P-\_\_\_\_\_.)

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88-18-8. (Authorized by K.S.A. 1990 Supp. 72-9704; implementing K.S.A. 1990 Supp. 72-9702 et seq.; effective Dec. 19, 1988, amended Dec. 14, 1992; revoked P-  
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88-20-2. (Authorized by L. 1989, Ch. 223, Sec. 7; implementing L. 1989, Ch. 223, Sec. 3; effective March 19, 1990; revoked P-\_\_\_\_\_.)

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88-20-6 and 88-20-7. (Authorized by L. 1989, Ch. 223, Sec. 7; implementing L. 1989,  
Ch. 223, Sec. 1-7; effective March 19, 1990; revoked P-  
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88-21-5 and 88-21-6. (Authorized by L. 1989, Ch. 224, Sec. 4; implementing L. 1989, Ch. 224, Sec. 4, 5; effective Feb. 12, 1990; revoked P-  
\_\_\_\_\_.)

88-21-7. (Authorized by L. 1989, Ch. 224, Sec. 4; implementing L. 1989, Ch. 224, Sec. 4; effective Feb. 12, 1990; revoked P-\_\_\_\_\_.)

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88-22-5. (Authorized by and implementing K.S.A. 1991 Supp. 74-32,106; effective  
March 8, 1993; revoked P-\_\_\_\_\_.)

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88-27-1. (Authorized by and implementing K.S.A. 2002 Supp. 13-13a29, as amended by L. 2003, Ch. 35, § 4; effective Oct. 29, 2004; revoked P-\_\_\_\_\_.)

88-27-2. (Authorized by and implementing K.S.A. 2002 Supp. 13-13a27, as amended by L. 2003, Ch. 35, § 3, and K.S.A. 2002 Supp. 13-13a29, as amended by L. 2003, Ch. 35, § 4; effective Oct. 29, 2004; revoked P-\_\_\_\_\_.)

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# Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Regents  
Agency

Gage Rohlf  
Agency Contact

785-430-4236  
Contact Phone Number

88-13-7 and 88-13-8  
88-14-1 through 88-14-4  
88-18-1 through 88-18-8  
88-20-2, 88-20-6, and 88-20-7  
88-21-5, 88-21-6, and 88-21-7  
88-22-5  
88-27-1 and 88-27-2

K.A.R. Number(s)

Permanent     Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
  - Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
  - No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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**Section I**

Brief description of the proposed rule(s) and regulation(s).

Pursuant to K.S.A. 77-440, the Kansas Board of Regents has begun its first five-year review of its rules and regulations. That review has resulted in the proposed revocation of three sets of regulations (totaling 14 regulations) for obsolete programs and several (9) obsolete regulations within otherwise ongoing programs. The Board is using the traditional process for revoking these regulations rather than the expedited process allowed by K.S.A. 77-440 because the Board’s report cannot be filed with the Joint Committee on Rules and Regulations until 2026 and the expedited process can only be used after the report is filed.

K.A.R. 88-14-1 through 88-14-4, the Community Resource Program, K.A.R. 88-18-1 through 88-18-8, the Kansas Honors Scholarship Program, and K.A.R. 88-27-1 and 88-27-2, Washburn University Out-District Tuition, are proposed for revocation because these programs no longer receive state funding and are no longer active programs.

K.A.R. 88-13-7, 88-13-8, 88-20-6, 88-20-7, 88-21-5, 88-21-6, and 88-22-5 (from the Board’s regulations on Student Assistance Programs, Nursing Student Scholarship Program, the Kansas Ethnic Minority Scholarship Program, and the Kansas Teachers Scholarship Program, respectively) reference individual income tax returns, which are no longer used to determine eligibility for these scholarships, or confidentiality requirements that have been superseded by other laws requiring protection of confidential personal information.

K.A.R. 88-20-2 and 88-21-7 are also outdated and obsolete.

**Section II**

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

These regulations administer/implement state law, not federal law. Neither the regulations nor revocation of the regulations exceed the requirement of any applicable federal law. The Board of Regents is unaware that agencies of contiguous states or the federal government are requiring regulations of this nature to remain on the books.

**Section III**

Agency analysis specifically addressing the following:

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- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The revocation of these regulations is not anticipated to enhance or restrict business activities and growth. The Board will continue to administer the programs that are not being revoked in their entirety pursuant to the Board’s statutory authority.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The revocation of these regulations is anticipated to have no economic effect. No implementation or compliance costs will be imposed on businesses, sectors, public utility ratepayers, individuals, or local governments.

There will be no direct economic impact on other public agencies or private businesses as a result of these regulation revocations. Revoking these regulations will neither enhance nor restrict business activities and growth.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

The revocation of these regulations would not directly affect any businesses.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Revoking these regulations is beneficial because it will remove obsolete language. The Board does not believe there is a significant cost associated with the revocations.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The Board will absorb the implementation costs associated with the revocation of these regulations.

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$0

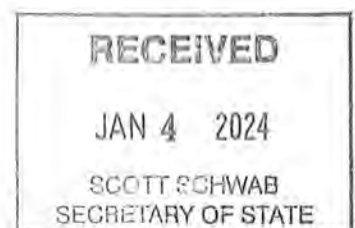
Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

**Total Annual Costs – \$0**

(sum of above amounts)

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Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The determination that there would be no annual implementation and compliance costs was based on the conclusion that revoking the regulations would not impact the Board's administration of these programs. Since the Board will continue administering the programs that are not being eliminated in their entirety, the revocations are not expected to pass along any expenses to businesses, local governments, or members of the public.

- Yes
  - No
  - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

None

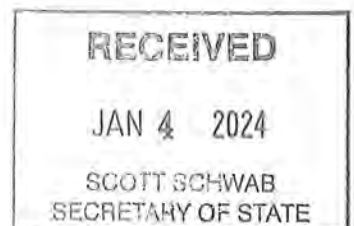
Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

There is no anticipated economic impact on any small employers or the general public.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The revocation of these regulations will not increase or decrease revenue of cities, counties, or school districts.

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- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Board staff notified Kansas State University regarding the Community Resource Program; the University advised that this Program is defunct and no longer funded. Board staff also notified Washburn University regarding its plan to revoke the Washburn University Out-district Tuition regulations. No objections to revoking the revocations were noted.

**Section IV**

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
- No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (If Required)

