

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Commission on Proprietary Education
(Amendment)

791 KAR 1:027. School record keeping requirements.

RELATES TO: KRS 165A.370(1)

STATUTORY AUTHORITY: KRS 165A.340(7), 165A.370(1)(h), (i), 165A.400

NECESSITY, FUNCTION, AND CONFORMITY: KRS 165A.370(1)(h) and (i) set forth the types of records which shall be maintained by a proprietary school. KRS 165A.340(7) and 165A.400 authorize the commission to promulgate necessary administrative regulations to promote efficiency of operations relating to proprietary schools. This administrative regulation specifies the manner in which documents shall be maintained and submitted to the commission.

Section 1. Minimum Record Keeping Requirements. Each licensed proprietary school shall maintain a separate file for each student, including, at a minimum:

- (1) Student application for admission;
- (2) Enrollment agreement;
- (3) Transcript or other academic record;
- (4) Student account;
- (5) Placement record; and
- (6) Attendance record.

Section 2. Annual Renewal Record Keeping Requirements.

- (1)
 - (a) Effective with the 2008 annual license renewal, all proprietary schools shall submit electronic copies of all students' transcripts and student accounts of each student who has attended the school since the end of the immediately preceding renewal period.
 - (b) The electronic copies shall be identified on the Application for License Renewal Resident School (PE-17) or the Application for License Renewal Nonresident School (PE-18), incorporated in 791 KAR 1:025, Section 3, and shall be submitted in conjunction with the annual renewal application and shall be organized alphabetically according to the students' last names.
 - (c) Acceptable electronic formats shall be ~~pdf, Microsoft Office 97 or later versions, tif, pdf, jpg, jpeg,~~ or other generally accepted electronic formats.
- (2) If there is a change of ownership or a school closure, electronic copies of all students' transcripts and student accounts, in generally accepted electronic format, shall be submitted to the commission within thirty (30) days of the transfer or closure.

MISTY N. EDWARDS, Executive Director
For DAVID W. FLOYD, Chair

APPROVED BY AGENCY: August 4, 2021

FILED WITH LRC: August 4, 2021 at 11:10 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 25, 2021, at 1:00 p.m. Eastern Time, at the Mayo-Underwood Building Hearing Room, 500 Mero Street, 1st Floor, Frankfort, KY. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will

not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on October 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Misty Edwards, Executive Director, Kentucky Commission on Proprietary Education, 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601-1957, phone 502-564-4185, email kcpe@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Misty Edward

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation (791 KAR 1:027) establishes school record keeping requirements.

(b) The necessity of this administrative regulation:

This administrative regulation (791 KAR 1:027) establishes the types of records that shall be maintained by a proprietary school and submitted to the commission.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This statute authorizes the commission to promulgate necessary administrative regulations to promote efficiency of operations relating to proprietary schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation outlines school record keeping requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This administrative regulation amendment simply requires records to be submitted in a generally accepted electronic format.

(b) The necessity of the amendment to this administrative regulation:

This amendments removes outdated electronic formats mentioned in 791 KAR 1:027.

(c) How the amendment conforms to the content of the authorizing statutes:

The statute requires the commission to promulgate regulations relating to school record keeping requirements.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will assist with records management.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Kentucky Commission on Proprietary Education, the 189 licensed proprietary schools, and any proprietary school requiring licensure pursuant to KRS 165A. (4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: All proprietary schools will be required to begin utilizing the electronic data management system and submit records in a generally accepted electronic format. (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is not a cost increase associated with the proposed amendments. (c) As a result of compliance, what benefits will accrue to the entities: This amendment will enable business continuity, regulatory compliance and allow for the effective retrieval of records.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No answer provided.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No answer provided.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

No answer provided.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There will be no costs to the commission associated with the implementation of this amendment.

(b) On a continuing basis:

There will be no costs to the commission associated with the implementation of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The commission is funded entirely through fees paid by licensed schools.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

The amendment to this administrative regulation will not require an increase in fees.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

The amendment to this administrative regulation will not require an increase in fees.

(9) TIERING: Is tiering applied?

Tiering is not applied because there is no change to the fee or application structure.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Commission on Proprietary Education and proprietary schools.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 165A, KRS 165A.340(7), 165A.370(1)(h), (i), 165A.400.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This amended administrative regulation will not generate any new revenue for the commission.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This amended administrative regulation will not generate any new revenue for the commission.

(c) How much will it cost to administer this program for the first year?

There will not be a cost increase associated with the amendments to this administrative regulation.

(d) How much will it cost to administer this program for subsequent years?

Future costs will remain unchanged related to this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): There is no known effect on current revenues.

Expenditures (+/-): There is no known effect on current expenditures.

Other Explanation:

There is no fiscal impact associated with this amendment.