

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

791 KAR 1:160. Transfer of ownership, change of location, change of name, revision to existing programs.

RELATES TO: KRS 165A.360(2), (7), (9), 165A.370(1), (2)

STATUTORY AUTHORITY: KRS 165A.340(7), 165A.360(2), (9), 165A.370(1)(b), (j), 165A.400

NECESSITY, FUNCTION, AND CONFORMITY: KRS 165A.400 authorizes the commission to promulgate administrative regulations to administer the provisions of KRS 165A.310 to 165A.390. Pursuant to KRS 165A.360(9), licenses issued by the commission are transferable. KRS 165A.370(1)(b) and (j) provide the commission with the authority to ensure that schools have all the necessary equipment to operate. This administrative regulation governs the procedures that a school shall follow to transfer ownership, change the location, change the name of the school, or revise an existing program for twenty-five (25) percent or more, as established in 791 KAR 1:010, Section 10 .

Section 1. Transfer of Ownership. A school which transfers ownership shall:

- (1) File a completed, signed and dated Application to Transfer Ownership of a School, (Form PE-21), referenced by 791 KAR 1:025, for commission approval within ten (10) days following the effective date of transfer.
- (2) Pay by check or money order a transfer fee as set forth in 791 KAR 1:025, Section 5; and
- (3) Submit a copy of legal evidence showing the transfer of ownership agreement and evidence of purchase.

Section 2. Change of Location.

- (1) A school that changes location shall at least thirty (30) days prior to the change of location:
 - (a) File a completed, signed, and dated, Application to Change the Location of a School, (Form PE-23), referenced by 791 KAR 1:025, for commission approval; and
 - (b) Pay by check or money order an application fee for the change of location set forth in 791 KAR 1:025, Section 7.
- (2)
 - (a) An inspection shall be conducted by a member of the commission or its designee and submitted to the commission for approval.
 - (b) Schools that fail to meet minimum statutory and regulatory standards shall be provided a list of corrective measures to be completed prior to operation of the school.

Section 3. Change of Name of a School. A school which changes its name shall at least (30) days prior to the change of name:

- (1) File a completed, signed, and dated, Application to Change the Name of a School, (Form PE-22), referenced by 791 KAR 1:025, for commission approval; and
- (2) Pay by check or money order an application fee for a change of name as set forth in 791 KAR 1:025, Section 6.

Section 4. Revise An Existing Program.

- (1) A school which revises an existing program for twenty-five (25) percent or more, as established in 791 KAR 1:020, Section 5(2) shall at least thirty (30) days prior to the next commission meeting:
 - (a) File a completed, signed, and dated, Application to Revise an Existing Program for 25% or More, (Form PE-13), referenced by 791 KAR 1:020, for commission approval;

and

(b) Pay by check or money order the fee as set forth in 791 KAR 1:025, Section 10.

(2) A school which revises an existing program for less than twenty-five (25) percent shall file a completed, signed, and dated, Notification to Revise an Existing Program For Less Than 25%, (Form PE-12), referenced by 791 KAR 1:020, prior to the effective date of change.

Section 5. Expansion of School Facilities.

(1) If a school expands the space of an approved location, the school shall notify the commission in writing at least ten (10) days prior to occupancy.

(2) If a school utilizes a space, other than an approved location, on an on-going basis, which is already approved for public use, the school shall notify the commission in writing.

Section 6. Conditional Approval. The Executive Director may provide conditional approval of applications until submitted to the Commission for final approval.

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.