

165A.370 Minimum standards and requirements -- Training requirements for administrators and instructors -- Records -- Financial statement -- Approval and denial of license -- Conditional license.

- (1) No proprietary school located or doing business in this state shall be issued a license under these provisions until the commission has determined that the proprietary school is maintained, operated, or, in the event of a new proprietary school, that the school, after a physical inspection of the premises, can be reasonably maintained and operated, in substantial compliance with the following minimum standards:
 - (a) That the instructional quality and content of each course or program of instruction or study shall be adequate to provide reasonable education and training to each enrolled student, and that the quality and content shall be consistent with the public interest;
 - (b) That the proprietary school has adequate space, equipment, instructional materials, and instructor personnel to provide the authorized training and preparation of the quality specified in paragraph (a) of this subsection;
 - (c) That the educational and experience qualifications of directors, administrators, supervisors, and instructors are satisfactory in terms of the quality of instruction specified in paragraph (a) of this subsection;
 - (d) That the administrators shall hold a baccalaureate degree from an accredited college or university, or demonstrate the appropriate training or experience related to the responsibilities of the position as determined by the commission;
 - (e) That the instructors shall hold a baccalaureate degree from an accredited college or university in the area of teaching responsibility, or demonstrate appropriate training or experience related to the responsibilities of the position as determined by the commission;
 - (f) That a copy of the course outline and a schedule of all tuition, fees, tuition refund schedules, program completion rates, and program placement rates of the school's graduates for the preceding twelve (12) months be furnished each student applicant prior to enrollment;
 - (g) That, as defined by commission regulation, a diploma, associate degree, certificate, or other appellation shall be awarded to the student upon satisfactory completion of training by the proprietary school which indicates that the course or courses of instruction or study had been satisfactorily completed;
 - (h) That adequate records shall be maintained on all personnel and available for inspection and shall include the following materials:
 1. Current personnel forms;
 2. Teacher evaluations;
 3. Inventory of equipment and instructional material; and
 4. Faculty transcripts;
 - (i) That separate files shall be maintained on each student and be available for inspection, and shall include copies of the following materials:

1. Student's application for admission;
 2. Enrollment agreement;
 3. Academic record;
 4. Attendance record;
 5. Financial payment record; and
 6. Placement record;
- (j) That the proprietary school shall be maintained and operated in compliance with all local, city, and county ordinances and state law, including rules and regulations adopted pursuant thereto, relative to the safety and health of all persons upon the premises;
- (k) That the proprietary school is financially sound and reasonably capable of fulfilling commitments to students for training and preparation;
- (l) That the school shall have available, if requested by the commission, a financial statement certified by an independent accountant, and a profit-loss statement certified by the owner as being true and current. The commission may call for any or all of the above information at any time;
- (m) That the proprietary school does not utilize advertising of any type which is untrue, deceptive, or misleading and shall be able to document all advertised claims;
- (n) That the chief executive officer, directors, owners, administrators, supervisors, and instructors are of good moral character as determined by the commission;
- (o) That the proprietary school adheres to a tuition refund schedule as presented in published form prior to enrollment;
- (p) That the school shall prominently display its current license and the address and telephone number of the commission office; and
- (q) That the proprietary school adheres to the other requirements consistent with the public interest as the commission shall determine are necessary to improve the courses or programs of instruction or study offered by the school, and to prevent misrepresentation, fraud, and collusion in the offering thereof.
- (2) In determining compliance with the minimum standards described in subsection (1) of this section, the commission shall require at a minimum:
- (a) For a degree-granting institution, appropriate accreditation; and
 - (b) For a non-degree granting institution, a statement of quality assurance.
- (3) The commission shall investigate, appraise, and evaluate from time to time, or upon receipt of a formal complaint, any proprietary school now located, or which may be hereafter located, in this state. The investigation, appraisal, and evaluation shall be for the purpose of determining whether the proprietary school or its programs are maintained and operated or, in the event of a new proprietary school, whether the new proprietary school can be reasonably maintained and operated, in compliance with the provisions of this section and all other applicable Kentucky statutes and administrative regulations. The investigation, appraisal, and evaluation shall include but are not limited to inspection of all records, books, and facilities at reasonable

times and places without prior notice.

- (4) If the commission determines upon investigation, appraisal, and evaluation that a proprietary school located within this state is maintained and operated, or, in the event of a new proprietary school, that the school can be reasonably maintained and operated, in compliance with the minimum standards prescribed by this section, the commission shall issue a license to the proprietary school.
- (5) If the commission determines that any school is not maintained and operated, or cannot be reasonably maintained and operated, in compliance with the minimum standards prescribed by this section and the minimum requirements determined by the commission, or is in violation of Kentucky statutes or administrative regulations, the commission, after notice and an opportunity for a hearing to be conducted in accordance with KRS Chapter 13B, may deny the issuance of a license or may establish conditions in conformity with these provisions which shall be met by the school prior to issuance of a license. The commission may issue a conditional license for up to a nine (9) month period of time.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 99, sec. 6, effective July 14, 2018. -- Amended 2012 Ky. Acts ch. 76, sec. 7, effective July 12, 2012. -- Amended 1996 Ky. Acts ch. 318, sec. 56, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 79, sec. 4, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 31, sec. 6, effective July 15, 1982. -- Created 1976 Ky. Acts ch. 363, sec. 8, effective July 1, 1976.