



Commission on Proprietary Education

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division

Approved by the State Libraries, Archives, and Records Commission



Kentucky Department for Libraries and Archives

This records retention schedule governs retention and disposal of records created, used and maintained by the Commission on Proprietary Education. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission).** If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records. This agency-specific schedule was drafted by Commission on Proprietary Education personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for Commission on Proprietary Education to destroy the records listed, after the appropriate retention periods have passed.

Commission on Proprietary Education personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for Commission on Proprietary Education.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

This retention schedule covers the content of records created by Commission on Proprietary Education, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

Confidential Records

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

Copies of Records

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

Commission on Proprietary Education

The purpose of the Kentucky Commission on Proprietary Education, which is established by KRS 165A.340, is to administer and enforce that statutory authority and to monitor the needs of the consuming public. The board licenses all eligible schools under its jurisdiction. It recommends appropriate changes in the law to assure fairness and equality. The board conducts formal hearings when necessary and prosecutes by due process any violators of KRS 165A.

The board is a self-supporting agency and receives no general fund tax appropriation. It is funded entirely through fees assessed for licensing its institutions.

RECORDS RETENTION SCHEDULE

Signature Page

Office of Occupations and Professions
Agency

June 14, 2012
Schedule Date

Unit

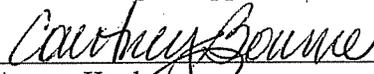
Change Date

June 14, 2012

Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:



Agency Head

6/14/12

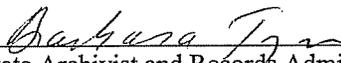
Date of Approval



Agency Records Officer

6/14/2012

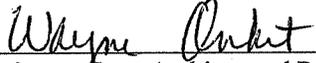
Date of Approval



State Archivist and Records Administrator
Director, Public Records Division

6/14/2012

Date of Approval

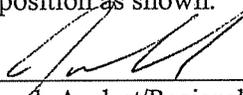


Chairman, State Archives and Records Commission

6/14/2012

Date of Approval

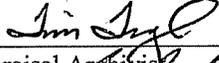
The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:



Records Analyst/Regional Administrator

6-14-2012

Date of Approval



Appraisal Archivist

6/14/12

Date of Approval



State/Local Records Branch Manager

6/14/2012

Date of Approval

The determination as set forth meets with my approval.



Auditor of Public Accounts

6.14.12

Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Education and Workforce Development Cabinet
 Proprietary Education, Kentucky Commission on

Record Group
Number
0820

Series	Records Title and Description	Function and Use
00491	License Folder - Proprietary Schools, Agents and CDL Instructors	This series documents activities related to issuing and regulating licenses, permits and certificates of approval for proprietary education schools, agents and CDL instructors pursuant to KRS 165A.330. As defined by KRS 165A.310, a proprietary school is a privately owned educational institution, establishment, agency, organization or person offering or administering a plan, course or program of instruction in business, trade, technical, industrial or related areas for which a fee or tuition is charged whether conducted in person, by mail or by any other method.
	Access Restrictions	None
	Contents	Series may contain: Original application, certificate copy of school surety bond, agents application, agent's surety bond, school information, administrative contact information, course information, accreditation information, certification of information, supporting material and documentation and related correspondence.
	Retention and Disposition	Upon license termination, transfer to the State Archives Center for permanent retention. NOTE: Pursuant to 725 KAR 1:025, contact the Archives and Records Management Division for electronic records transfer instructions.
00492	Complaints Folder	This series documents complaints against licensed schools and agents and any subsequent investigations and actions taken by the board pursuant to KRS 165A.00.
	Access Restrictions	KRS 61.878 (1)(a)(h) Personal information / Investigations.
	Contents	Series may contain: Complaint forms, responses, investigative reports, correspondence, legal actions, disciplinary actions, hearing notices, hearing transcripts, exhibits and related documentation.
	Retention and Disposition	Retain for fifty (50) years after case closed and/or license terminated, whichever is longer, then destroy.
06225	Renewal Folder	This series documents license, permit and certificate renewal for proprietary education schools and agents pursuant to KRS 165A.330.
	Access Restrictions	None
	Contents	Series may contain: Renewal application and related documentation.
	Retention and Disposition	Retain for ten (10) years, then destroy.
06283	Incomplete, Denied and Withdrawn Applications Folder	This series documents incomplete, denied and/or withdrawn applications for license, permit and/or certificates of approval.
	Access Restrictions	None
	Contents	Series may contain: Original application and related documentation.
	Retention and Disposition	Retain denial letters fifty (50) years, destroy remaining material after two (2) years.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Education and Workforce Development Cabinet
 Proprietary Education, Kentucky Commission on

Record Group
Number
0820

Series	Records Title and Description	Function and Use
06284	Student Files (Schools No Longer in Operation)	This series documents student records turned over to the board by proprietary schools that have ceased operations. Pursuant to KRS 165A.390, a licensed proprietary school, prior to discontinuance of operation, must convey all student records as required by the board to a location designated by the board.
	Access Restrictions	KRS 61.878(1)(a) - Personal information.
	Contents	Series may contain: Student name, contact information, identifier, grade information (transcripts) narrative evaluations, assessments, admissions, enrollment information, examinations for credit or placement tests and related documentation.
	Retention and Disposition	Transfer to the State Archives Center when license terminated for permanent retention. NOTE: Contact the Public Records Division for electronic records transfer formatting instructions.
06324	Student Protection Fund	This series documents submissions for claims made against the student protection fund. Pursuant to KRS 165A.450, all schools licensed by the board are required to contribute to a student protection fund to be made available to students who are affected by the closure of a school. The fund is used to pay student debts incurred due to the closing of a school.
	Access Restrictions	None
	Contents	Series may contain: Form for claims against the student protection fund, enrollment agreements, class schedules, course work, receipts, cancelled checks, student account ledgers and related documentation.
	Retention and Disposition	Retain for ten (10) years, then destroy.