



FINANCE AND ADMINISTRATION CABINET
KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

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August 5, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: **11 KAR 4:080**. Student aid applications.
11 KAR 15:090. Kentucky Educational Excellence Scholarship (KEES) program.
11 KAR 15:110. Scholarships for Registered Apprenticeship and Qualified
Workforce Training programs.

Dear Co-Chair West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 11 KAR 4:080, 11 KAR 15:090, and 11 KAR 15:110, the Kentucky Higher Education Assistance Authority proposes the attached suggested substitutes to the proposed amendments to 11 KAR 4:080, 11 KAR 15:090, and 11 KAR 15:110.

Sincerely,

A handwritten signature in black ink, appearing to read "Miles F. Justice".

Miles F. Justice
General Counsel
KHEAA
100 Airport Road
Frankfort, Kentucky 40601

SUGGESTED SUBSTITUTE

Final Version: 07/23/24 at 11:52 a.m.

**KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid**

11 KAR 4:080. Student aid applications.

RELATES TO: KRS 164.518, 164.744(2), 164.748(4), (7), (8), 164.753(3), (4), (6), 164.7535, 164.769, 164.780, 164.785, **164.786, 164.787, 164.7870**, 164.7890, 164.7894, 34 C.F.R. 654.1_ 654.5, 654.30-654.52, 20 U.S.C. 1070d-31 - 1070d-41

STATUTORY AUTHORITY: KRS 164.518(3), 164.746(6), 164.748(4), 164.753(3),(6), 164.7535, 164.769(5),(6)(f), 164.7894(6), 34 C.F.R. 654.30, 654.41, 20 U.S.C. 1070d-37, 1070d-38

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.748(4) ~~authorizes~~~~[requires]~~ the Authority to promulgate administrative regulations pertaining to the awarding of grants, scholarships, and honorary scholarships as ~~established~~~~[provided]~~ in KRS 164.740 ~~through~~~~[to]~~ 164.7891. KRS 164.7894(6) requires the Authority to promulgate administrative regulations as ~~[may be]~~ needed for the administration of the Kentucky Coal County College Completion Program. This administrative regulation designates and incorporates the applications to be utilized under the grant, scholarship, and work-study programs administered by KHEAA.

Section 1. Applications. To participate in a specified grant, scholarship, or work-study program administered by the Kentucky Higher Education Assistance Authority, the following application forms shall be completed for the appropriate academic year in which an award is sought in accordance with their instructions:

(1) For the KHEAA Grant Program established in 11 KAR 5:130, the Free Application for Federal Student Aid (FAFSA);

~~(2) [For the KHEAA Work-Study Program established in 11 KAR 6:010, the KHEAA Work-Study Program Student Application;~~

~~(3)]For the Teacher Scholarship Program established in 11 KAR 8:030, the Teacher Scholarship Application;~~

~~(3) [(4)] For the Early Childhood Development Scholarship Program established in 11 KAR 16:010:~~

~~(a) The Free Application for Federal Student Aid (FAFSA); and~~

~~(b) The Early Childhood Development Scholarship Application;~~

~~(4) [(5) For the Robert C. Byrd Honors Scholarship Program established in 11 KAR 18:010:~~

~~(a) For high school and home school students, the Robert C. Byrd Honors Scholarship Program; and~~

~~(b) For GED recipients, the Robert C. Byrd Honors Scholarship Program GED Recipients;~~

~~(6) For the Go Higher Grant Program established in 11 KAR 5:200;~~

~~(a) The Free Application for Federal Student Aid (FAFSA); and~~

~~(b) The Go Higher Grant Program Application;~~

~~(7)] For the Coal County Scholarship Program for Pharmacy Students established in 11 KAR 19:010, the Coal County Scholarship Program for Pharmacy Students Application;~~

~~(5) [(8) For the Kentucky Coal County College Completion Scholarship Program established in 11 KAR 20:020:~~

~~(a) The Free Application for Federal Student Aid (FAFSA); and~~

~~(b) The Kentucky Coal County College Completion Scholarship Application;~~

~~(9)~~ For the Optometry Scholarship Program established in KRS 164.7870, the Optometry Scholarship Application;

~~(6)~~~~(10)~~ For the Dual Credit Scholarship Program established in KRS 164.786, the Dual Credit Scholarship Application; and

~~(7)~~~~(11)~~ For the Work Ready Kentucky Scholarship Program established in KRS 164.787:

(a) The Free Application for Federal Student Aid (FAFSA); and

(b) The Work Ready Kentucky Scholarship Application.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) ~~[The-]~~ "Free Application for Federal Student Aid July 1, 2024 - June 30, 2025", (FAFSA), December 2023~~["Free Application for Federal Student Aid July 1, 2023 - June 30, 2024" (FAFSA), October 2022];~~

(b) ~~[The-]~~ "Free Application for Federal Student Aid July 1, 2023 - June 20, 2024", (FAFSA), October 2022~~["Free Application for Federal Student Aid July 1, 2022 - June 30, 2023" (FAFSA), October 2024];~~

(c) ~~[The-]~~ **"KHEAA Work-Study Program Student Application", July 2001;**

~~(d) The-]~~ "Teacher Scholarship Application", June 2006;

~~(d)~~~~(e) The]~~ "Early Childhood Development Scholarship Application", April 2006;

~~(e)~~~~(f) The-]~~ **"Robert C. Byrd Honors Scholarship Program", June 2009;**

~~(g) The-]~~ **"Robert C. Byrd Honors Scholarship Program-GED Recipients", June 2009;**

~~(h) The-]~~ **"Go Higher Grant Program Application", January 2008;**

~~(i) The]~~ "Coal County Scholarship Program for Pharmacy Students Application", February 2011;

~~(f)~~~~(j) The]~~ "Kentucky Coal County College Completion Scholarship Application", October 2014;

~~(g)~~~~(k) The]~~ "Optometry Scholarship Application", January 2022;

~~(h)~~~~(l) The]~~ "Dual Credit Scholarship Application", ~~2024 - 2025~~~~[July 2021]~~; and

~~(i)~~~~(m) The]~~ "Work Ready Kentucky Scholarship Application", August 2019.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Higher Education Assistance Authority, 100 Airport Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material may also be obtained at www.kheaa.com.

***General Reviewer's Note:** In conjunction with filing this suggested substitute, please file the following with the Compiler:

- One (1) copy of the Optometry Scholarship Application, with an edition date of "January 2022"; and
- One (1) copy of the Dual Credit Scholarship Application, with an edition date of 2024 – 2025.

CONTACT PERSON: Hon. Miles F. Justice, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7309, fax (502) 696-7293, email mjustice@kheaa.com.



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Re: 11 KAR 4:080. Student aid applications.
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Dear Co-Chair West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 11 KAR 4:080, 11 KAR 15:090, and 11 KAR 15:110, the Kentucky Higher Education Assistance Authority proposes the attached suggested substitutes to the proposed amendments to 11 KAR 4:080, 11 KAR 15:090, and 11 KAR 15:110.

Sincerely,

Miles F. Justice
General Counsel
KHEAA
100 Airport Road
Frankfort, Kentucky 40601

SUGGESTED SUBSTITUTE

Final Version: 07/19/24 at 12:29 p.m.

**KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid**

11 KAR 15:090. Kentucky Educational Excellence Scholarship (KEES) program.

RELATES TO: KRS 154A.130(4), 156.010, 158.007(8), 164.002(1), (2), 164.7871, 164.7884, 164.7885, 42 U.S.C. 1751 et seq.

STATUTORY AUTHORITY: KRS 164.7874(3), (16), 164.7877(3), 164.7879(1), (2), (3), 164.7881(4)(a), (c), (6)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.7877(3) requires the Kentucky Higher Education Assistance Authority to administer the Kentucky Educational Excellence Scholarship (KEES) trust fund. KRS 164.7874(16) requires the authority to promulgate administrative regulations establishing the KEES curriculum's courses of study. KRS 164.7879(3)(e) requires the authority to promulgate administrative regulations to determine the eligibility of a noncertified, nonpublic high school graduate and of a GED recipient for a supplemental award. KRS 164.7874(3) requires the authority to establish score equivalents between the SAT and ACT. KRS 164.7881(4)(a) requires the authority to establish overall award levels for the program. KRS 164.7879(2)(c) requires the authority to promulgate administrative regulations determining eligibility for children of parents who are in the military and who claim Kentucky as their home of record. KRS 164.7881(4)(c) requires the authority to promulgate administrative regulations identifying equivalent undergraduate programs of study. This administrative regulation establishes those requirements relating to the Kentucky Educational Excellence Scholarship (KEES) Program.

Section 1. Definitions.

(1) "Academic term":

- (a) Means the fall or spring semester or their equivalence under a trimester or quarter system at a postsecondary education institution; and
- (b) Does not mean summer sessions.

(2) "Accredited out-of-state high school" means a high school that is:

- (a) Located in a state other than Kentucky or in another country; and
- (b) A member of an organization belonging to the Commission on International and Trans-Regional Accreditation.

(3) "ACT" means the test:

- (a) Administered to a student for entrance to a Kentucky postsecondary education institution; and
- (b) Owned by the ACT Corporation of Iowa City, Iowa.

(4) "Advanced placement" or "AP" is defined by KRS 164.002(1).

(5) "Cambridge Advanced International" or "CAI" is defined by KRS 164.002(2).

(6) "Course" means the equivalent of one (1) credit as determined by the Kentucky Department of Education (KDE) in 704 KAR 3:305.

(7) "Department of Defense school" means a school operated by the U.S. Department of Defense for the purpose of providing a high school education to a child whose custodial parent or guardian is in active military or diplomatic service in a state other than Kentucky or in another country.

(8) "Dual credit" is defined by KRS 158.007(8).

(9) "Enrolled" means the status of a student who has completed the registration requirements, except for the payment of tuition and fees, at a participating postsecondary education institution that the student is attending.

(10) "Free and reduced price lunch" means the National School Lunch program established by the United States Department of Agriculture, Richard B. Russell National School Lunch Act, 42 U.S.C. 1751, et. seq., to provide subsidized meals to lower income students.

(11) "GED" means a general educational development diploma awarded to a student.

(12) "International Baccalaureate" or "IB" is defined by KRS 164.002(7).

(13) "SAT" means the test:

- (a) Administered to a student for entrance to a Kentucky postsecondary education institution; and
- (b) Owned by the College Board.

Section 2. High School Grade Point Average Calculation and Reporting.

(1) An eligible high school student's grade point average for an academic year shall be calculated using each letter grade awarded for all courses taken during an academic year. The grading scale cutoff scores used to determine the letter grade for each course shall be the same as those used to determine the letter grade for each course reported on the student's official high school transcript.

(2)(a) Except as established in paragraphs (b) and (c) of this subsection, an eligible high school student's grade point average shall be calculated by:

1. Taking the number of units in a course multiplied by the course grade as expressed on a 4.0 point grading scale where 4.0 is an "A", 3.0 is a "B", 2.0 is a "C", 1.0 is a "D", and 0.0 is an "F";
2. Adding the total number of points accumulated for an academic year; and
3. Dividing the total number of points accumulated in subparagraph 2 of this paragraph by the total number of units for the academic year.

(b) For an eligible high school student taking an AP, IB, or CAI course during the academic year, the course grade assigned shall be calculated using a 5.0 point scale where 5.0 is an "A", 4.0 is a "B", 3.0 is a "C", 2.0 is a "D", and 1.0 is an "F".

(c) Beginning with the academic year 2015-2016, for an eligible high school student taking a dual credit course during the academic year, the course grade assigned by the college shall be used by the high school in calculating the KEES grade point average, and shall be included in the KEES calculation using a 5.0 point scale where 5.0 is an "A", 4.0 is a "B", 3.0 is a "C", 2.0 is a "D", and 1.0 is an "F". This weighted scale shall not be applicable to a remedial course.

(3) The grade point average reported for an eligible high school student for each academic year shall include all information as established[set forth] in KRS 164.7885(1) and be submitted to the authority in either an electronic or hard copy format.

(4) A high school student who participated in an educational high school foreign exchange program or the Congressional Page School that was approved by the student's local high school shall have the student's grade point average reported in accordance with KRS 164.7879(2)(b).

Section 3. High School Students of Custodial Parents or Guardians in Active Military Service.

(1)(a) For purpose of determining eligibility under the provisions of KRS 164.7879(2)(c), a high school student shall establish that the custodial parent or guardian meets the requirements of KRS 164.7879(2)(c)1.a. and b. and shall submit ~~[the Home of Record Certification form]~~ to the authority.] documentation demonstrating **that the custodial parent or guardian:**

1. ~~[That the custodial parent or guardian]~~ is in active service in the U.S. Armed Forces; and
2. ~~[That the custodial parent or guardian]~~ Has been transferred by the U.S. Armed Forces from a Kentucky location to a non-Kentucky location.

(b) The authority annually shall notify the eligible high school student and the custodial parent or guardian of the student's eligibility.

(2)(a) A high school student, determined to be eligible for the KEES program under the terms of KRS 164.7879(2)(c) and subsection (1)(a) of this section, shall be responsible for requesting:

1. Grade and curriculum information from the local school; and
2. That the local school submit the information to the authority using the Curriculum Certification form and the Data Submission form.

(b) Upon receipt of curriculum and grade information from an accredited out-of-state high school or Department of Defense school for a student determined to be eligible for the KEES Program under this section, the authority shall:

1. Verify that the submitted curriculum meets the requirements of Section 4 of this administrative regulation;
2. Verify that the out-of-state high school or Department of Defense school is an accredited high school; and
3. Retain the Curriculum Certification form on file until the student's eligibility has expired.

Section 4. Postsecondary Student Eligibility and KEES Curriculum.

(1) A Kentucky postsecondary student shall be eligible to receive a base scholarship award if the student:

- (a) Has earned a base scholarship award in high school;
- (b) Has completed the KEES curriculum as **established[set forth]** in subsection (2) of this section;
- (c) Has graduated from a Kentucky high school, except as established in Section 2(4) or 3 of this administrative regulation; and
- (d) Is enrolled in a participating institution in an eligible program.

(2) Except as established in subsection (4) of this section, the KEES curriculum shall consist of the curriculum standards established in 704 KAR 3:305.

(3) A student who graduates from high school at the end of the fall semester of his or her senior year and who meets the requirements of KRS 164.7874(7) shall be eligible to earn a KEES award for that year upon:

- (a) Completion of no fewer than three (3) courses of study; and
- (b) Satisfying the provisions of KRS 164.7879.

(4) Except as established in subsection (5) of this section, a high school may substitute an integrated, applied, interdisciplinary, or higher level course for a required course or required academic and career interest standards-based learning experience if the course:

- (a) Provides the same or greater academic rigor and the course covers or exceeds the minimum required content areas established in 703 KAR **5:270[4:060]**; or
- (b) Is an honors course, cooperative education course, AP course, IB course, CAI course, dual credit course, or a course taken at a postsecondary education institution.

(5) Beginning with the 2018-2019 academic year, each cooperative education course taken during an academic year shall satisfy KEES curriculum requirements if the course has been approved by the Office of Career and Technical Education as a work-based learning experience in a career pathway pursuant to 705 KAR **4:231[4:123]** and 705 KAR 4:041. For all other cooperative education coursework, only one (1) course per academic year shall count for purposes of satisfying KEES curriculum requirements.

(6) A high school annually shall provide written documentation to a student advising if the student's schedule of coursework meets the requirements of the KEES curriculum.

Section 5. Eligible Postsecondary Education Programs.

(1) An eligible program shall be a certificate or degree program offered by a participating institution and recognized by the authority pursuant to 11 KAR 15:010, Section **1(12)[1(10)]**.

(2) Except as established in subsection ~~(3)~~(4) of this section, an eligible program at an out-of-state participating institution shall be limited to those programs that qualify through the Academic Common Market administered by the Southern Regional Education Board.

(3) Pursuant to KRS 164.7881(4)(c)1, an academic program shall be designated as an equivalent undergraduate program of study if the student in the program of study:

(a) Has not received eight (8) academic terms of a KEES award;

(b) Is classified by an institution as a graduate or professional student and is enrolled in one (1) of the following academic programs:

1. Pharm. D;

2. A veterinary medicine program at an institution that participates in the Kentucky Contract Spaces Program; or

3. An optometric medicine program at an institution that participates in the Optometry Scholarship Program; and

(c) Has not completed a baccalaureate degree.

Section 6. Postsecondary Grade Point Average Calculation and Reporting.

(1) Each participating institution shall report to the authority, the cumulative grade point average for each KEES recipient enrolled in that institution no later than June 30 after the completion of the award period.

(2) The cumulative grade point average shall be reported to the hundredths decimal place. Any cumulative grade point average **that[which]** contains a number of five (5) or greater in the thousandths place shall be rounded up to the nearest hundredth. Any cumulative grade point average **that[which]** contains a number less than five (5) in the thousandths place shall be rounded down to the nearest hundredth.

(3) If a KEES recipient had an incomplete grade when the cumulative grade point average was initially reported to the authority and subsequently receives a final grade, the participating institution shall recalculate the recipient's cumulative grade point average as of the end of the appropriate award period and report the updated cumulative grade point average to the authority.

Section 7. SAT Conversion Table.

(1) Pursuant to KRS 164.7874(3), the SAT to ACT Conversion Table included in this subsection shall be used to convert scores for SAT exams taken prior to the 2011-2012 academic year.

SAT IV+M	ACTCompo site	SAT IV+M	ACTCompo site	SAT IV+M	ACTCompo site	SAT IV+M	ACTCompo site	SAT IV+M	ACTCompo site
1600	35-36	1370	31	1140	25	910	19	680	14
1590	35	1360	31	1130	25	900	19	670	14
1580	35	1350	30	1120	24	890	18	660	14
1570	35	1340	30	1110	24	880	18	650	13

156 0	35	133 0	30	110 0	24	870	18	640	13
155 0	34	132 0	30	109 0	24	860	18	630	13
154 0	34	131 0	29	108 0	23	850	17	620	13
153 0	34	130 0	29	107 0	23	840	17	610	13
152 0	34	129 0	29	106 0	23	830	17	600	13
151 0	34	128 0	29	105 0	22	820	17	590	13
150 0	33	127 0	28	104 0	22	810	17	580	12
149 0	33	126 0	28	103 0	22	800	16	570	12
148 0	33	125 0	28	102 0	22	790	16	560	12
147 0	33	124 0	28	101 0	21	780	16	550	12
146 0	33	123 0	27	100 0	21	770	16	540	12
145 0	32	122 0	27	990	21	760	16	530	12
144 0	32	121 0	27	980	21	750	15	520	12
143 0	32	120 0	26	970	20	740	15	510	11
142 0	32	119 0	26	960	20	730	15	500	11
141 0	32	118 0	26	950	20	720	15		
140 0	31	117 0	26	940	20	710	15		
139 0	31	116 0	25	930	19	700	14		
138 0	31	115 0	25	920	19	690	14		

This table may be used to relate SAT I V+M scores to ACT Composite scores. The estimates are based on the test scores of 103,525 students from fourteen (14) universities and two (2) states who took both the ACT and the SAT I between October 1994 and December 1996. Because the ACT and the SAT I have different content, students' actual scores on the ACT could differ significantly from the concordance estimates in the table. Source: ACT, Inc. Questions about the concordance study may be directed to ACT's Research Division (319/337-1471). January, 1998

(2) Pursuant to KRS 164.7874(3), the SAT to ACT Conversion Table included in this subsection shall be used to convert scores for SAT exams taken during or after the 2011-2012 academic year, but prior to March 2016. Only the scores from the critical reasoning and mathematics sections of the SAT within a single exam administration shall be considered for KEES supplemental awards.

SAT I CR+M	ACT Composite	SAT I CR+M	ACT Composite	SAT I CR+M	ACT Composite	SAT I CR+M	ACT Composite	SAT I CR+M	ACT Composite
1600	36	1370	31	1140	25	910	19	680	14
1590	35	1360	31	1130	25	900	19	670	14
1580	35	1350	30	1120	24	890	18	660	13
1570	35	1340	30	1110	24	880	18	650	13
1560	35	1330	30	1100	24	870	18	640	13
1550	35	1320	29	1090	24	860	18	630	13
1540	35	1310	29	1080	23	850	17	620	13
1530	34	1300	29	1070	23	840	17	610	12
1520	34	1290	29	1060	23	830	17	600	12
1510	34	1280	28	1050	23	820	17	590	12
1500	34	1270	28	1040	22	810	16	580	12
1490	34	1260	28	1030	22	800	16	570	12

1480	33	1250	28	1020	22	790	16	560	12
1470	33	1240	27	1010	21	780	16	550	11
1460	33	1230	27	1000	21	770	16	540	11
1450	33	1220	27	990	21	760	15	530	11
1440	33	1210	27	980	21	750	15	520	11
1430	32	1200	26	970	20	740	15	510	11
1420	32	1190	26	960	20	730	15		
1410	32	1180	26	950	20	720	15		
1400	32	1170	26	940	20	710	14		
1390	31	1160	25	930	19	700	14		
1380	31	1150	25	920	19	690	14		

This table may be used to relate SAT CR+M scores to ACT Composite scores. The estimates are based on the test scores of 300,437 students who took both the ACT and the SAT CR+M between September 2004 and June 2006. Because the ACT and the SAT CR+M have different content, students' actual scores on the ACT could differ significantly from the concordance estimates in the table. Source: ACT, Inc. Questions about the concordance study may be directed to ACT's Research Division (319/337-1471). June, 2008

(3) Pursuant to KRS 164.7874(3), the SAT and ACT Conversion Table included in this subsection shall be used to convert scores for SAT exams taken during or after the March 2016-2017 academic year, but prior to July 2018. Only the scores from the Evidence-Based Reading and Writing Sections (ERW+M) of the SAT within a single exam administration shall be considered for KEES supplemental awards.

SAT ERW+M	ACT Composite	SAT ERW+M	ACT Composite	SAT ERW+M	ACT Composite	SAT ERW+M	ACT Composite	SAT ERW+M	ACT Composite
1600	36	1380	29	1160	24	940	18	720	13
1590	35	1370	29	1150	23	930	17	710	12
1580	35	1360	29	1140	23	920	17	700	12

1570	35	1350	29	1130	23	910	17	690	12
1560	35	1340	28	1120	22	900	17	680	12
1550	34	1330	28	1110	22	890	16	670	12
1540	34	1320	28	1100	22	880	16	660	12
1530	34	1310	28	1090	21	870	16	650	12
1520	34	1300	27	1080	21	860	16	640	12
1510	33	1290	27	1070	21	850	15	630	12
1500	33	1280	27	1060	21	840	15	620	11
1490	32	1270	26	1050	20	830	15	610	11
1480	32	1260	26	1040	20	820	15	600	11
1470	32	1250	26	1030	20	810	15	590	11
1460	32	1240	26	1020	20	800	14	580	11
1450	32	1230	25	1010	19	790	14	570	11
1440	31	1220	25	1000	19	780	14	560	11
1430	31	1210	25	990	19	770	14		
1420	31	1200	25	980	19	760	14		
1410	30	1190	24	970	18	750	13		
1400	30	1180	24	960	18	740	13		
1390	30	1170	24	950	18	730	13		

(4) Pursuant to KRS 164.7874(3), the SAT and ACT Conversion Table included in this subsection shall be used to convert scores for SAT exams taken during or after July 2018. Only the scores from the Evidence-Based Reading and Writing Sections (ERW+M) of the SAT within a single exam administration shall be considered for KEES supplemental awards.

Table C-2 Concordance Between SAT ERW+M Score and ACT Composite Score

SAT ERW+M	ACT Composite	SAT ERW+M	ACT Composite	SAT ERW+M	ACT Composite	SAT ERW+M	ACT Composite	SAT ERW+M	ACT Composite
1600	36	1400	31	1200	25	1000	19	800	14
1590	36	1390	31	1190	24	990	19	790	14
1580	36	1380	30	1180	24	980	18	780	14
1570	36	1370	30	1170	24	970	18	770	13
1560	35	1360	30	1160	24	960	18	760	13
1550	35	1350	29	1150	23	950	17	750	13
1540	35	1340	29	1140	23	940	17	740	13

1530	35	1330	29	1130	23	930	17	730	13
1520	34	1320	28	1120	22	920	17	720	12
1510	34	1310	28	1110	22	910	16	710	12
1500	34	1300	28	1100	22	900	16	700	12
1490	33	1290	27	1090	21	890	16	690	12
1480	33	1280	27	1080	22	880	16	680	11
1470	33	1270	27	1070	21	870	15	670	11
1460	33	1260	27	1060	21	860	15	660	11
1450	33	1250	26	1050	20	850	15	650	11
1440	32	1240	26	1040	20	840	15	640	10
1430	32	1230	26	1030	20	830	15	630	10
1420	32	1220	25	1020	19	820	14	620	10
1410	31	1210	25	1010	19	810	14	610	10

Section 8. Criteria for Supplemental Award to Noncertified, Nonpublic High School Students and to GED Students.

(1) A Kentucky resident who is a citizen, national, or permanent resident of the United States and who graduates from a nonpublic Kentucky high school not certified by the Kentucky Board of Education shall be eligible for a supplemental award if:

- (a) The student is not a convicted felon;
- (b) The date of the student's graduation is May 1999 or thereafter;
- (c) The student takes the ACT or SAT and has at least a minimum score as established by KRS 164.7879(3); and
- (d) The student enrolls in a participating institution within five (5) years after graduation from high school.

(2) A Kentucky resident who is a citizen, national, or permanent resident of the United States and who has not graduated from any Kentucky or out-of-state public or nonpublic high school shall be eligible for a supplemental award if:

- (a) The student is not a convicted felon;
- (b) The student's 18th birthday occurs on or after January 1, 1999;
- (c) The student takes and receives a GED diploma in Kentucky:
 - 1. Prior to being admitted to a participating institution; and
 - 2. Within five (5) years after attaining eighteen (18) years of age;
- (d) The student takes the ACT or SAT and achieves a minimum score for eligibility as established by KRS 164.7879(3); and
- (e) The student enrolls in a participating institution after July 1, 1999, and within five (5) years of receiving the GED diploma.

(3) A student who graduates from or attends an accredited out-of-state high school or Department of Defense school shall qualify for a supplemental award if:

- (a) The parents meet the provisions of KRS 164.7879(2)(c)1.a. and b.;

(b) The student takes the ACT or SAT and achieves a minimum score for eligibility as established by KRS 164.7879(3); and

(c) The student enrolls in a participating institution within five (5) years of graduating from or attending the accredited out-of-state high school or Department of Defense school.

(4) A student requesting a supplemental award under this section shall notify the participating institution where the student has or intends to enroll.

(5)(a) Residency shall be determined by a participating institution in accordance with 13 KAR 2:045.

(b) A participating institution shall determine a student's eligibility for a supplemental award under this section and shall notify the authority of the student's eligibility.

Section 9. Supplemental Award. An eligible high school student who receives a supplemental award as a result of taking and receiving a GED within five (5) years of attaining eighteen (18) years of age shall have a maximum of five (5) years eligibility beyond the date the GED is received.

Section 10. Supplemental Award for Achievement on Examinations.

(1) Pursuant to KRS 164.7879(3)(c) and (d), a supplemental award shall be provided for achievement on AP, IB, or CAI examinations to an eligible high school student whose family was eligible for free and reduced price lunch during any year of high school.

(2)(a) An eligible high school shall report the status of each student as eligible or ineligible for free and reduced price lunch to the authority on an annual basis.

(b) In determining a high school student's free and reduced price lunch eligibility, the high school shall utilize the income eligibility guidelines published each year by the United States Department of Agriculture, Food and Nutrition Service, available at www.fns.usda.gov/school-meals/income-eligibility-guidelines.

Section 11. Administrative Responsibilities and Expenses of Program.

(1) The authority annually shall determine the level of funding for expenses associated with the program and shall allocate funds from the Wallace G. Wilkinson Kentucky Educational Excellence Scholarship Trust Fund established by KRS 164.7877(1) and (3).

(2) The authority annually shall adopt a budget proposal indicating the amount of funds available and a detailed listing of the expenditures necessary to operate the program.

(3) The authority shall develop an allotment schedule for the release of the administrative funds.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

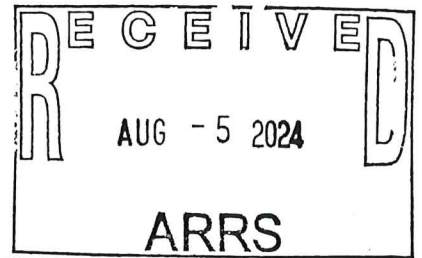
(a) [~~"Home of Record Certification", June 2005;~~

~~(b)-]~~ "Curriculum Certification", June 2005; and

~~(b)[(c)]~~ "Data Submission", June 2005.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Higher Education Assistance Authority, 100 Airport Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CONTACT PERSON: Hon. Miles F. Justice, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7309, fax (502) 696-7293, email mjustice@kheaa.com.



FINANCE AND ADMINISTRATION CABINET
KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

Andy Beshear
Governor

P.O. Box 798
Frankfort, Kentucky 40602-0798
Phone: 1.800.693.8211
Fax: 1.502.696.7293

Holly M. Johnson
Secretary

Jo Carole Ellis
Executive Director

August 5, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
029, Capitol Annex
Frankfort KY 40601

Re: 11 KAR 4:080. Student aid applications.
11 KAR 15:090. Kentucky Educational Excellence Scholarship (KEES) program.
11 KAR 15:110. Scholarships for Registered Apprenticeship and Qualified
Workforce Training programs.

Dear Co-Chair West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 11 KAR 4:080, 11 KAR 15:090, and 11 KAR 15:110, the Kentucky Higher Education Assistance Authority proposes the attached suggested substitutes to the proposed amendments to 11 KAR 4:080, 11 KAR 15:090, and 11 KAR 15:110.

Sincerely,

Miles F. Justice
General Counsel
KHEAA
100 Airport Road
Frankfort, Kentucky 40601

SUGGESTED SUBSTITUTE

Final Version: 07/22/24 at 8:34 a.m.

**KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid**

11 KAR 15:110. Scholarships for Registered Apprenticeship and Qualified Workforce Training programs.

RELATES TO: KRS 164.7871_-164.7885

STATUTORY AUTHORITY: KRS 164.744(2), 164.748(4), 164.753(3), 164.7884, 164.7894

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.7884(5) requires the authority to promulgate administrative regulations establishing the procedures for making awards to KEES-eligible students participating in a registered apprenticeship or qualified workforce training program. **This administrative regulation establishes the procedures to award funds to KEES-eligible students participating in registered apprenticeships or qualified workforce training programs.**

Section 1. Eligibility. (1) A student who has earned a KEES award and who is enrolled in a registered apprenticeship program shall be eligible to request reimbursement for approved post-secondary expenses beginning with the 2018-2019 academic year.

(2) A student who has earned a KEES award and who is enrolled in a qualified workforce training program shall be eligible to request reimbursement for approved post-secondary expenses for the academic year beginning July 1, 2020.

(3) A student who has earned a KEES award and who is enrolled in an approved workforce solution training program shall be eligible to request reimbursement for approved post-secondary expenses for the academic year beginning July 1, 2023.

(4) A student who has earned a KEES award and who is enrolled in a qualified proprietary school program shall be eligible to request reimbursement for approved post-secondary expenses for the academic year beginning July 1, 2023.

(5) A student who has earned a KEES award and who is enrolled in an eligible college of art and design shall be eligible to request reimbursement for approved post-secondary expenses for the academic year beginning July 1, 2023.

(6)[(3)] Reimbursement shall be made only for approved expenses as **established[provided]** in KRS 164.7884(3)(a).

Section 2. Election Process. (1) By August 1 prior to the start of the academic year, a student enrolled in a registered apprenticeship, ~~or~~ qualified workforce training program, approved workforce solutions training program, qualified proprietary school program, or eligible college of art and design shall submit to KHEAA their funding pathway choice, either traditional or reimbursement, for postsecondary KEES use.

(2) If a student chooses the traditional KEES funding pathway, funds shall be paid to the student's ~~postsecondary~~ institution pursuant to KRS 164.7874 ~~through~~ ~~to~~ 164.7883 and KRS 164.7885 upon KHEAA's receipt of enrollment verification from the institution. Funds shall not be paid directly to the student by KHEAA.

(3) If a student chooses the ~~registered apprenticeship or qualified workforce training~~ reimbursement pathway, funds for approved expenses shall be paid directly to the student upon KHEAA's receipt of both a reimbursement request and proof of purchase by the student.

(4) Any student who fails to make an election by August 1 shall automatically be placed in the traditional KEES funding pathway.

Section 3. Reimbursement Process. (1) Upon receipt of a student's election to participate in the ~~[registered apprenticeship or qualified workforce training]~~ reimbursement pathway, KHEAA shall provide written confirmation to the student detailing the reimbursement process.

(2) To be eligible for reimbursement, the student shall:

(a) Purchase items required for participation in the registered apprenticeship, ~~[or]~~ qualified workforce training program, approved workforce solutions training program, qualified proprietary school program, or eligible college of art and design;

(b) Complete and submit to KHEAA a ***KEES Expense*** Reimbursement Request; and

(c) Submit to KHEAA supporting documentation, including an itemized dated receipt.

(3) Upon receipt of the required documentation and approval of the reimbursement request, KHEAA shall provide reimbursement of the approved expenses directly to the student in the form of a paper check.

(4) In addition to reimbursable purchases, a student may request a travel allowance of up to \$250 per semester to cover commuting costs incurred during participation in the registered apprenticeship, ~~[or]~~ qualified workforce training program, approved workforce solutions training program, qualified proprietary school program, or eligible college of art and design.

(5) The total reimbursement amount per year shall not exceed the student's KEES award maximum.

(6) Eligibility for reimbursement ends the earlier of:

(a) Five (5) years following the student's date of high school graduation or GED receipt;

(b) The student's successful completion of a registered apprenticeship, ~~[or]~~ qualified workforce training program, approved workforce solutions training program, qualified proprietary school program, or eligible college of art and design program; or

(c) Receipt of reimbursement for four (4) academic years.

Section 4. Conversion of Funding Pathway. A student may elect to change their funding pathway one (1) time after making their initial election.

(1) The ***completed KEES Reimbursement Pathway Selection Form***~~[change request]~~ shall be submitted to KHEAA *[in writing]*.

(2) The change shall become effective at the beginning of the next academic year following KHEAA's receipt and approval of the request.

(3) The KEES award maximum for a student transitioning from the traditional KEES pathway to the ~~reimbursement~~~~[registered apprenticeship or qualified workforce training]~~ pathway shall be based on the student's postsecondary renewal amount for the last academic year completed in the traditional pathway.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "KEES Expense Reimbursement Request", July 2024; and

(b) "KEES Reimbursement Pathway Selection Form", July 2024.

(2) This material may be inspected, copied or obtained, subject to applicable copywrite law, at the Kentucky Higher Education Assistance Authority, 100 Airport Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

***General Reviewer's Note:** Please file:

- One (1) SUMMARY OF MATERIAL INCORPORATED BY REFERENCE, paginated as page 14
- One (1) copy of the KEES Expense Reimbursement Request; and
- One (1) copy of the KEES Reimbursement Pathway Selection Form.

11 KAR 15:110
Filed July 22, 2024

KEES Expense Reimbursement Request

This form is utilized by a KEES recipient participating in the Registered Apprenticeship and Qualified Workforce Training programs under the KEES reimbursement pathway to request reimbursement for approved expenses incurred for the program.

The form consists of one (1) page with three (3) data sections. The first collects student demographic information. The second requires an itemized list of items purchased and expenses incurred during the period for which reimbursement is sought. The third and final section requires both a student and sponsor certification confirming the items listed were required for participating in the student's training program.

KEES Reimbursement Pathway Selection Form

This form is utilized by a KEES recipient to select the reimbursement pathway while participating in a Registered Apprenticeship program, Qualified Workforce Training program, or Kentucky College of Arts and Design.

The form consists of one (1) page with three (3) data sections. The first requires the student to indicate the type of program in which they are participating. The second collects student demographic information and as well as more detail on the eligible workforce program, if applicable. The third and final section provides a disclosure regarding the terms of selecting the reimbursement pathway and requires the student to sign and date to accept these terms.



KEES Expense Reimbursement Request July 2024

Kentuckians who have an unexpired KY Educational Excellence Scholarship (KEES) award and have opted into a KEES reimbursement pathway may submit this form to request reimbursement of program expenses. Approved expenses include items such as tuition, books, course materials, and travel. The total reimbursed each year cannot exceed the total KEES earned while in high school.

Note - A KEES reimbursement pathway selection form, available at www.kheaa.com, must be on file with KHEAA before reimbursement is requested. You may contact KHEAA at (800) 928-8926 ext. 67396 to check your status.

To request reimbursement for program expenses, complete this form and return it, along with dated and itemized receipt of the items purchased, to the following address:

KHEAA
Attn: KEES Reimbursement
P.O. Box 798
Frankfort, KY 40602-0798

Requests for the period ranging from July 2024 to June 2025 must be postmarked on or before June 15, 2025. Additional request forms may be completed and submitted as needed.

(Please print legibly)

Student Name _____ Last Four of SSN _____ Phone (_____) _____
Student Address _____ City _____ State ____ Zip _____
Student Email _____

Item Purchased	Store/Place Where Purchased	Amount (excluding taxes)
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Travel Amount Requested (No proof of purchase required. Up to \$500 per year) \$ _____

TOTAL AMOUNT REQUESTED \$ _____

Certification and Signature (required)

Student: *I certify I purchased the items listed above to satisfy the requirements of my training program.*

Student Signature _____ Date _____

Authorized Representative (employer/sponsor or training provider): *I certify the purchased items listed above are required for participation in and completion of the student's program.*

Representative's Organization (print) _____

Representative's Name (print) _____ Phone Number: _____

Representative's Signature _____ Date _____



KEES Reimbursement Pathway Selection Form July 2024

KEES-eligible students have the option to request reimbursement of approved training-related expenses from their KEES earnings when they are in a qualifying program. Approved expenses include items such as tuition, books, tools, and course materials. A travel allowance of up to \$500 per year may also be requested. The total amount reimbursed each year cannot exceed the total KEES earned while in high school.

Students wanting to participate in the reimbursement pathway must opt in by completing this form and returning it to KHEAA. Additional instructions on how to request funds will be sent once KHEAA receives the reimbursement pathway selection form. Mail to the completed form to the following address:

KHEAA
Attn: KEES Reimbursement Pathway
P.O. Box 798
Frankfort, KY 40602-0798

STEP 1: Indicate your qualifying program by clearly marking the box for one of the options below.

- Option 1 - Registered Apprenticeship Program**
- Option 2 - Kentucky College of Arts + Design**
- Option 3 - Eligible Workforce Program**

STEP 2: Student information (please print legibly)

Last Name: _____ First Name: _____ Middle Initial: _____

Birthdate: _____ SSN: _____ Phone: (_____) _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Email Address: _____

To be completed by Eligible Workforce Program (option 3) students:

Name of Training Provider: _____

Type of Training / Program of Study: _____

Training Location (City /State): _____

STEP 3: Read the following statement. Then sign and date below to confirm your understanding of the terms.

I understand that by selecting the KEES reimbursement pathway my KEES funds will be sent to me and not a postsecondary institution, and I will be responsible for paying my educational expenses. I also understand the reimbursement amount I can request each year is limited and can be up to, but not go over, the total KEES I earned while in high school; and that I may only be reimbursed for approved expenses for which I have first paid out-of-pocket. I understand that I must submit the required reimbursement request form and proof of purchase to KHEAA in order to receive reimbursement. Should I change my mind about the KEES pathway I have selected, I acknowledge that I have the ability to request a one-time change to my KEES pathway by submitting a statement in writing to KHEAA, and once approved the change will take effect with the next academic year.

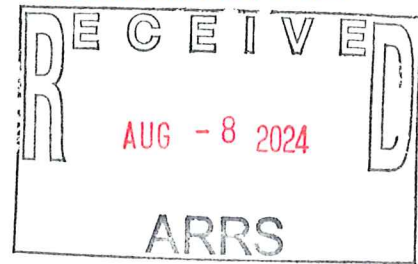
Student Signature: _____ Date: _____

Andy Beshear
Governor



Dr. Robbie Fletcher
Commissioner of Education

Jamie Link
Secretary
Education and Labor Cabinet



KENTUCKY DEPARTMENT OF EDUCATION
300 Sower Boulevard • Frankfort, Kentucky 40601 Phone: (502) 564-3141 • www.education.ky.gov

August 8, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
089, Capitol Annex
Frankfort, KY 40601

Re: 16 KAR 2:110. Endorsement for Teachers for Gifted Education.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 16 KAR 2:110, the Education Professional Standards Board proposes the attached amendment to 16 KAR 2:110.

Thank you for your consideration.

Sincerely,

Cassie L. Trueblood
Policy Advisor and Counsel

Staff-suggested Amendment

**Final Version 8/1/2024
EDUCATION AND LABOR CABINET
Education Professional Standards Board**

16 KAR 2:110. Endorsement for teachers for gifted education.

Page 1

STATUTORY AUTHORITY paragraph

Line 5

After "KRS", insert "161.020".

After "161.030", insert ", 161.052".

Page 1

NECESSITY, FUNCTION, AND CONFORMITY paragraph

Line 7

After "161.028", insert "L".

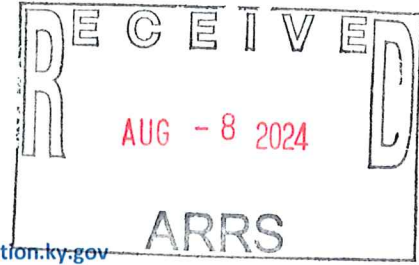
Andy Beshear
Governor



Jamie Link
Secretary
Education and Labor Cabinet

Dr. Robbie Fletcher
Commissioner of Education

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August 8, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
089, Capitol Annex
Frankfort, KY 40601

Re: 16 KAR 2:140. Probationary Certificate for Teachers of Exceptional Children and Interdisciplinary Early Childhood Education.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 16 KAR 2:140, the Education Professional Standards Board proposes the attached amendment to 16 KAR 2:140.

Thank you for your consideration.

Sincerely,

Cassie L. Trueblood
Policy Advisor and Counsel

Staff-suggested Amendment

**Final Version 8/1/2024
EDUCATION AND LABOR CABINET
Education Professional Standards Board**

16 KAR 2:140. Probationary certificate for teachers of exceptional children and interdisciplinary early childhood education.

Page 1

STATUTORY AUTHORITY paragraph

Line 8

After "KRS", insert "161.020".

Page 2

Section 1

Line 9

After "exceptional", insert "children".

Page 3

Section 1(3)

Line 17

After "preparation provider and", insert "be".

Page 3

Section 2(1)

Line 22

Remove the italics font from "if he or she is in".

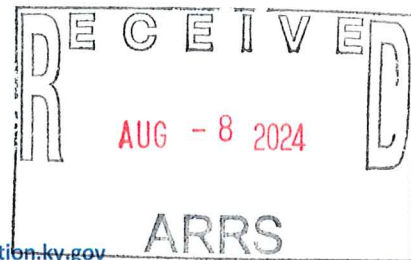
Andy Beshear
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Secretary
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August 8, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
089, Capitol Annex
Frankfort, KY 40601

Re: 16 KAR 2:170. Probationary Certificate for Middle School Teachers.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 16 KAR 2:170, the Education Professional Standards Board proposes the attached amendment to 16 KAR 2:170.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cassie L. Trueblood". The signature is fluid and cursive.

Cassie L. Trueblood
Policy Advisor and Counsel

Staff-suggested Amendment

**Final Version 8/1/2024
EDUCATION AND LABOR CABINET
Education Professional Standards Board**

16 KAR 2:170. Probationary certificate for middle school teachers.

Page 1

Section 1

Line 18

After "Teachers, Grades", insert "5-9".

Delete "Five (5) Through Nine (9)".

Page 3

Section 1(3)(b)

Line 9

After "teaching grades", insert "5-9".

Delete "five (5) through nine (9)".

Page 3

Section 2

Line 12

After "Grades", insert "5-9".

Delete "Five (5) Through Nine (9)".

Andy Beshear
Governor

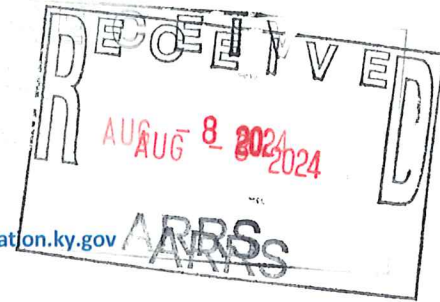


Jamie Link
Secretary
Education and Labor Cabinet

Dr. Robbie Fletcher
Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

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August 8, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill
Administrative Regulation Review Subcommittee
Legislative Research Commission
089, Capitol Annex
Frankfort, KY 40601

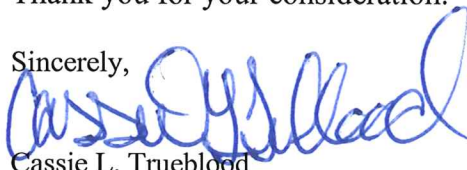
Re: 16 KAR 2:200. Probationary Endorsement for Teachers for English as a Second Language

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 16 KAR 2:200, the Education Professional Standards Board proposes the attached amendment to 16 KAR 2:200.

Thank you for your consideration.

Sincerely,


Cassie L. Trueblood
Policy Advisor and Counsel

Staff-suggested Amendment

**Final Version 8/1/2024
EDUCATION AND LABOR CABINET
Education Professional Standards Board**

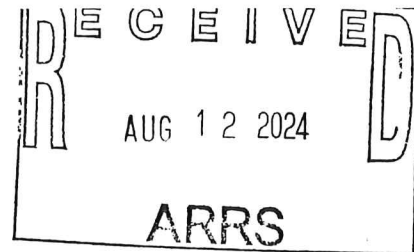
16 KAR 2:200. Probationary endorsement for teachers for English as a second language.

Page 1

STATUTORY AUTHORITY paragraph

Line 6

After "KRS", insert "161.020".



KENTUCKY PERSONNEL BOARD

Andy Beshear
GOVERNOR

1025 Capital Center Drive, Suite 105
Frankfort, Kentucky 40601
Phone (502) 564-7830
Fax (502) 695-5799
<http://personnelboard.ky.gov>
www.kentucky.gov

Gordon A. Rowe, Jr.
EXECUTIVE DIRECTOR

August 12, 2024

Ms. Emily Caudill, Regulations Compiler
Legislative Research Commission
Room 083, Capitol Annex
702 Capitol Avenue
Frankfort, Kentucky 40601

RE: 101 KAR 001:335, Employee Actions,
and 101 KAR 001:375, Employee Grievances and Complaints

Dear Ms. Caudill:

After discussions with the Administrative Regulation Review Subcommittee staff of the issues raised by 101 KAR 001:335 and 101 KAR 001:375, the Kentucky Personnel Board proposes the attached amendment to 101 KAR 001:335 and 101 KAR 001:375. Should you need additional information, please feel free to contact me.

Sincerely,

Gordon A. Rowe, Jr., Executive Director and
Secretary
Kentucky Personnel Board
1025 Capital Center Drive, Suite 105
Frankfort, Kentucky 40601

TEAM
KENTUCKY™

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SUGGESTED SUBSTITUTE

**GENERAL GOVERNMENT CABINET
Personnel Board**

101 KAR 1:335. Employee actions.

RELATES TO: KRS 18A.075(1), **18A.095**

STATUTORY AUTHORITY: KRS 18A.075, 18A.0751(1), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.075(1) requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 through 18A.200. KRS 18A.0751(1) and (4) require the Personnel Board to promulgate administrative regulations for the classified service governing demotion, transfer, reinstatement, and discipline. This administrative regulation establishes the method for determining an employee's work station, the requirements governing a demotion, transfer, or reinstatement of an employee, and requirements relating to written reprimands.

Section 1. Work Station.

(1) The street address of the primary work station assigned by the appointing authority shall be an employee's official work station.~~[The official work station of an employee assigned to an office shall be the street address where the office is located.]~~

~~[(2)] [The official work station of a field employee shall be that address to which the employee is assigned at the time of appointment to the employee's current position.]~~

~~(2)~~~~[(3)]~~ Except as provided by Sections 2, 3, and 4 of this administrative regulation, an appointing authority may assign an employee to work at a site other than his or her current work station if the:

- (a) Site is within the employee's county of employment; and
- (b) Assignment is not a transfer, demotion, or reinstatement.

Section 2. Demotion.

(1) A demotion for cause shall be intra-agency.

(2) Voluntary demotion.

(a) A voluntary demotion shall be made if an employee with status requests a voluntary demotion on the Voluntary Transfer/ Demotion/ Promotion Employee Agreement Form incorporated by reference by the Personnel Cabinet in 101 KAR 2:034.

(b) The form shall include:

- 1. The effective date of the demotion;
- 2. The position from which the employee requests demotion;
- 3. The position to which the employee will be demoted;
- 4. The pay grade, salary, and work week for the position to which the employee will be demoted; and
- 5. A statement that the employee waives the right to appeal the demotion.

(c) The agency shall forward a copy of the form to the Personnel Cabinet Secretary.

(3) A voluntary demotion shall be interagency or intra-agency.

Section 3. Transfers.

(1) The transfer of an employee with status shall conform to the requirements established in this section.

(2)

(a) A transfer shall be on a voluntary or involuntary basis.

(b) An appointing authority shall establish cause for selecting an employee for involuntary transfer.

(c) If an employee has not requested a transfer in writing, a transfer shall be deemed involuntary.

(3) Involuntary transfer, same county.

- (a) Prior to the effective date of an involuntary transfer to a position with a work station in the same county, an employee shall receive a written notice of involuntary transfer.
- (b) The notice shall:
 - 1. Indicate that the employee:
 - a. Has been selected for transfer; and
 - b. Is required to report to the new work station; and
 - 2. State the:
 - a. New work station;
 - b. Reason for the transfer;
 - c. Effective date of the transfer; and
 - d. Right of the employee to appeal the transfer to the board within thirty (30)~~[sixty (60)]~~ calendar days of receipt of the notice of involuntary transfer, excluding the date the notice is received.
- (c) A copy of the notice shall be forwarded to the Personnel Cabinet Secretary.
- (d) An employee shall report to the new work station upon the date stated in the notice.
- (4) Involuntary transfer, out of county. If an involuntary transfer is to a position with a work station in a different county:
 - (a) An employee shall be entitled to travel expenses as provided by 200 KAR 2:006;
 - (b) An employee shall receive a written notice of involuntary transfer at least thirty (30) calendar days prior to the effective date of the transfer; and
 - (c) The notice shall contain:
 - 1. The information established in subsection (3)(b) of this section; and
 - 2. A statement that the employee is entitled to reimbursement of travel expenses incurred thirty (30) calendar days following the effective date of the transfer.
- (5) An involuntary transfer shall be intra-agency.
- (6) Voluntary transfer.
 - (a) Prior to a voluntary transfer, an employee with status shall request a voluntary transfer on the Voluntary Transfer/ Demotion/ Promotion Employee Agreement Form incorporated by reference by the Personnel Cabinet in 101 KAR 2:034.
 - (b) The form shall include:
 - 1. The effective date of the transfer;
 - 2. The position number and job classification from which the employee requests a transfer;
 - 3. The position number and job classification to which the employee requests a transfer;
 - 4. The pay grade, salary, and work week for the position to which the employee will be transferred; and
 - 5. A statement that the employee waives the right to appeal the transfer.
 - (c) The agency shall forward a copy of the form to the Personnel Cabinet Secretary.
- (7) A voluntary transfer shall be interagency or intra-agency.

Section 4. Reinstatement.

- (1) A request for reinstatement shall be submitted by the appointing authority to the Personnel Cabinet Secretary.
- (2) The request shall include a finding that the candidate for reinstatement:
 - (a) Meets the current qualifications for the job classification to which the employee is being reinstated; and
 - (b) Has previously held status at that grade level or higher.
- (3) If an employee previously held status in a job classification where a pay grade change subsequently occurred, the employee shall be deemed as having held status in the highest pay grade for that job classification.
- (4) If the reinstatement is to a job classification outside of the job classification where the employee has previously held status, the candidate shall pass the appropriate examination, if applicable, prior to reinstatement.
- (5)~~[(4)]~~ The request for reinstatement shall contain a copy of the board's order ordering reinstatement, if applicable.

Section 5. Written Reprimand.

(1) An employee or former employee may petition the Personnel Cabinet Secretary for removal of a written reprimand and all related documentation from the employee's official personnel file after a period of three (3) years from the date of the written reprimand.

(a) An employee's request shall not be granted if the employee has received any disciplinary action or written reprimand in the three (3) years prior to the request for removal.

(b) A petition for removal shall:

1. Be made by the employee and be dated and signed; and

2. Include:

a. The employee's current position number, job classification, agency, work phone number, and work address;

b. The employee's immediate supervisor at the time of the petition for removal;

c. The date the written reprimand was issued;

d. A statement by the employee that the employee has not received any disciplinary actions or written reprimands in the three (3) years prior to the petition; and

e. A statement that the information contained in the petition is correct and complete to the best of the employee's knowledge, and that the employee has provided notification of the petition to the employee's current appointing authority.

(c) The petition for removal shall be mailed by first-class mail, hand-delivered to the office of the Personnel Cabinet Secretary, or submitted electronically as permitted by the Personnel Cabinet Secretary.

(2) A petition for removal of a written reprimand shall be approved by the Personnel Cabinet Secretary before the reprimand removal.

(a) The Personnel Cabinet Secretary shall approve or deny the petition for removal within thirty (30) calendar days of receipt of the petition.

(b) If the petition is denied, the Personnel Cabinet Secretary shall notify the employee in writing and provide justification for denial. The decision by the secretary with respect to the petition shall be final and not appealable to the Personnel Board.

(c) If the petition is approved, the Personnel Cabinet Secretary shall notify the employee and the appointing authority of the employee's agency in writing of the approval.

(3) Upon removal from an employee's official personnel file maintained by the Personnel Cabinet, a written reprimand shall be handled as established in this subsection.

(a) The written reprimand shall be delivered to the Office of Legal Services and remain in the custody and care of the Office of Legal Services.

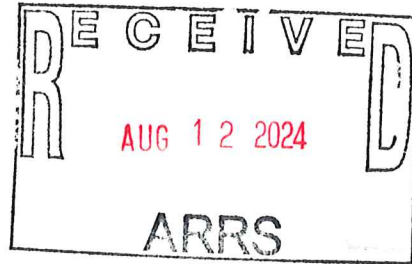
(b) The Office of Legal Services shall maintain the written reprimand as confidential work-product materials for the availability or use in any future legal proceeding.

(c) If no legal proceeding involving the employee's personnel file has been filed within five (5) years of receipt, the written reprimand shall be permanently destroyed.

(d) Upon removal from the official personnel file, but prior to destruction, a written reprimand shall not be considered as part of any personnel action.

(e) The employing agency shall be notified by the Personnel Cabinet of the removal of a written reprimand from an employee's official personnel file.

CONTACT PERSON: Gordon A. Rowe, Jr., Executive Director, Personnel Board, 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601, phone (502) 564-7830, fax (502) 695-5799, email personnelboard@ky.gov.



KENTUCKY PERSONNEL BOARD

Andy Beshear
GOVERNOR

1025 Capital Center Drive, Suite 105
Frankfort, Kentucky 40601
Phone (502) 564-7830
Fax (502) 695-5799
<http://personnelboard.ky.gov>
www.kentucky.gov

Gordon A. Rowe, Jr.
EXECUTIVE DIRECTOR

August 12, 2024

Ms. Emily Caudill, Regulations Compiler
Legislative Research Commission
Room 083, Capitol Annex
702 Capitol Avenue
Frankfort, Kentucky 40601

RE: 101 KAR 001:335, Employee Actions,
and 101 KAR 001:375, Employee Grievances and Complaints

Dear Ms. Caudill:

After discussions with the Administrative Regulation Review Subcommittee staff of the issues raised by 101 KAR 001:335 and 101 KAR 001:375, the Kentucky Personnel Board proposes the attached amendment to 101 KAR 001:335 and 101 KAR 001:375. Should you need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon A. Rowe, Jr.".

Gordon A. Rowe, Jr., Executive Director and
Secretary
Kentucky Personnel Board
1025 Capital Center Drive, Suite 105
Frankfort, Kentucky 40601

TEAM
KENTUCKY™

An Equal Opportunity Employer M/F/D

8/9/2024

SUGGESTED SUBSTITUTE

GENERAL GOVERNMENT CABINET Personnel Board

101 KAR 1:375. Employee grievances and complaints.

RELATES TO: KRS 18A.075, 18A.0751, 18A.095

STATUTORY AUTHORITY: KRS 18A.075, 18A.0751

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.075 and 18A.0751 requires the Personnel Board to adopt comprehensive administrative regulations consistent with the provisions of KRS 18A.005 through 18A.200. KRS 18A.0751(1)(i) requires the Personnel Board to promulgate an administrative regulation governing employee grievances and complaints. This administrative regulation establishes the requirements governing employee grievances and complaints.

Section 1. Definition. "Grievance" means a complaint filed by an employee that concerns some aspect of the employee's conditions of employment:

- (1) Over which the cabinet or agency has control; and
- (2) That has occurred, or of which the employee has become aware through the exercise of due diligence, within thirty (30) calendar days prior to filing.

Section 2. General Provisions.

- (1) An employee in the classified service who believes that they have been subjected to unfair or unjust treatment concerning the employee's conditions of employment may file a grievance. A grievance shall be in accordance with this administrative regulation.
- (2) A grievance concerning an action that is appealable directly to the board pursuant to KRS 18A.095 may also be filed with the cabinet or agency. The filing of a grievance with the cabinet or agency shall not:
 - (a) Prohibit the employee from also filing an appeal with the board; or
 - (b) Extend the statutory appeal period.
- (3) An employee utilizing the procedure established in this administrative regulation shall be entitled to file a grievance without interference, coercion, discrimination, or reprisal.
- (4) An appointing authority shall inform its employees of the provisions of this administrative regulation or any modifications in the levels of review that have been approved by the Personnel Board for the employee's cabinet or agency pursuant to Section 4(3) of this administrative regulation.

Section 3. Procedures.

- (1) A grievance shall be filed on a Grievance Form with an employee's immediate supervisor within thirty (30) calendar days following occurrence or the employee becoming aware, through the exercise of due diligence, of the action that is the subject of the grievance. If the action or conduct of the first line supervisor is the basis of an employee's grievance, the grievance may be filed with the second line supervisor.
- (2) An employee shall state in writing the basis of the employee's grievance or complaint together with the corrective action desired. If an employee wishes to submit additional information or documentation, the employee may attach it to the Grievance Form.
- (3) If a grievance is filed that alleges discrimination on the basis of race, color, religion, national origin, sex, disability, or age forty (40) or over, the recipient of this grievance shall immediately notify the cabinet or agency EEO coordinator to comply with the affirmative action plan.
- (4) Interviews to evaluate or investigate the grievance outside of normal work hours with the grievant or other employees shall entitle employee participants to compensatory time.
- (5) Interviews to evaluate or investigate the grievance held with the grievant or other employees shall not require the use of leave time.

(6) Parties may have a representative present at each step of the grievance procedure.

Section 4. Grievance Levels.

(1) Except as provided by Section 3(1) of this administrative regulation, the immediate supervisor shall, upon investigation, issue findings and a decision in writing to the employee within ten (10) work days after receipt of the grievance. If the responding supervisor is unable to resolve the complaint to the satisfaction of the employee, the employee may request review of the grievance, which shall be requested within five (5) work days of receipt of the decision by the next appropriate level.

(2) The next line supervisors shall each have five (5) work days to respond to the grievance. The employee shall have five (5) work days after each intermediate supervisory review to decide to appeal the grievance to the next level.

(3) If the line supervisors are unable to resolve the grievance to the satisfaction of the employee, the employee may request review of the grievance, which shall be requested within five (5) work days of receipt of the decision of the final line supervisor by the appointing authority for a final determination. The appointing authority, upon investigation, shall issue findings and a final determination in writing to the employee within twenty (20) work days.

(4) Unless the time limits have been extended by agreement of the parties, failure of supervisory or management personnel to respond within the established time limits shall automatically advance the grievance to the next review level.

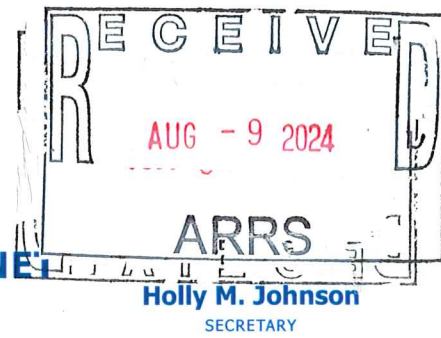
(5) An intermediate grievance level may be waived. Waiver shall be by written agreement of the parties.

Section 5. Incorporation by Reference.

(1) "Grievance Form", April 2024,~~[October 2011,]~~ is incorporated by reference.

(2) This material may be ~~found on the Personnel Board's Web site, <https://personnelboard.ky.gov>, and may be~~ inspected, copied, or obtained, subject to applicable copyright law, ~~from the Web site and]~~ at the Personnel ~~Board~~~~Board's physical address~~ ~~Board~~, 1025 Capital Center ~~Drive~~~~Drive,~~ Suite 105, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. **This material may also be found on the Personnel Board's Web site at <https://personnelboard.ky.gov>.**

CONTACT PERSON: Gordon A. Rowe, Jr., Executive Director, Personnel Board, 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601, phone (502) 564-7830, fax (502) 695-5799, email personnelboard@ky.gov.



Andy Beshear
GOVERNOR

**FINANCE AND ADMINISTRATION CABINET
OFFICE OF THE SECRETARY**

200 Mero Street, 5th Floor
Frankfort, Kentucky 40622
Phone: (502) 564-4240
Fax: (502) 564-6785

August 9, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort KY 40601

Re: 200 KAR 5:021E Manual of Policies and Procedures

Dear Co-Chairs:

After consideration of the issues raised by 200 KAR 5:021E, the Finance and Administration Cabinet proposes the attached suggested substitute to this emergency regulation.

Sincerely,

/s/ Cary B. Bishop
Cary B. Bishop
Assistant General Counsel
Office of General Counsel
Finance and Administration Cabinet
200 Mero Street, 5th Floor
Frankfort, Kentucky 40622

Final, 7-29-2024

SUGGESTED SUBSTITUTE

FINANCE AND ADMINISTRATION CABINET

200 KAR 5:021E. Manual of policies and procedures.

EFFECTIVE: May 16, 2024

RELATES TO: KRS ~~Chapter 45A~~**Chapter 45A**~~[45A.045(2)]~~~~[Chapter 45A]~~

STATUTORY AUTHORITY: KRS 45A.045(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.045(2) requires the Finance and Administration Cabinet to publish a manual of policies and procedures, which is to be incorporated by reference as an administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates the Finance and Administration Cabinet Manual of Policies and Procedures.

Section 1. **A state agency shall follow the procurement requirements in the Finance and Administration Cabinet Manual of Policies and Procedures.**~~[A state agency shall follow the procurement requirements in the Finance and Administration Cabinet Manual of Policies and Procedures.]~~

Section 2.~~[Section 2.]~~ Incorporation by Reference.

(1) "Finance and Administration Cabinet Manual of Policies and Procedures", revised **August**~~[May]~~ 2024~~[February 2016]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Finance and Administration Cabinet, Office of General Counsel, 200 Mero Street, 5th Floor~~[Office of Policy and Audit, Policy Branch, Room 493, Capitol Annex]~~, Frankfort, Kentucky 40622~~[40604]~~, Monday through Friday, 8 a.m. to 4:00~~[4:30]~~ p.m. This material may also be obtained at the Finance and Administration Cabinet's Web site, <https://finance.ky.gov/office-of-the-secretary/office-of-policy-and-audit/Pages/Finance-Policies.aspx>~~[www.finance.ky.gov/services/policies/Pages/default.aspx]~~.

CONTACT PERSON: Cary Bishop, Assistant General Counsel, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622, phone (502) 564-6660, fax (502) 564-9875, email cary.bishop@ky.gov.

MATERIAL INCORPORATED BY REFERENCE

At the time that the agency files this staff suggested amendment, it needs to file **one (1) clean copy** of the "Finance and Administration Cabinet Manual of Policies and Procedures" updated to:

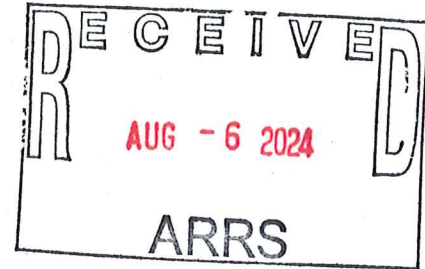
- Include the August 2024 Edition Date
- **FAP 220-10-00 (Section 1(a) and Table 1)** - Update the expenditure bands to \$50,001-\$100,000 are required to have at least 3 price quotations. Previously, it was ambiguous if a project costs exactly \$50,000 of being subject to 1 or 3 bids.
- **FAP 220-10-00, (Sections 6, 7, 8 and Table II) that governed when agencies have small purchase authority less than \$40,000** - Update to the new \$100,000 threshold in Senate Bill 91. Fix in Table II a duplicate range of purchases, and change to eliminate the ambiguity for procurements that are at the maximum amount by adding \$1 to clarify the range and requirements. *(For example, \$5,000 or less, \$5,001-\$15,000, and so forth)*

502-429-3300
800-305-2042
Fax: 502-429-1245

KENTUCKY BOARD OF NURSING

312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
kbn.ky.gov

Andy Beshear
Governor



August 6, 2024


Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Complier
Adminstrative Regulation Review Subcommittee
Legislative Research Commission
029, Captiol Annex
Frankfort, KY 40601

Re: 201 KAR 20:320. Standards for curriculum of prelicensure registered nurse and practical nurse programs.

Dear Co-Chairs West and Lewis:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:320, the Kentucky Board of Nursing proposes the attached staff suggested amendment to 201 KAR 20:320.

Sincerely,


Jeffrey R. Prather, General Counsel
Kentucky Board of Nursing
312 Whittington Parkway, Suite 300
Louisville, KY 40222
Phone: (502) 338-2851
Email: Jeffrey.prather@ky.gov

Staff-suggested Amendment

7/30/2024

GENERAL GOVERNMENT CABINET

Board of Nursing

(Amended After Comments)

201 KAR 20:320. Standards for curriculum of prelicensure registered nurse and practical nurse programs.

Page 8

Section 3(6)

Lines 11-12

After "Section 3(1)", delete "of this administrative regulation".

Page 10

Section 6(2)

Lines 19 and 21

Line 19

Before "(d)", insert "(c)".

Delete "(d)".

Line 21

Before "(e)", insert "(d)".

Delete "(e)".



Andy Beshear
GOVERNOR

Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
Department of Professional Licensing
Kentucky Board of Licensure for Occupational Therapy
P.O. Box 1360
Frankfort, KY 40602
Phone: (502) 782-8807
Fax: (502) 564-4818

Ray A. Perry
SECRETARY

August 12, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission 083
Capitol Annex
Frankfort, KY 40601

RE: Staff Suggested Amendments
201 KAR 28:240

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 28:240, the Kentucky Board of Licensure for Occupational Therapy proposes the attached amendment to 201 KAR 28:240.

Sincerely,

Sara B. Janes
Staff Attorney III
Public Protection Cabinet
Department of Professional Licensing
as Board Counsel on behalf of the Kentucky
Board of Licensed Professional Counselors
500 Mero Street
Frankfort, Kentucky 40601

Final, 7-12-2024

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Licensure for Occupational Therapy

201 KAR 28:240. Occupational Therapy Licensure Compact.

RELATES TO: KRS 319A.310

STATUTORY AUTHORITY: KRS 319A.070(1), (3), 319A.310

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.310, Section 15.B.1. requires the Board of Licensure for Occupational Therapy to review any rule adopted by the Occupational Therapy Compact Commission pursuant to Section 10 of the Compact within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Occupational Therapy Compact Commission.

Section 1. The Board of Licensure for Occupational Therapy shall comply with all rules of the Occupational Therapy Compact, which includes the Occupational Therapy Compact Rules as of March 20, 2024.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Occupational Therapy Compact Rules", March 20, 2024, and as revised.

(a) Chapter **1.[2.]** Rule on Definitions, adopted March 20, 2024; and

(b) Chapter **2.[3.]** Data System Reporting Requirements, adopted March 20, 2024.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensure for Occupational Therapy, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 am to 4:30 p.m.; or

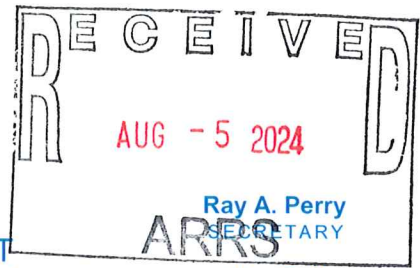
(b) This material may also be obtained on the Board of Licensure for Occupational Therapy Web site at **<https://bot.ky.gov/>****<https://ot.ky.gov/>**.

(3) This material may also be obtained at:

(a) The Occupational Therapy Compact Commission, 201 Park Washington Court, Falls Church, Virginia 22046; **or**

(b) <https://otcompact.org/ot-compact-commission/governance-documents/>.

CONTACT PERSON: Sara Boswell Janes, Staff Attorney III, Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#2, office phone (502) 782-2709, fax (502) 564-4818, email Sara.Janes@ky.gov, link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.



Andy Beshear
GOVERNOR

Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
Kentucky Department of Housing, Buildings and Construction

500 Mero Street, First Floor
Frankfort, KY 40601
Phone: (502) 573-0365

Ray A. Perry
SECRETARY
Max Fuller
COMMISSIONER

David Moore
DEPUTY COMMISSIONER

August 5, 2024

Senator Stephen West
Representative Derek Lewis
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs:

After consideration of the issues raised by 815 KAR 7:120, the Department of Housing, Buildings and Construction proposes the attached suggested substitute to this ordinary regulation.

Sincerely,

Jonathon M. Fuller
Commissioner
Department of Housing, Buildings and Construction
500 Mero Street, First Floor
Frankfort, Kentucky 40601

SUGGESTED SUBSTITUTE

Final Version: 04/16824 at 9:18 a.m.

PUBLIC PROTECTION CABINET Department of Housing, Buildings and Construction Division of Building Code Enforcement

815 KAR 7:120. Kentucky Building Code.

RELATES TO: KRS 132.010, 198B.010, 198B.040, 198B.050, 198B.060, 198B.080, 198B.260, 198B.990, 227.300, 227.550~~(6)~~~~(7)~~

STATUTORY AUTHORITY: KRS 198B.040(7), 198B.050, 198B.260

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.040(7) and 198B.050 require the department to promulgate a mandatory uniform state building code that establishes standards for the construction of all buildings in the state. This administrative regulation establishes the Kentucky Building Code's general provisions.

Section 1. Definitions.

- (1) "Building" is defined by KRS 198B.010(4).
- (2) "Department" is defined by KRS 198B.010(13).
- (3) "Industrialized building system" or "building system" is defined by KRS 198B.010(18).
- (4) "Manufactured home" is defined by KRS 227.550(6).
- (5) "Single-family dwelling" or "1 family dwelling" means a single unit that:
 - (a) Provides complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; and
 - (b) Is not connected to another building.
- (6) "Townhouse" means a single-family dwelling unit constructed in a group of three (3) or more attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two (2) sides.
- (7) "Two (2) family dwelling" means a building containing not more than two (2) dwelling units that are connected.

Section 2. Building Code. The 2015 International Building shall be the mandatory state building code for all buildings constructed in Kentucky except that:

- (1) The Kentucky amendments in the 2018 Kentucky Building Code shall supersede any conflicting provision in the 2015 International Building Code;
- (2) One (1) family dwellings, two (2) family dwellings, and townhouses shall be governed by 815 KAR 7:125; and
- (3) Manufactured homes shall be governed by KRS 227.550 through 227.665.

Section 3. State Plan Review and Inspection Fees. The fees required by this section shall apply for plan review and inspection by the department.

- (1) Fast track elective.
 - (a) A request for expedited site and foundation approval of one (1) week or less, prior to full review of the complete set of construction documents, shall be accompanied by the fee required by Table 121.3.1 in subsection (3) of this section, plus an additional fifty (50) percent of the basic plan review or inspection fee.

- (b) The additional fifty (50) percent fee shall not be less than \$400 and not more than \$3,000.
- (c) The entire fee shall be paid with the initial plan submission.

(2) New buildings.

- (a) The department's inspection fees shall be calculated by multiplying:
 1. The cost per square foot of each occupancy type as listed in Table 121.3.1 in subsection (3) of this section; and
 2. The square footage of the outside dimensions of the building.
- (b) The fee for a building with multiple or mixed occupancies shall be calculated using the cost per square foot multiplier of the predominant use.
- (c) The minimum fee for review of plans pursuant to this subsection shall be \$285.

(3) Table 121.3.1, Basic Department Fee Schedule. The basic plan review or inspection fee shall be as established in Table 121.3.1 in this subsection.

OCCUPANCY TYPE	COST PER SQUARE FOOT
Assembly	16 cents
Business	15 cents
Day care centers	15 cents
Educational	15 cents
High Hazard	16 cents
Industrial factories	15 cents
Institutional	16 cents
Mercantile	15 cents
Residential	15 cents
Storage	15 cents
Utility and Miscellaneous	13 cents
Production greenhouse	10 cents

(4) Additions to existing buildings.

- (a) Plan review fees for additions to existing buildings shall be calculated by multiplying the cost per square foot of the occupancy type listed in Table 121.3.1 in subsection (3) of this section by the measurement of the square footage of the addition, as determined by the outside dimensions of the addition and any other changes made to the existing build.
- (b) The minimum fee for review of plans pursuant to this subsection shall be \$285.

(5) Change in use.

- (a) Plan review fees for existing buildings in which the use group or occupancy type is changed shall be calculated in accordance with the schedule listed in Table 121.3.1 in subsection (3) of this section by using the total square footage of the entire building or structure pursuant to the new occupancy type as determined by the outside dimensions.
- (b) The minimum fee for review of plans pursuant to this subsection shall be \$285.

(6) Alterations and repairs.

- (a) Plan review fees for alterations and repairs not otherwise covered by this fee schedule shall be calculated by using the lower result of multiplying the:

1. Cost of the alterations or repairs by 0.0030; or
2. Total area being altered or repaired by the cost per square foot of each occupancy type listed in the schedule in subsection (3) of this section.

(b) The total square footage shall be determined by the outside dimensions of the area being altered or repaired.

(c) The minimum fee for review of plans pursuant to this subsection shall be \$285.

(7) Specialized fees. In addition to the fees established by subsections (1) through (6) of this section, the following fees shall be applied for the specialized plan reviews listed in this subsection:

(a) Table 121.3.9, Automatic Sprinkler Review Fee Schedule. The inspection fee for automatic sprinklers shall be as established in Table 121.3.9 in this paragraph;

NUMBER OF SPRINKLERS	FEE
4-25	\$150
26 – 100	\$200
101 – 200	\$250
201 – 300	\$275
301 – 400	\$325
401 – 750	\$375
OVER 750	\$375 plus thirty (30) cents per sprinkler over 750

(b) Fire detection system review fee.

1. Zero through 20,000 square feet shall be \$275; and
2. Over 20,000 square feet shall be \$275 plus thirty (30) dollars for each additional 10,000 square feet in excess of 20,000 square feet;

(c) The standpipe plan review fee shall be \$275. The combination of stand pipe and riser plans shall be reviewed pursuant to the automatic sprinkler review fee schedule;

(d) Carbon dioxide suppression system review fee.

1. One (1) through 200 pounds of agent shall be \$275; and
2. Over 200 pounds of agent shall be \$275 plus five (5) cents per pound in excess of 200 pounds;

(e) Clean agent suppression system review fee.

1.
 - a. Up to thirty-five (35) pounds of agent shall be \$275; and
 - b. Over thirty-five (35) pounds of agent shall be \$275 plus ten (10) cents per pound in excess of thirty-five (35) pounds; and
2. The fee for gaseous systems shall be ten (10) cents per cubic foot and not less than \$150;

(f) Foam suppression system review fee.

1. The fee for review of a foam suppression system shall be fifty (50) cents per gallon of foam concentrate if the system is not part of an automatic sprinkler system.
2. Foam suppression system plans that are submitted as part of an automatic sprinkler system shall be reviewed pursuant to the automatic sprinkler review fee schedule.
3. The fee for review of plans pursuant to subclause 1. of this paragraph shall not be less than \$275 or more than \$1,500;

(g) The commercial range hood review fee shall be \$225 per hood;

(h) Dry chemical systems review fee (except range hoods). The fee for review of:

1. One (1) through thirty (30) pounds of agent shall be \$275; and

2. Over thirty (30) pounds of agent shall be \$275 plus twenty-five (25) cents per pound in excess of thirty (30) pounds; and

(i) The flammable, combustible liquids or gases, and hazardous materials plan review fee shall be \$100 for the first tank, plus fifty (50) dollars for each additional tank and \$100 per piping system including valves, fill pipes, vents, leak detection, spill and overfill detection, cathodic protection, or associated components.

Section 4. General. All plans shall be designed and submitted to conform to this administrative regulation.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "2015 International Building Code", International Building Code Council, Inc.; and

(b) "2018 Kentucky Building Code", ~~Fourth~~[Third] Edition, ~~February 2024~~[August 2022].

(2) This material may be inspected copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Housing, Buildings and Construction, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov/Pages/default.aspx>.

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