

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student and Administrative Services
(Amendment)

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, 164.7890, 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 the Authority to promulgate administrative regulations pertaining to the awarding of grants, scholarships, and honorary scholarships as provided in KRS 164.740 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;
- (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;
- (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;
- (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;
- (10) For the Dual Credit Scholarship Program established in KRS 164.786, the Dual Credit Scholarship Application; and

- (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, 2023 - June 20, 2024~~[July 1, 2022 - June 30, 2023]~~" (FAFSA), October 2022~~[2021]~~;
 - (b) The "Free Application for Federal Student Aid July 1, 2022 - June 30, 2023~~[July 1, 2021 - June 30, 2022]~~" (FAFSA), October 2021~~[2020]~~;
 - (c) The "KHEAA Work-Study Program Student Application", July 2001;
 - (d) The "Teacher Scholarship Application", June 2006;
 - (e) The "Early Childhood Development Scholarship Application", April 2006;
 - (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;
 - (j) The "Kentucky Coal County College Completion Scholarship Application", October 2014;
 - (k) The "Optometry Scholarship Application", January 2022;
 - (l) The "Dual Credit Scholarship Application", July 2021; and
 - (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.

CATHE DYKSTRA, Chair KHEAA Board

APPROVED BY AGENCY: October 13, 2022

FILED WITH LRC: November 7, 2022 at 1:40 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Thursday, January 26, 2023, at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through January 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Hon. Diana L. Barber, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7298, fax (502) 696-7293, email dbarber@kheaa.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rebecca Gilpatrick

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation designates and incorporates the applications to be utilized under the grant, scholarship, and work-study programs administered by the Authority.

(b) The necessity of this administrative regulation:

The Authority is required to promulgate administrative regulations pertaining to the administration of the College Access Program (CAP), Kentucky Tuition Grant (KTG) Program, KHEAA Work-Study Program, Teacher Scholarship Program, Early Childhood Development Scholarship Program, Go Higher Grant Program, Coal County Scholarship Program for Pharmacy Students, the Kentucky Coal County College Completion Scholarship Program, the Optometry Scholarship Program, the Dual Credit Scholarship Program, and the Work Ready Kentucky Scholarship Program pursuant to KRS 164.518(3), 164.744(2), 164.746(6), 164.748(4),(7)(8), 164.753(3),(4),(6), 164.7535, 164.769, 164.780, 165.785, 164.7890, 164.7894, 34 C.F.R. 654.1-654.5, 654.30-654.42, and 20 U.S.C. 1070d-31 - 1070d-41.

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

This administrative regulation conforms to the content of the authorizing statutes by prescribing the applications to be utilized under the grant, scholarship and work-study programs administered by the Authority.

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

This administrative regulation assists with the effective administration of the statutes by prescribing and incorporating the various application forms to be used by students to apply for the financial aid programs administered by the authority.

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

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

The amendment changes the existing regulation by incorporating the latest version of the Free Application for Federal Student Aid (FAFSA) for the 2022-2023 and 2023-2024 academic years that are to be completed by applicants for participation grant programs administered by the Authority.

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

The amendment to this administrative regulation is necessary in order to require student recipients to complete the correct versions of the FAFSA for the desired academic year for which grant aid is sought.

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

This amendment conforms to the content of the authorizing statutes by specifying the versions of the FAFSA applications to be used when applying for an award under the student financial aid programs administered by the Authority.

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

This amendment will assist in the effective administration of the state student aid programs by requiring completion of the correct version of the FAFSA based on academic year for which an award is sought.

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

The proposed amendment to this administrative regulation will affect all those individuals who seek to apply for student financial aid programs administered by the Authority.

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

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

Those individuals who seek to participate in the various student financial aid programs administered by KHEAA will be required to complete the correct version of the FAFSA application as specified in this regulation in order to be considered for any award for a specific academic year.

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

There will be no cost to the applicants in complying with this amendment.

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

As a result of compliance, applicants will be considered for awards under the KHEAA-administered student aid programs.

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

(a) Initially:

There is no cost to implement this administrative regulation.

(b) On a continuing basis:

See 5(a) above.

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

No funding source is required in order to implement this administrative regulation since it merely specifies the required version of the FAFSA as well as other student assistance programs to be used by program participants.

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

No increase in fees or funding will be necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Tiering was not applied. It is not applicable to this amendment. This administrative regulation is intended to provide equal opportunity to participate, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL NOTE

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

Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority.

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

KRS 164.518(3), 164.744(2), 164.746(6), 164.748(4),(7)(8), 164.753(3),(4),(6), 164.7535, 164.769, 164.780, 165.785, 164.7890, 164.7894, 34 C.F.R. 654.1-654.5, 654.30-654.42, and 20 U.S.C. 1070d-31 - 1070d-41.

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

The administrative regulation will result in no additional expenditures by or revenues to the Authority during the first full year of its effectiveness.

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

This regulation will not generate any revenue.

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

This regulation will not generate any revenue.

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

No costs are associated with this regulation.

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

No costs are associated with this regulation.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

The regulated entities - applicants for KHEAA-administered aid programs will incur no cost savings as a result of this regulation during the first full year in which this administrative regulation is in effect since there are no costs incurred by those regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

Same as 4a above.

(c) How much will it cost the regulated entities for the first year?

The regulated entities - applicants for KHEAA-administered aid programs - will incur no costs for the first year in which this administrative regulation is in effect.

(d) How much will it cost the regulated entities for subsequent years?

Same as 4c above.

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

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This administrative regulation will not have a major economic impact on the Authority or regulated entities.