KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid
(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~~[requires]~~ 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, 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 2021];
(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.

JOHN DOUGHERTY, JR., Chair

APPROVED BY AGENCY: March 7, 2024
FILED WITH LRC: March 21, 2024 at 2:10 p.m.
PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, June 25, 2024, 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 June 30, 2024. 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. 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.

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 2024-2025 academic year that is 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 version 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 version of the FAFSA application 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 above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment, including:

(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 to implement this administrative regulation:

(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 IMPACT STATEMENT

(1) Identify each state statute, 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.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority

(a) Estimate the following for the first year:

Expenditures:No additional expenditures will be required as a result of this amendment to the administrative regulation.

Revenues:No additional revenues will be generated through this amendment to the administrative regulation.

Cost Savings:No costs are associated with this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no impact on the expenditures, revenues, or cost savings during subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

The entities affected by the amendment to this administrative regulation consists of Kentucky students who seek to participate in the KHEAA-administered state financial aid programs.

(a) Estimate the following for the first year:

Expenditures:No expenditures will be required as a result of this amendment to the administrative regulation.

Revenues:No revenues will be generated through this amendment to the administrative regulation.

Cost Savings:No costs are associated with this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no impact on the expenditures, revenues, or cost savings during subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

Not applicable

(a) Estimate the following for the first year:

Expenditures:N/A

Revenues:N/A

Cost Savings:N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

Since this administrative regulation merely prescribes the applications to be utilized by students in seeking to participate in the KHEAA-administered student financial aid programs, there is no fiscal impact.

(b) Methodology and resources used to determine the fiscal impact:

As noted, there is no fiscal impact on any of the affected entities as this regulation simply specifies the application forms to be used in applying for aid.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate)

This administrative regulation will have no negative or adverse economic impact on the entities identified above.

(b) The methodology and resources used to reach this conclusion:

As discussed above, there is no fiscal impact from this administrative regulation.