

COUNCIL ON POSTSECONDARY EDUCATION
(New Administrative Regulation)

13 KAR 6:020. Aviation equipment grants.

RELATES TO: KRS 164.7011, 164.7013, 164.7017

STATUTORY AUTHORITY: KRS 164.7013, 164.7017

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.7013(8) requires the Council on Postsecondary Education to promulgate administrative regulations to administer the Kentucky aerospace, aviation, and defense investment fund. KRS 164.7017 requires the Council to set forth the requirements for partnership proposals between aviation programs and aviation industry partners to provide aviation or aviation equipment grants for a public high school vocational program or public postsecondary education institution to maintain, acquire, or lease aviation or aviation equipment.

Section 1. Definitions.

- (1) "Advisory committee" is defined by KRS 164.7011(1).
- (2) "Aviation" is defined by KRS 164.7011(2).
- (3) "Aviation industry partner" is defined by KRS 164.7011(3).
- (4) "Aviation program" is defined by KRS 164.7011(4).
- (5) "Council" is defined by KRS 164.001(8).
- (6) "Dedicated money" is defined by KRS 164.7011(6).
- (7) "Eligible aviation credential" is defined by KRS 164.7011(7).
- (8) "Fund" is defined by KRS 164.7011(8).
- (9) "Match" means general fund appropriation monies from the fund provided to the institution subject to funds availability, based on at least a dollar-for-dollar contribution from the aviation industry partner pursuant to KRS 164.7017(2)(a).
- (10) "Public aviation program" is defined by KRS 164.7011(12).

Section 2. Notice of Funding Opportunities.

- (1) Each year that general fund appropriations are available for distribution through the fund, the Council shall publish notice of availability of funding opportunities for partnerships and issue a request for partnership proposals.
- (2) The notice and request for partnership proposals shall include:
 - (a) The funding period;
 - (b) The date by which to submit a partnership proposal;
 - (c) The dollar amount of available matching funds;
 - (d) The partnership proposal evaluation criteria and relative weighting of each criterion;
 - (e) How to submit a partnership proposal; and
 - (f) The targeted date for making awards.

Section 3. Partnership Proposals. To be eligible for funding, a partnership proposal shall include:

- (1) The participating aviation industry partners and aviation programs certified by the signature of their respective chief executive officers and a designated point of contact and contact information for each partner;
- (2) Certification that the public aviation program meets the definition in KRS 164.7011(12);
- (3) The total proposed budget for the program, which includes the aviation industry partner contribution and the amount of aerospace, aviation, and defense investment funds requested for match in accordance with requirements set forth by the Council;

- (4) A narrative explaining how the partnership would meet the criteria for prioritization set forth in KRS 164.7017(3)(a);
- (5) A response to any other partnership proposal criteria as determined by the advisory committee; and
- (6) The amount of the aviation industry partner's contribution certified by its chief financial officer and supported by appropriate documentation.

Section 4. Evaluation Process. The advisory committee shall review and rank each timely submitted and complete proposal based on its published evaluation criteria, which shall include the priorities set forth in KRS 164.7017(3)(a) and any other objective criteria developed by the advisory committee.

Section 5. Partnership Awards.

- (1) Upon award, the Council, the aviation industry partner, and aviation program shall enter into a partnership contract in accordance with the terms set forth in KRS 164.7017(2).
- (2) Once the partnership contract is finalized, the Council shall disburse from the fund monies deposited by the aviation industry partner and the matching funds appropriated by the General Assembly to the aviation program.

Section 6. Responsibilities of the Aviation Program. After an award is made and a partnership contract is finalized, the aviation program shall:

- (1) Submit proof that the entire amount of the aviation equipment grant is invested in accordance with KRS 164.7017(4); and
- (2) Meet any reporting requirements set forth in the partnership contract.

MADISON SILVERT, Chair

STERLING CRAYTON, Attorney

APPROVED BY AGENCY: July 25, 2024

FILED WITH LRC: July 30, 2024 at 4:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 21, 2024 at 10:00 a.m. EST at the Council on Postsecondary Education, 100 Airport Road, Second Floor, Frankfort, Kentucky 40601 in Conference Room A. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing of their intent to attend. If no notification to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 until October 31, 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.

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