

OFFICE OF THE GOVERNOR
Department of Veterans Affairs
Office of Kentucky Veterans Centers
(Amendment)

17 KAR 1:040. Application requirements for tuition waiver programs related to veterans.

RELATES TO: KRS 164.505, 164.507, 164.512, 164.515

STATUTORY AUTHORITY: KRS 164.479(2)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.479(2) requires the Kentucky Department of Veterans Affairs pursuant to KRS Chapter 13A to promulgate administrative regulations ~~concerning~~regarding the eligibility of applicants to participate in tuition waiver programs established in KRS 164.480 to 164.515. This administrative regulation establishes the eligibility requirements and application process to allow participation in this program~~requirements for these programs~~.

Section 1. Definition. "Honorably discharge" means a discharge from service in the Kentucky National Guard or a branch of the U.S. Armed Forces that is:

- (1) Classified as:
 - (a) Honorable; or
 - (b) General under honorable conditions; and
- (2) Not classified as:
 - (a) Other than honorable;
 - (b) Bad conduct;
 - (c) Dishonorable; or
 - (d) Dismissed by court-martial.

Section 2. Application.

- (1) An applicant for tuition waiver pursuant to KRS 164.505, 164.507, 164.512, or 164.515 shall submit the "Kentucky Department of Veterans Affairs Tuition Waiver Application" to KDVA.TuitionWaiver@ky.gov~~the department~~.
- (2) In addition to the requirements in subsection (1) of this section, an applicant for tuition waiver pursuant to KRS 164.505, 164.507, 164.512, or 164.515, who is the stepchild of a veteran, shall submit to the department the sworn "Affidavit of Membership in the Veteran's Household" to document that the stepchild is a current member of the living veteran's household or was a member of the veteran's household at the time of the veteran's death.

Section 3. Residency Requirement. As used in KRS 164.480 to 165.515, unless the context requires otherwise, "resident" means a legal resident as determined by the generally established principles of law, as may be defined, and subject to proof, according to such administrative regulations as the Kentucky Department of Veterans' Affairs may promulgate.

~~{Section 3.} {Certification.}~~

~~{(1)} [An applicant for tuition waiver shall be issued a "Certificate of Entitlement to Waiver of Tuition" from the department if the department determines that the applicant qualifies for the tuition waiver.]~~

~~{(2)} [If the applicant does not qualify for the tuition waiver, the department shall notify the applicant in writing of the reasons for the denial.]~~

Section 4. Definition of Residency.

(1) For purposes of this regulation residency centers on the concept of domicile which is defined as a legal residence where a person has a fixed, physical dwelling with an intention of making it his/her permanent home and requires a claimant to sever ties with their previous state of residence.

~~[Section 4.] [Extension Request.]~~

~~[(1)] [An applicant for extension of tuition waiver benefits who is under the age of twenty-six (26) and whose tuition waiver certificate expired at age twenty-three (23) shall submit to the department the "Application for Extension of Tuition Waiver Benefit".]~~

(2) Kentucky residency may be established by completion of all of the following:

- (a) Obtaining a Kentucky Driver's license.
- (b) Obtaining a Kentucky vehicle registration.
- (c) Registering to vote.

~~[(2)] [An applicant for extension of tuition waiver benefits whose tuition waiver certificate expired after thirty-six (36) months of benefits shall submit to the department the "Application for Extension of Tuition Waiver Benefit".]~~

Section 5. Proof of Residency. The veteran upon whose service is based must be or have been a legal resident of Kentucky for 183 days and their residency may be confirmed by submission of the following documents. KDVA retains the right to request the submission of any of the following documents, as needed, to establish residency.

- (1) Applicant birth certificate showing veteran as parent.
- (2) Marriage certificate for spouse, widow, or widower.
- (3) Stepchild affidavit completed and signed by veteran.
- (4) Copy of veteran's DD-214 stating an Honorable discharge as defined in Section 1 of this regulation.
- (5) Copy of veteran's Kentucky driver's license.
- (6) Copy of veteran's Kentucky vehicle registration.
- (7) Copy of veteran's Kentucky voter registration.
- (8) Utility or tax bills in veteran's name showing a Kentucky address.
- (9) Bank statements containing a veteran's Kentucky address or mail received from a Federal, State or Local Governmental Entity listing a Kentucky Veteran's address.
- (10) VA disability award letter issued within the last thirty (30) days showing 100% permanent and total disability or VA pension award letter issued within the last thirty (30) days.
- (11) If veteran is deceased, attach a copy of the VA Dependency and Indemnity Compensation (DIC) award letter.

~~[Section 5.] [Incorporation by Reference.]~~

~~[(1)] [The following material is incorporated by reference:]~~

~~[(a)] ["Kentucky Department of Veterans Affairs Tuition Waiver Application", KDVA Form TW 1, April 2020;]~~

~~[(b)] ["Affidavit of Membership in the Veteran's Household", KDVA Form TW 3, September 2011;]~~

~~[(c)] ["Certificate of Entitlement to Waiver of Tuition", KDVA Form TW 2, May 2007.]~~

~~[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Veterans Affairs, Attention: Tuition Waiver Coordinator, 1111B Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

Section 6. Certification.

- (1) An applicant for tuition waiver shall be issued a "Certificate of Entitlement to Waiver of Tuition" from the department if the department determines that the applicant qualifies for the tuition waiver.
- (2) If the applicant does not qualify for the tuition waiver, the department shall notify the applicant in writing of the reasons for the denial.

Section 7. Extension Request.

- (1) An applicant for extension of tuition waiver benefits is under the age of twenty-six (26) and whose tuition waiver certificate expired at age twenty-three (23) shall submit to the department the "Application for Extension of Tuition Waiver Benefit".
- (2) An applicant for extension of tuition waiver benefits whose tuition waiver certificate expired after forty-five (45) months of benefits shall submit to the department the "Application for Extension of Tuition Waiver Benefit".

Section 8. Active-Duty Extension.

- (1) If a student is called to active duty in the U.S. Armed Forces, the waiver expiration date (applicant's twenty-sixth (26th) birthdate) is extended by the total number of years served, rounded up, in order to recoup time lost while serving.
- (2) General Limits. Pursuant to KRS 164.505, 164.507, 164.512, or 164.515, The waiver covers forty-five (45) months of classes or until the applicant's twenty-sixth (26th) birthdate), whichever comes first.
- (3) Application process. All extension requests must be submitted through the Kentucky Department of Veterans Affairs via email at KDVA.TuitionWaiver@ky.gov.

Section 9. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) Kentucky Department of Revenue residency requirements as described in 103 KAR 17:010.
 - (b) Kentucky post-secondary residency requirements as described in 13 KAR 2:045.
 - (c) "Kentucky Department of Veterans Affairs Tuition Waiver Application", KDAVA Form TW 1, 2022;
 - (d) "Affidavit of Membership in the Veteran's Household", KDVA Form TW 3, September 2011;
 - (e) "Certificate of Entitlement to Waiver of Tuition". KDVA Form TW 2, May 2007.
 - (f) "Notice Letter of Eligibility", KDVA letter sent to successful Tuition Waiver applicants.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Veterans Affairs, Attention: Tuition Waiver Coordinator, 1111 Louisville Road, Suite B, Frankfort, Kentucky 40604, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that the Executive Director of the Office of Kentucky Veteran Services and the Commissioner of the Kentucky Department of Veterans Affairs have reviewed and recommended this administrative regulation prior to its adoption, as required by KRS 156.070(4).

*SILAS SESSION, Executive Director
WHITNEY ALLEN, Commissioner
WILLIAM BONILLA, Attorney*

APPROVED BY AGENCY: October 7, 2026

FILED WITH LRC: October 8, 2026 at 9:35 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2026 at 1111 Louisville Rd., Suite

B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 December 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Juan Renaud, Deputy Commissioner, Office of the Commissioner, or Silas Sessions, Executive Director OKVS, PHONE: (502) 564-9203, EMAIL: juan.renaud@ky.gov or silas.sessions@ky.gov

Subject Headings: Veteran's Affairs, Education, Scholarships and Financial Aid

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation clarifies who is eligible to participate in the Kentucky Veterans Tuition Waiver Program.

(b) The necessity of this administrative regulation:

The administrative regulation ensures that potential applicants understand eligibility requirements when they apply for a tuition waiver to a public college or university in the Commonwealth of Kentucky.

(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 acknowledging KDVA's responsibility to establish eligibility requirements and an application process to allow participation in the tuition waiver program.

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

This administrative regulation assists in the effective administration of the statutes by clarifying the eligibility requirements for participation in KDVA's tuition waiver program.

(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:

NA

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

NA

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

NA

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

NA

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No

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

The type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation include: (1) Most recent estimations suggest that there are approximately 281,000 students enrolled in Kentucky colleges; those who eligible to receive a tuition waiver to a Kentucky public college or university will be positively affected by this administrative regulation..

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:

KDVA does not foresee a change in the administration of the tuition waiver program.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

There are no additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

The Commonwealth's college age students will have clearly defined eligibility and participation requirements for the Kentucky Veteran's Tuition Waiver program. There are no additional costs.

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

(a) Initially:

There are no additional costs.

(b) On a continuing basis:

There are no additional costs.

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

There are no additional costs.

(8) 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:

KDVA does not anticipate an increase in fees or funding.

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

KDVA does not anticipate an increase in fees or funding.

(10) TIERING: Is tiering applied?

Tiering is not appropriate in assessments undertaken with this administrative regulation because the requirements will be equally applied to all individuals or entities subject to the regulation. Disparate treatment of persons or entities subject to this administrative regulation would undoubtedly raise Constitutional inquiries of KDVA's arbitrariness based on the Fourteenth Amendment to the U.S. Constitution (i.e., the Equal Protection or Due Process clauses).

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

The state statutes, federal statutes, or federal regulations that require or authorize the action taken by the administrative regulation include KRS 164.479(2) which requires the Kentucky Department of Veterans Affairs to promulgate administrative regulations concerning the eligibility of applicants to participate in tuition waiver programs.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

The affected state units, parts, or divisions include the Kentucky Department of Veteran's Affairs as the promulgating agency.

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

N/A

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:NA

For subsequent years:NA

2. Revenues:

For the first year:NA

For subsequent years:NA

3. Cost Savings:

For the first year:NA

For subsequent years:NA

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

NA

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:NA

For subsequent years:NA

2. Revenues:

For the first year:NA

For subsequent years:NA

3. Cost Savings:

For the first year:NA

For subsequent years:NA

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

There are no fiscal impacts.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:NA

For subsequent years:NA

2. Revenues:

For the first year:NA

For subsequent years:NA

3. Cost Savings:

For the first year:NA

For subsequent years:NA

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

N/A

(b) Methodology and resources used to reach this conclusion:

N/A as there are no major economic impacts incurred with this regulation.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):

There are no additional costs.

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

This is based upon internal costs analysis to implement the regulation.