

11 KAR 17:110. Grievance procedure.

RELATES TO: KRS Chapter 13B, 164A.700-164A.709

STATUTORY AUTHORITY: KRS 164A.704(1), (6), 2003 Ky. Acts ch. 156, Part IX, Sec. 46, EO 2003-652

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164A.704(1) requires the board to promulgate administrative regulations, set fees, and adopt procedures to implement KRS 164A.700 to 164A.709. KRS 164A.704(6) provides that the board shall develop requirements, procedures, and guidelines regarding prepaid tuition contracts. 2003 Ky. Acts ch. 156, Part IX, Section 46, and EO 2003-652 transferred the governance and administration of the Prepaid Tuition Program from the Department of Treasury to the Kentucky Higher Education Assistance Authority. This administrative regulation establishes the grievance procedure for interested parties to request review of a decision by the office relating to a prepaid tuition contract.

Section 1. Request for Review.

(1) A purchaser, beneficiary, or related party affected by a decision of the office may request review of the decision by the board, which shall make a determination regarding the claim. The request shall be submitted in writing to the board and shall include the following information:

- (a) Name and address of person requesting relief;
- (b) Specific nature of relief requested;
- (c) Name, address, and Social Security or tax identification number of the purchaser and beneficiary involved;
- (d) Prepaid tuition contract number;
- (e) Date of request;
- (f) Each statute or administrative regulation involved; and the
- (g) Notarized signature of the person requesting relief.

(2) The board shall suspend the payment of benefits under the prepaid tuition contract upon receipt of a request for review, if requested by the purchaser, beneficiary or related party.

(3) The board shall inform the purchaser, beneficiary, and related parties of the board's decision in writing by certified mail citing all applicable terms and conditions of the prepaid tuition contract, applicable administrative regulations, and other applicable statutes upon which the board's decision was based. The board's decision shall be made no later than 120 days following receipt of the request for review.

Section 2. Request for Administrative Hearing.

(1) A claim that is denied by the board may be appealed by the affected party within sixty (60) days of the date of claim denial by the board. The appeal shall be submitted in writing to the board.

(2) Upon receipt of a request for an administrative hearing, the board shall set the date, time, and place of the hearing and forthwith notify the individual by regular U.S. mail.

(3) An administrative hearing conducted pursuant to this section shall be held in accordance with KRS Chapter 13B.

(30 Ky.R. 766; 1198; eff. 12-1-2003; Cert eff. 9-28-2018; Cert eff. 10-1-2024.)