

**164.785 Qualifications for state assistance -- Calculation -- Adjustment for scholarship.**

(1) The State of Kentucky shall grant an amount as provided in KRS 164.780 and this section to any applicant who meets the following qualifications:

(a) Is a Kentucky resident as defined by the Kentucky Council on Postsecondary Education; and

(b) 1. Has been accepted by or is enrolled as a full-time student in a program of study leading to a postsecondary degree at a Kentucky independent college or university which is accredited by a regional accrediting association recognized by the United States Department of Education and whose institutional programs are not composed solely of sectarian instruction;

2. Has been accepted by or is enrolled as a full-time student in a program of study leading to a postsecondary degree at an out-of-state postsecondary education institution licensed by the Council on Postsecondary Education to operate in Kentucky which is accredited by a regional accrediting association recognized by the United States Department of Education and whose institutional programs are not composed solely of sectarian instruction; or

3. Has been accepted or is enrolled as a student in a comprehensive transition and postsecondary program at an institution described in subparagraph 1. of this paragraph. For purposes of this section, a student enrolled in a comprehensive transition and postsecondary program shall be considered a part-time student, and the grant amount shall be adjusted accordingly by the Kentucky Higher Education Assistance Authority.

An otherwise eligible student having a disability defined by Title II of the Americans with Disabilities Act (42 U.S.C. secs. 12131 et seq.), certified by a licensed physician to be unable to attend the eligible program of study full-time because of the disability may also qualify under this paragraph; and

(c) Has not previously attended college or university more than the maximum number of academic terms established by the authority in administrative regulations.

(2) The amount of the tuition grant to be paid to a student each semester, or appropriate academic term, shall be determined by the Kentucky Higher Education Assistance Authority.

(3) The maximum amount shall not exceed fifty percent (50%) of the average state appropriation per full-time equivalent student enrolled in all public institutions of higher education. Such tuition grants are to be calculated annually by the Kentucky Higher Education Assistance Authority.

(4) The need of each applicant shall be determined by acceptable need analysis such as use of the free application for federal student aid in conjunction with Part E of the federal act, 20 U.S.C. secs. 1087kk through 1087vv, and such other analyses as the authority may determine, subject to the approval by the United States Secretary of

Education.

- (5) An adjustment shall be made in the tuition grant of any student awarded a scholarship from any other source provided the combination of grants and awards exceeds the calculated need of the student.
- (6) Accepted or enrolled students qualifying under the provisions of subsection (1)(b) of this section prior to the 2011-2012 academic year shall be under those provisions and continue under those provisions until June 30, 2014.
- (7) Beginning with the 2011-2012 academic year, and each year thereafter:
  - (a) A student may enroll and receive a Kentucky tuition grant at any Kentucky independent college or university whose institutional programs are not composed solely of sectarian instruction and is accredited by:
    1. The Southern Association of Colleges and Schools; or
    2. a. A national accreditation agency that is recognized by the United States Department of Education; and  
b. Is a college or university eligible to receive federal funding under 20 U.S.C. secs. 1061 to 1063;
  - (b) Programs or campuses of any out-of-state postsecondary education institution that is licensed by the Council on Postsecondary Education to operate in Kentucky and whose institutional programs are not composed solely of sectarian instruction shall be accredited by the Southern Association of Colleges and Schools in order to qualify as an eligible institution in which a student may enroll and receive a Kentucky tuition grant, except as provided in paragraph (c) of this subsection; and
  - (c) Programs or campuses of any out-of-state postsecondary education institution that is licensed by the Council on Postsecondary Education to operate in Kentucky and whose institutional programs are not composed solely of sectarian instruction, but in which accreditation by the Southern Association of Colleges and Schools is not an option, shall be reviewed and approved by the Council on Postsecondary Education based on accreditation criteria that mirrors Southern Association of Colleges and Schools accreditation criteria in order to qualify as an eligible institution in which a student may enroll and receive a Kentucky tuition grant. All costs associated with the institutional reviews shall be the responsibility of the institution seeking approval by the council. The Council on Postsecondary Education shall promulgate administrative regulations in accordance with KRS Chapter 13A to carry out the provisions of this paragraph.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 204, sec. 2, effective June 29, 2021. -- Amended 2013 Ky. Acts ch. 42, sec. 3, effective June 25, 2013. -- Amended 2008 Ky. Acts ch. 86, sec. 1, effective July 15, 2008. -- Amended 2004 Ky. Acts ch. 111, sec. 5, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 115, sec.3, effective June 24, 2003; and ch. 180, sec. 2, effective June 24, 2003. -- Amended 1998 Ky. Acts ch. 317, sec. 1, effective July 15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 122, effective May 30, 1997. -- Amended 1982 Ky. Acts ch. 403, sec. 7,

effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 155, sec. 104, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 215, sec. 4, effective March 29, 1976. -- Created 1972 Ky. Acts ch. 114, sec. 2.