

**KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY**  
**Division of Student and Administrative Services**  
**(Amendment)**

**11 KAR 15:090. Kentucky Educational Excellence Scholarship (KEES) program.**

RELATES TO: KRS 154A.130(4), 156.010, 158.007(8), 164.002(1), (2), 164.7871,

STATUTORY AUTHORITY: KRS 164.7874(3), (16), 164.7877(3), 164.7879(1), (2), (3), 164.7881(4)(a), (c), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.7877(3) requires the Kentucky Higher Education Assistance Authority to administer the Kentucky Educational Excellence Scholarship (KEES) trust fund. KRS 164.7874(16) requires the authority to promulgate administrative regulations establishing the KEES curriculum's courses of study. KRS 164.7879(3)(e) requires the authority to promulgate administrative regulations to determine the eligibility of a noncertified, nonpublic high school graduate and of a GED recipient for a supplemental award. KRS 164.7874(3) requires the authority to establish score equivalents between the SAT and ACT. KRS 164.7881(6) requires the authority to promulgate administrative regulations establishing a five (5) year postsecondary education program standard. KRS 164.7881(4)(a) requires the authority to establish overall award levels for the program. KRS 164.7879(2)(c) requires the authority to promulgate administrative regulations determining eligibility for children of parents who are in the military and who claim Kentucky as their home of record. KRS 164.7881(4)(c) requires the authority to promulgate administrative regulations identifying equivalent undergraduate programs of study. This administrative regulation establishes those requirements relating to the Kentucky Educational Excellence Scholarship (KEES) Program.

Section 1. Definitions.

(1) "Academic term":

- (a) Means the fall or spring semester or their equivalence under a trimester or quarter system at a postsecondary education institution; and
- (b) Does not mean summer sessions.

(2) "Accredited out-of-state high school" means a high school that is:

- (a) Located in a state other than Kentucky or in another country; and
- (b) A member of an organization belonging to the Commission on International and Trans-Regional Accreditation.

(3) "ACT" means the test:

- (a) Administered to a student for entrance to a Kentucky postsecondary education institution; and
- (b) Owned by the ACT Corporation of Iowa City, Iowa.

(4) "Advanced placement" or "AP" is defined by KRS 164.002(1).

(5) "Cambridge Advanced International" or "CAI" is defined by KRS 164.002(2).

(6) "Course" means the equivalent of one (1) credit as determined by the Kentucky Department of Education (KDE) in 704 KAR 3:305.

(7) "Department of Defense school" means a school operated by the U.S. Department of Defense for the purpose of providing a high school education to a child whose custodial parent or guardian is in active military or diplomatic service in a state other than Kentucky or in another country.

(8) "Dual credit" is defined by KRS 158.007(8).

(9) "Enrolled" means the status of a student who has completed the registration requirements, except for the payment of tuition and fees, at a participating postsecondary education institution that the student is attending.

(10) "Free and reduced price lunch" means the National School Lunch program established by the United States Department of Agriculture, Richard B. Russell National School Lunch Act, 42 U.S.C. 1751, et. seq., to provide subsidized meals to lower income students.

(11) "GED" means a general educational development diploma awarded to a student.

(12) "International Baccalaureate" or "IB" is defined by KRS 164.002(7).

(13) "SAT" means the test:

- (a) Administered to a student for entrance to a Kentucky postsecondary education institution; and
- (b) Owned by the College Board.

Section 2. High School Grade Point Average Calculation and Reporting.

(1) An eligible high school student's grade point average for an academic year shall be calculated using each letter grade awarded for all courses taken during an academic year. The grading scale cutoff scores used to determine the letter grade for each course shall be the same as those used to determine the letter grade for each course reported on the student's official high school transcript.

(2)

(a) Except as established in paragraphs (b) and (c) of this subsection, an eligible high school student's grade point average shall be calculated by:

1. Taking the number of units in a course multiplied by the course grade as expressed on a 4.0 point grading scale where 4.0 is an "A", 3.0 is a "B", 2.0 is a "C", 1.0 is a "D", and 0.0 is an "F";

2. Adding the total number of points accumulated for an academic year; and
  3. Dividing the total number of points accumulated in subparagraph 2 of this paragraph by the total number of units for the academic year.
- (b) For an eligible high school student taking an AP, IB, or CAI course during the academic year, the course grade assigned shall be calculated using a 5.0 point scale where 5.0 is an "A", 4.0 is a "B", 3.0 is a "C", 2.0 is a "D", and 1.0 is an "F".
- (c) Beginning with the academic year 2015-2016, for an eligible high school student taking a dual credit course during the academic year, the course grade assigned by the college shall be used by the high school in calculating the KEES grade point average, and shall be included in the KEES calculation using a 5.0 point scale where 5.0 is an "A", 4.0 is a "B", 3.0 is a "C", 2.0 is a "D", and 1.0 is an "F". This weighted scale shall not be applicable to a remedial course.
- (3) The grade point average reported for an eligible high school student for each academic year shall include all information as set forth in KRS 164.7885(1) and be submitted to the authority in either an electronic or hard copy format.
- (4) A high school student who participated in an educational high school foreign exchange program or the Congressional Page School that was approved by the student's local high school shall have the student's grade point average reported in accordance with KRS 164.7879(2)(b).

### Section 3. High School Students of Custodial Parents or Guardians in Active Military Service.

- (1)
  - (a) For purpose of determining eligibility under the provisions of KRS 164.7879(2)(c), a high school student shall establish that the custodial parent or guardian meets the requirements of KRS 164.7879(2)(c)1.a. and b. and shall submit the Home of Record Certification form to the authority.
  - (b) The authority annually shall notify the eligible high school student and the custodial parent or guardian of the student's eligibility.
- (2)
  - (a) A high school student, determined to be eligible for the KEES program under the terms of KRS 164.7879(2)(c) and subsection (1)(a) of this section, shall be responsible for requesting:
    1. Grade and curriculum information from the local school; and
    2. That the local school submit the information to the authority using the Curriculum Certification form and the Data Submission form.
  - (b) Upon receipt of curriculum and grade information from an accredited out-of-state high school or Department of Defense school for a student determined to be eligible for the KEES Program under this section, the authority shall:
    1. Verify that the submitted curriculum meets the requirements of Section 4 of this administrative regulation;
    2. Verify that the out-of-state high school or Department of Defense school is an accredited high school; and
    3. Retain the Curriculum Certification form on file until the student's eligibility has expired.

### Section 4. Postsecondary Student Eligibility and KEES Curriculum.

- (1) A Kentucky postsecondary student shall be eligible to receive a base scholarship award if the student:
  - (a) Has earned a base scholarship award in high school;
  - (b) Has completed the KEES curriculum as set forth in subsection (2) of this section;
  - (c) Has graduated from a Kentucky high school, except as established in Section 2(4) or 3 of this administrative regulation; and
  - (d) Is enrolled in a participating institution in an eligible program.
- (2) Except as established in subsection (4) of this section, the KEES curriculum shall consist of the curriculum standards established in 704 KAR 3:305.
- (3) A student who graduates from high school at the end of the fall semester of his or her senior year and who meets the requirements of KRS 164.7874(7) shall be eligible to earn a KEES award for that year upon:
  - (a) Completion of no fewer than three (3) courses of study; and
  - (b) Satisfying the provisions of KRS 164.7879.
- (4) Except as established in subsection (5) of this section, a high school may substitute an integrated, applied, interdisciplinary, or higher level course for a required course or required academic and career interest standards-based learning experience if the course:
  - (a) Provides the same or greater academic rigor and the course covers or exceeds the minimum required content areas established in 703 KAR 4:060; or
  - (b) Is an honors course, cooperative education course, AP course, IB course, CAI course, dual credit course, or a course taken at a postsecondary education institution.
- (5) Beginning with the 2018-2019 academic year, each cooperative education course taken during an academic year shall satisfy KEES curriculum requirements if the course has been approved by the Office of Career and Technical Education as a work-based learning experience in a career pathway pursuant to 705 KAR 4:123 and

705 KAR 4:041. For all other cooperative education coursework, only one (1) course per academic year shall count for purposes of satisfying KEES curriculum requirements.

(6) A high school annually shall provide written documentation to a student advising if the student's schedule of coursework meets the requirements of the KEES curriculum.

Section 5. Eligible Postsecondary Education Programs.

(1) An eligible program shall be a certificate or degree program offered by a participating institution and recognized by the authority pursuant to 11 KAR 15:010, Section 1(10).

(2) Except as established in subsection (4) of this section, an eligible program at an out-of-state participating institution shall be limited to those programs that qualify through the Academic Common Market administered by the Southern Regional Education Board.

(3) ~~Pursuant to KRS 164.7881(6), the following academic programs at Kentucky postsecondary education institutions shall be approved as five (5) year baccalaureate degree programs:~~

~~(a) Landscape architecture (04.0601); and~~

~~(b) Engineering if enrollment in the engineering program has been continuous (14.0101, 14.201, 14.0301, 14.401, 14.501, 14.0701, 14.0801, 14.0901, 14.1001, 14.1201, 14.1301, 14.1401, 14.1701, 14.1801, 14.1901, 14.2101, 14.2301, 14.2401, 14.2801, 14.9999.01, 14.3501).~~

~~(4)~~ Pursuant to KRS 164.7881(4)(c)1, an academic program shall be designated as an equivalent undergraduate program of study if the student in the program of study:

(a) Has not received eight (8) academic terms of a KEES award;

(b) Is classified by an institution as a graduate or professional student and is enrolled in one of the following academic programs:

1. Pharm. D;

2. A veterinary medicine program ~~at an institution that participates in, which is a part of~~ the Kentucky Contract Spaces Program; or

3. An optometric medicine program at an institution that participates in the Optometry Scholarship Program ~~[A program contained on the Equivalent Undergraduate Programs List]; and~~

(c) Has not completed a baccalaureate degree.

Section 6. Postsecondary Grade Point Average Calculation and Reporting.

(1) Each participating institution shall report to the Authority the cumulative grade point average for each KEES recipient enrolled in that institution no later than June 30 after the completion of the award period.

(2) The cumulative grade point average shall be reported to the hundredths decimal place. Any cumulative grade point average which contains a number of five (5) or greater in the thousandths place shall be rounded up to the nearest hundredth. Any cumulative grade point average which contains a number less than five (5) in the thousandths place shall be rounded down to the nearest hundredth.

(3) If a KEES recipient had an incomplete grade when the cumulative grade point average was initially reported to the Authority and subsequently receives a final grade, the participating institution shall recalculate the recipient's cumulative grade point average as of the end of the appropriate award period and report the updated cumulative grade point average to the Authority.

Section 7. SAT Conversion Table.

(1) Pursuant to KRS 164.7874(3), ~~the following~~ SAT to ACT Conversion Table included in this subsection shall be used to convert scores for SAT exams taken prior to the 2011-2012 academic year. ~~;~~

Table C-2 Concordance Between SAT I Recentered V+M Score and ACT Composite Score

SAT I V+M	ACT Composite	SAT I V+M	ACT Composite	SAT I V+M	ACT Composite	SAT I V+M	ACT Composite	SAT I V+M	ACT Composite
1600	35-36	1370	31	1140	25	910	19	680	14
1590	35	1360	31	1130	25	900	19	670	14
1580	35	1350	30	1120	24	890	18	660	14
1570	35	1340	30	1110	24	880	18	650	13
1560	35	1330	30	1100	24	870	18	640	13
1550	34	1320	30	1090	24	860	18	630	13
1540	34	1310	29	1080	23	850	17	620	13
1530	34	1300	29	1070	23	840	17	610	13
1520	34	1290	29	1060	23	830	17	600	13
1510	34	1280	29	1050	22	820	17	590	13
1500	33	1270	28	1040	22	810	17	580	12
1490	33	1260	28	1030	22	800	16	570	12
1480	33	1250	28	1020	22	790	16	560	12
1470	33	1240	28	1010	21	780	16	550	12

1460	33	1230	27	1000	21	770	16	540	12
1450	32	1220	27	990	21	760	16	530	12
1440	32	1210	27	980	21	750	15	520	12
1430	32	1200	26	970	20	740	15	510	11
1420	32	1190	26	960	20	730	15	500	11
1410	32	1180	26	950	20	720	15		
1400	31	1170	26	940	20	710	15		
1390	31	1160	25	930	19	700	14		
1380	31	1150	25	920	19	690	14		

This table may be used to relate SAT I V+M scores to ACT Composite scores. The estimates are based on the test scores of 103,525 students from fourteen (14) universities and two (2) states who took both the ACT and the SAT I between October 1994 and December 1996. Because the ACT and the SAT I have different content, students' actual scores on the ACT could differ significantly from the concordance estimates in the table. Source: ACT, Inc. Questions about the concordance study may be directed to ACT's Research Division (319/337-1471). January, 1998

(2) Pursuant to KRS 164.7874(3), the SAT to ACT Conversion Table included in this subsection shall be used to convert scores for SAT exams taken during or after the 2011-2012 academic year, but prior to March 2016. Only the scores from the critical reasoning and mathematics sections of the SAT within a single exam administration shall be considered for KEES supplemental awards.

Table C-2 Concordance Between SAT I Recentered V+M Score and ACT Composite Score

SAT I CR+M	ACT Composite	SAT I CR+M	ACT Composite	SAT I CR+M	ACT Composite	SAT I CR+M	ACT Composite	SAT I CR+M	ACT Composite
1600	36	1370	31	1140	25	910	19	680	14
1590	35	1360	31	1130	25	900	19	670	14
1580	35	1350	30	1120	24	890	18	660	13
1570	35	1340	30	1110	24	880	18	650	13
1560	35	1330	30	1100	24	870	18	640	13
1550	35	1320	29	1090	24	860	18	630	13
1540	35	1310	29	1080	23	850	17	620	13
1530	34	1300	29	1070	23	840	17	610	12
1520	34	1290	29	1060	23	830	17	600	12
1510	34	1280	28	1050	23	820	17	590	12
1500	34	1270	28	1040	22	810	16	580	12
1490	34	1260	28	1030	22	800	16	570	12
1480	33	1250	28	1020	22	790	16	560	12
1470	33	1240	27	1010	21	780	16	550	11
1460	33	1230	27	1000	21	770	16	540	11
1450	33	1220	27	990	21	760	15	530	11
1440	33	1210	27	980	21	750	15	520	11
1430	32	1200	26	970	20	740	15	510	11
1420	32	1190	26	960	20	730	15		
1410	32	1180	26	950	20	720	15		
1400	32	1170	26	940	20	710	14		
1390	31	1160	25	930	19	700	14		
1380	31	1150	25	920	19	690	14		

This table may be used to relate SAT CR+M scores to ACT Composite scores. The estimates are based on the test scores of 300,437 students who took both the ACT and the SAT CR+M between September 2004 and June 2006. Because the ACT and the SAT CR+M have different content, students' actual scores on the ACT could differ significantly from the concordance estimates in the table. Source: ACT, Inc. Questions about the concordance study may be directed to ACT's Research Division (319/337-1471). June, 2008

(3) Pursuant to KRS 164.7874(3), the SAT and ACT Conversion Table included in this subsection shall be used to convert scores for SAT exams taken during or after the March 2016-2017 academic year, but prior to July 2018~~March 2016~~. Only the scores from the Evidence-Based Reading and Writing Sections (ERW+M) of the SAT within a single exam administration shall be considered for KEES supplemental awards.

Table C-2 Concordance Between SAT ~~ERW+M~~~~(ERW+M)~~ Score and ACT Composite Score

SAT	ACT	SAT	ACT	SAT	ACT	SAT	ACT	SAT	ACT
ERW+M	Composite	ERW+M	Composite	ERW+M	Composite	ERW+M	Composite	ERW+M	Composite
1600	36	1380	29	1160	24	940	18	720	13
1590	35	1370	29	1150	23	930	17	710	12
1580	35	1360	29	1140	23	920	17	700	12
1570	35	1350	29	1130	23	910	17	690	12
1560	35	1340	28	1120	22	900	17	680	12
1550	34	1330	28	1110	22	890	16	670	12
1540	34	1320	28	1100	22	880	16	660	12
1530	34	1310	28	1090	21	870	16	650	12
1520	34	1300	27	1080	21	860	16	640	12
1510	33	1290	27	1070	21	850	15	630	12
1500	33	1280	27	1060	21	840	15	620	11
1490	32	1270	26	1050	20	830	15	610	11
1480	32	1260	26	1040	20	820	15	600	11
1470	32	1250	26	1030	20	810	15	590	11
1460	32	1240	26	1020	20	800	14	580	11
1450	32	1230	25	1010	19	790	14	570	11
1440	31	1220	25	1000	19	780	14	560	11
1430	31	1210	25	990	19	770	14		
1420	31	1200	25	980	19	760	14		
1410	30	1190	24	970	18	750	13		
1400	30	1180	24	960	18	740	13		
1390	30	1170	24	950	18	730	13		

(4) Pursuant to KRS 164.7874(3), the SAT and ACT Conversion Table included in this subsection shall be used to convert scores for SAT exams taken during or after July 2018. Only the scores from the Evidence-Based Reading and Writing Sections (ERW+M) of the SAT within a single exam administration shall be considered for KEES supplemental awards.

Table C-2 Concordance Between SAT ERW+M Score and ACT Composite Score

SAT	ACT	SAT	ACT	SAT	ACT	SAT	ACT	SAT	ACT
ERW+M	Composite	ERW+M	Composite	ERW+M	Composite	ERW+M	Composite	ERW+M	Composite
<u>1600</u>	<u>36</u>	<u>1400</u>	<u>31</u>	<u>1200</u>	<u>25</u>	<u>1000</u>	<u>19</u>	<u>800</u>	<u>14</u>
<u>1590</u>	<u>36</u>	<u>1390</u>	<u>31</u>	<u>1190</u>	<u>24</u>	<u>990</u>	<u>19</u>	<u>790</u>	<u>14</u>
<u>1580</u>	<u>36</u>	<u>1380</u>	<u>30</u>	<u>1180</u>	<u>24</u>	<u>980</u>	<u>18</u>	<u>780</u>	<u>14</u>
<u>1570</u>	<u>36</u>	<u>1370</u>	<u>30</u>	<u>1170</u>	<u>24</u>	<u>970</u>	<u>18</u>	<u>770</u>	<u>13</u>
<u>1560</u>	<u>35</u>	<u>1360</u>	<u>30</u>	<u>1160</u>	<u>24</u>	<u>960</u>	<u>18</u>	<u>760</u>	<u>13</u>
<u>1550</u>	<u>35</u>	<u>1350</u>	<u>29</u>	<u>1150</u>	<u>23</u>	<u>950</u>	<u>17</u>	<u>750</u>	<u>13</u>
<u>1540</u>	<u>35</u>	<u>1340</u>	<u>29</u>	<u>1140</u>	<u>23</u>	<u>940</u>	<u>17</u>	<u>740</u>	<u>13</u>
<u>1530</u>	<u>35</u>	<u>1330</u>	<u>29</u>	<u>1130</u>	<u>23</u>	<u>930</u>	<u>17</u>	<u>730</u>	<u>13</u>
<u>1520</u>	<u>34</u>	<u>1320</u>	<u>28</u>	<u>1120</u>	<u>22</u>	<u>920</u>	<u>17</u>	<u>720</u>	<u>12</u>
<u>1510</u>	<u>34</u>	<u>1310</u>	<u>28</u>	<u>1110</u>	<u>22</u>	<u>910</u>	<u>16</u>	<u>710</u>	<u>12</u>
<u>1500</u>	<u>34</u>	<u>1300</u>	<u>28</u>	<u>1100</u>	<u>22</u>	<u>900</u>	<u>16</u>	<u>700</u>	<u>12</u>
<u>1490</u>	<u>33</u>	<u>1290</u>	<u>27</u>	<u>1090</u>	<u>21</u>	<u>890</u>	<u>16</u>	<u>690</u>	<u>12</u>
<u>1480</u>	<u>33</u>	<u>1280</u>	<u>27</u>	<u>1080</u>	<u>22</u>	<u>880</u>	<u>16</u>	<u>680</u>	<u>11</u>
<u>1470</u>	<u>33</u>	<u>1270</u>	<u>27</u>	<u>1070</u>	<u>21</u>	<u>870</u>	<u>15</u>	<u>670</u>	<u>11</u>
<u>1460</u>	<u>33</u>	<u>1260</u>	<u>27</u>	<u>1060</u>	<u>21</u>	<u>860</u>	<u>15</u>	<u>660</u>	<u>11</u>

<u>1450</u>	<u>33</u>	<u>1250</u>	<u>26</u>	<u>1050</u>	<u>20</u>	<u>850</u>	<u>15</u>	<u>650</u>	<u>11</u>
<u>1440</u>	<u>32</u>	<u>1240</u>	<u>26</u>	<u>1040</u>	<u>20</u>	<u>840</u>	<u>15</u>	<u>640</u>	<u>10</u>
<u>1430</u>	<u>32</u>	<u>1230</u>	<u>26</u>	<u>1030</u>	<u>20</u>	<u>830</u>	<u>15</u>	<u>630</u>	<u>10</u>
<u>1420</u>	<u>32</u>	<u>1220</u>	<u>25</u>	<u>1020</u>	<u>19</u>	<u>820</u>	<u>14</u>	<u>620</u>	<u>10</u>
<u>1410</u>	<u>31</u>	<u>1210</u>	<u>25</u>	<u>1010</u>	<u>19</u>	<u>810</u>	<u>14</u>	<u>610</u>	<u>10</u>

Section 8. Criteria for Supplemental Award to Noncertified, Nonpublic High School Students and to GED Students.

- (1) A Kentucky resident who is a citizen, national, or permanent resident of the United States and who graduates from a nonpublic Kentucky high school not certified by the Kentucky Board of Education shall be eligible for a supplemental award if:
  - (a) The student is not a convicted felon;
  - (b) The date of the student's graduation is May 1999 or thereafter;
  - (c) The student takes the ACT or SAT and has at least a minimum score as established by KRS 164.7879(3); and
  - (d) The student enrolls in a participating institution within five (5) years after graduation from high school.
- (2) A Kentucky resident who is a citizen, national, or permanent resident of the United States and who has not graduated from any Kentucky or out-of-state public or nonpublic high school shall be eligible for a supplemental award if:
  - (a) The student is not a convicted felon;
  - (b) The student's 18th birthday occurs on or after January 1, 1999;
  - (c) The student takes and receives a GED diploma in Kentucky:
    1. Prior to being admitted to a participating institution; and
    2. Within five (5) years after attaining eighteen (18) years of age;
  - (d) The student takes the ACT or SAT and achieves a minimum score for eligibility as established by KRS 164.7879(3); and
  - (e) The student enrolls in a participating institution after July 1, 1999, and within five (5) years of receiving the GED diploma.
- (3) A student who graduates from or attends an accredited out-of-state high school or Department of Defense school shall qualify for a supplemental award if:
  - (a) The parents meet the provisions of KRS 164.7879(2)(c)1.a. and b.;
  - (b) The student takes the ACT or SAT and achieves a minimum score for eligibility as established by KRS 164.7879(3); and
  - (c) The student enrolls in a participating institution within five (5) years of graduating from or attending the accredited out-of-state high school or Department of Defense school.
- (4) A student requesting a supplemental award under this section shall notify the participating institution where the student has or intends to enroll.
- (5)
  - (a) Residency shall be determined by a participating institution in accordance with 13 KAR 2:045.
  - (b) A participating institution shall determine a student's eligibility for a supplemental award under this section and shall notify the authority of the student's eligibility.

Section 9. Supplemental Award. An eligible high school student who receives a supplemental award as a result of taking and receiving a GED within five (5) years of attaining eighteen (18) years of age shall have a maximum of five (5) years eligibility beyond the date the GED is received.

Section 10. Supplemental Award for Achievement on Examinations.

- (1) Pursuant to KRS 164.7879(3)(c) and (d), a supplemental award shall be provided for achievement on AP, IB, or CAI examinations to an eligible high school student whose family was eligible for free and reduced price lunch during any year of high school.
- (2)
  - (a) An eligible high school shall report the status of each student as eligible or ineligible for free and reduced price lunch to the authority on an annual basis.
  - (b) In determining a high school student's free and reduced price lunch eligibility, the high school shall utilize the income eligibility guidelines published each year by the United States Department of Agriculture, Food and Nutrition Service, available at [www.fns.usda.gov/school-meals/income-eligibility-guidelines](http://www.fns.usda.gov/school-meals/income-eligibility-guidelines).

Section 11. Administrative Responsibilities and Expenses of Program.

- (1) The authority annually shall determine the level of funding for expenses associated with the program and shall allocate funds from the Wallace G. Wilkinson Kentucky Educational Excellence Scholarship Trust Fund established by KRS 164.7877(1) and (3).
- (2) The authority annually shall adopt a budget proposal indicating the amount of funds available and a detailed listing of the expenditures necessary to operate the program.
- (3) The authority shall develop an allotment schedule for the release of the administrative funds.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Home of Record Certification", June 2005;
- (b) "Curriculum Certification", June 2005; and
- (c) "Data Submission", June 2005. ~~and~~
- ~~(d) ["Equivalent Undergraduate Programs List", June 2005.]~~

(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.

*CATHE DYKSTRA, Chair*

APPROVED BY AGENCY: March 17, 2022

FILED WITH LRC: March 25, 2022 at 11:25 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on Tuesday, June 22, 2022, at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify the agency in writing by 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, 2022. 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. Diana L. Barber, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7298, fax (502) 696-7293, email [dbarber@kheaa.com](mailto:dbarber@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 sets forth the procedures for administering the Kentucky Educational Excellence Scholarship (KEES) Program.

**(b) The necessity of this administrative regulation:**

This administrative regulation is necessary to establish the requirements relating to the Kentucky Educational Excellence Scholarship (KEES) Program pursuant to the authorizing statute.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

KRS 164.7877(3) requires KHEAA to administer the funds appropriated to the trust fund for the program; KRS 164.7874(14) requires KHEAA to determine the KEES curriculum's courses of study; KRS 164.7879(3)(c) requires KHEAA to determine the eligibility of a noncertified, nonpublic high school graduate and for a GED recipient for a supplemental award; KRS 164.7874(3) requires KHEAA to establish a table to convert an SAT score to an ACT standard; KRS 164.7881(6) requires KHEAA to establish a five (5) year postsecondary education program standard; KRS 164.7881(4)(a) requires KHEAA to establish overall award levels for the program; KRS 164.7879(2)(c) requires KHEAA to determine eligibility for children of parents who are in the military and who claim Kentucky as their home of record; and KRS 164.7535 and 164.7881 (4)(c) require KHEAA to identify equivalent undergraduate programs of study. This administrative regulation establishes these requirements related to the KEES 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 establishing program eligibility criteria for administration of the KEES program 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:**

This amendment will change the existing regulation by adding a new SAT Conversion Table to document the newest concordance for examinations taken on or after July 2018. Additionally, the amendment will eliminate subsection 3 of Section 5 regarding five-year baccalaureate degree programs as none have been offered in Kentucky in several years. Finally, the amendment will eliminate the references to both Optometry Contract Spaces program as well as the "Equivalent Undergraduate Programs List" in Section 5, subsection 4 as neither of these exists any longer.

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

This amendment to the administrative regulation is necessary to insure accurate calculation of supplemental KEES awards based on the standardized SAT exam for students who test on or after July 2018 as well as to eliminate moot provisions contained in the current version of the regulation.

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

The authorizing statutes require KHEAA to promulgate regulations for the administration of the KEES program including the determination of supplemental awards based upon standardized test scores as well as eligible program requirements. This amendment conforms to the authorizing statutes by incorporating the most recent concordance for SAT examinations taken on or after July 2018 and by removing inapplicable provisions from the regulation.

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

This amendment to the administrative regulation will assist in the effective administration of the statutes by enabling the authority to make determinations of supplemental KEES awards based on the most current and accurate concordance of SAT examination scores. Further, it will clarify program eligibility for the public.

**(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 those high school students who sat for the SAT examination on or after July 2018. The other provisions being removed pursuant to this amendment will have no impact as any individuals since those sections have not been relevant for a number of years.

**(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:**

No actions will be required by award recipients in order to comply with the amendment to this administrative regulation.

**(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 award recipients in complying with this amendment.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

Those students who sat for the SAT on or after July 2018 will benefit by this amendment in that their ACT equivalent will be calculated accurately as a result of the addition of the most recent grade concordance table.

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

**(a) Initially:**

No cost.

**(b) On a continuing basis:**

No cost.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

The KEES program is funded through net lottery revenues transferred in accordance with KRS 154A.130.

**(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:**

Any increase in funding as a result of the amendment to this administrative regulation would be nominal at most. Although the changes could increase the overall KEES award of a participating student, this would be negligible.

**(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:**

This administrative regulation does not establish any fees nor increase any existing 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 NOTE ON STATE OR LOCAL GOVERNMENT**

**(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?**

Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority.

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 164.7874, 164.7877(3), 164.7879(1), (2), (3), 164.7881(4)(a), (c), (6).

**(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

The administrative regulation will result in no additional expenditures by or revenues to the Authority during the first full year of its effectiveness.

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?**

This regulation will not generate any revenue for the first year.

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?**

This regulation will not generate any revenue for subsequent years.

**(c) How much will it cost to administer this program for the first year?**

No costs are associated with this regulation for the first year.

**(d) How much will it cost to administer this program for subsequent years?**

No costs are associated with this regulation for subsequent years.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Revenues (+/-):**

**Expenditures (+/-):**

**Other Explanation:**