

Council on Postsecondary Education
July 18, 2005

KEES Administrative Regulation

Action: The staff recommends that the Council file an administrative regulation to repeal *13 KAR 2:090. Kentucky Educational Excellence Scholarship (KEES) Program.*

House Bill 460 moves responsibility for the administration of the KEES program from the Council to the Kentucky Higher Education Assistance Authority. The statutes regulating KEES simply replace CPE with KHEAA. KHEAA has adopted an administrative regulation implementing the KEES program. It is now necessary to repeal the Council's administrative regulation.

A "repealer" regulation follows the same format as any other regulation. This regulation will be filed with the regulations compiler, a public hearing will be scheduled, public comments taken, and then testimony will be considered at the Administrative Regulations Review Subcommittee meeting.

Staff preparation by Dennis Taulbee

1 COUNCIL ON POSTSECONDARY EDUCATION

2 (Repealer)

3 Repeal of 13 KAR 2:090. Kentucky Educational Excellence Scholarship (KEES) Program.

4 RELATES TO: KRS 154A.130(4), 164.7535, 164.7871, 164.7874, 164.7877, 164.7879,
5 164.7881, 164.7885, 164.7889, House Bill 460, 2005 REGULAR SESSION

6 STATUTORY AUTHORITY: KRS 164.020(29), 164.7874, 164.7877(3), 164.7879(1),
7 (2), (3), 164.7881(4)(a), (c), (6)

8 NECESSITY, FUNCTION, AND CONFORMITY: House Bill 460, 2005 REGULAR
9 SESSION changed the responsibility for the administration of the Kentucky Educational
10 Excellence Scholarship (KEES) program from the Council on Postsecondary Education to the
11 Kentucky Higher Education Assistance Authority.

12 Section 1. 13 KAR 2:090. Kentucky Educational Excellence Scholarship (KEES)
13 Program is hereby repealed.

Date

Thomas D. Layzell
President
Council on Postsecondary Education

APPROVED AS TO FORM:

Date

Dennis L. Taulbee
General Counsel
Council on Postsecondary Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2005, at 10 a.m. at the Council on Postsecondary Education, Conference Room A. Individuals interested in being heard at this hearing shall notify this agency in writing by September 16, 2005, five days 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 will be accepted through September 30, 2005.

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:

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REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

Administrative Regulation 13 KAR 2:090. Kentucky Educational Excellence Scholarship (KEES) Program.

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- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: Repeals 13 KAR 2:090 because of House Bill 460, 2005 REGULAR SESSION that moved administrative responsibility for the KEES program from the Council on Postsecondary Education to the Kentucky Higher Education Assistance Authority.
 - (b) The necessity of this administrative regulation: Required by House Bill 460, 2005 REGULAR SESSION
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation conforms to the enabling statute, as amended by House Bill 460, 2005 REGULAR SESSION.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Repeal of this administrative regulation is necessary to provide for the clear implementation of the KEES 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: This is a repealer.
 - (b) The necessity of the amendment to this administrative regulation:
 - (c) How the amendment conforms to the content of the authorizing statutes:
 - (d) How the amendment will assist in the effective administration of the statutes:

- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Students and local educators who seek information about KEES will now be able to go to a single agency to get direction.

- (4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: The process of getting questions answered will be simplified.

- (5) Provide an estimate of how much it will cost 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: Not applicable.
- (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: No increase in fees or funding will be necessary.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No—fees are not involved.
- (9) TIERING: Is tiering applied? Tiering is not appropriate under these circumstances.