GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2013 REGULAR SESSION

SENATE BILL NO. 95

WEDNESDAY, FEBRUARY 20, 2013

The following bill was reported to the House from the Senate and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to tuition waivers for adopted children who serve in the military.
2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***
3 ➔Section 1. KRS 164.2847 is amended to read as follows:
4 (1) Tuition and mandatory student fees for any undergraduate program of any Kentucky
5 public postsecondary institution, including all four (4) year universities and colleges
6 and institutions of the Kentucky Community and Technical College System, shall
7 be waived for a Kentucky foster or adopted child who is a full-time or part-time
8 student if the student meets all entrance requirements and maintains academic
9 eligibility while enrolled at the postsecondary institution, and if:
10 (a) The student's family receives state-funded adoption assistance under KRS
11 199.555;
12 (b) The student is currently committed to the Cabinet for Health and Family
13 Services under KRS 610.010(5) and placed in a family foster home or is
14 placed in accordance with KRS 605.090(3);
15 (c) The student is in an independent living program and the placement is funded
16 by the Cabinet for Health and Family Services;
17 (d) The student who is an adopted child was in the permanent legal custody of
18 and placed for adoption by the Cabinet for Health and Family Services. A
19 student who meets the eligibility criteria of this paragraph and lives outside of
20 Kentucky at the time of application to a Kentucky postsecondary institution
21 may apply for the waiver up to the amount of tuition for a Kentucky resident;
22 or
23 (e) The Cabinet for Health and Family Services was the student's legal custodian
24 on his or her eighteenth birthday.
25 (2) Tuition and mandatory student fees for any undergraduate program of any Kentucky
26 public postsecondary institution, including all four (4) year universities and colleges
27 and institutions of the Kentucky Community and Technical College System, shall

1 be waived for a Department of Juvenile Justice foster child who is a full-time or
2 part-time student if the student meets all entrance requirements and maintains
3 academic eligibility while enrolled at the postsecondary institution and obtains a
4 recommendation for participation from an official from the Department of Juvenile
5 Justice, and if:
6 (a) The student has not been sentenced to the Department of Juvenile Justice
7 under KRS Chapter 640;
8 (b) The student has been committed to the Department of Juvenile Justice for a
9 period of at least two (2) years;
10 (c) The student is in an independent living program and placement is funded by
11 the Department of Juvenile Justice;
12 (d) The parental rights of the student's biological parents have been terminated; or
13 (e) The student was committed to the Cabinet for Health and Family Services
14 prior to a commitment to the Department of Juvenile Justice.
15 (3) Upon request of the postsecondary institution, the Cabinet for Health and Family
16 Services shall confirm the eligibility status under subsection (1) of this section and
17 the Department of Juvenile Justice shall confirm the eligibility status and
18 recommendations under subsection (2) of this section of the student seeking to
19 participate in the waiver program. Release of this information shall not constitute a
20 breach of confidentiality required by KRS 199.570, 610.320, or 620.050.
21 (4) The student shall complete the Free Application for Federal Student Aid to
22 determine the level of need and eligibility for state and federal financial aid
23 programs. If the sum of the tuition waiver plus other student financial assistance,
24 except loans and the work study program under 42 U.S.C. secs. 2751-2756b, from
25 all sources exceeds the student's total cost of attendance, as defined in 20 U.S.C.
26 sec. 1087ll, the tuition waiver shall be reduced by the amount exceeding the total
27 cost of attendance.

1 (5) The student shall be eligible for the tuition waiver:
2 (a) For entrance to the institution for a period of no more than four (4) years after
3 the date of graduation from high school; and
4 (b) For a period of five (5) years after first admittance to any Kentucky institution
5 if satisfactory progress is achieved or maintained***, except when extended in***
6 ***accordance with subsection (6) of this section***.
7 (6) ***The expiration of a student's five (5) year eligibility under subsection (5)(b) of***
8 ***this section shall be extended upon a determination by the institution that the***
9 ***student was unable to enroll for or complete an academic term due to serving:***
10 ***(a) On active duty status in the United States Armed Forces;***
11 ***(b) As an officer in the Commissioned Corps of the United States Public Health***
12 ***Service; or***
13 ***(c) On active service in the Peace Corps Act or the Americorps.***
14 ***The original expiration date shall be extended by the total number of years***
15 ***during which the student was on active duty status. The number of months served***
16 ***on active duty status shall be rounded up to the next higher year to determine the***
17 ***maximum length of eligibility extension allowed.***
18 *(7)* The Cabinet for Health and Family Services shall report the number of students
19 participating in the tuition waiver program under subsection (1) of this section and
20 the Department of Juvenile Justice shall report the number of students participating
21 in the tuition waiver program under subsection (2) of this section on October 1 each
22 year to the Council on Postsecondary Education and the Legislative Research
23 Commission.
24 *(8)*[~~(7)~~] The Council on Postsecondary Education shall report nonidentifying data on
25 graduation rates of students participating in the tuition waiver program by
26 November 30 each year to the Legislative Research Commission.
27 *(9)*[~~(8)~~] Nothing in this section shall be construed to:

1 (a) Guarantee acceptance of or entrance into any postsecondary institution for a
2 foster or adopted child;
3 (b) Limit the participation of a foster or adopted student in any other program of
4 financial assistance for postsecondary education;
5 (c) Require any postsecondary institution to waive costs or fees relating to room
6 and board; or
7 (d) Restrict any postsecondary institution, the Department of Juvenile Justice, or
8 the Cabinet for Health and Family Services from accessing other sources of
9 financial assistance, except loans, that may be available to a foster or adopted
10 student.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 3-21-13