

Andy Beshear
Governor



Dr. Robbie Fletcher
Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION
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Jamie Link
Secretary
Education and Labor Cabinet



September 24, 2026

Senator Stephen West
Representative Scott Lewis
Representative James Tipton
c/o Regulations Compiler
Interim Joint Committee on Education
702 Capitol Annex
Frankfort, KY 40601

RE: 702 KAR 3:220. Guidelines for waiver of school fees.

Dear Interim Joint Committee on Education Co-Chairs:

Following consideration of the issues raised by the Interim Joint Committee on Education during its September 1, 2026, meeting regarding the above-referenced administrative regulation, the Kentucky Board of Education proposes the attached agency amendment to 702 KAR 3:220.

Sincerely,

Todd G. Allen

Todd G. Allen
Deputy Commissioner & General Counsel

Agency Amendment
(IJCE – October 2026)

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education

702 KAR 3:220. Guidelines for waiver of school fees

Page 2
Section 4
Line 16

After “students”, insert the following:
and their parents or guardians

Page 4
Section 7
Line 12

After “students”, insert the following:
and their parents or guardians

FISCAL IMPACT STATEMENT

702 KAR 3:220

Contact Person: Todd G. Allen

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Email: todd.allen@education.ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.160 and KRS 160.330.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 160.330

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: Any expenditures are expected to be minimal.

For subsequent years: Any expenditures are expected to be minimal.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): School districts.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: Any expenditures are expected to be minimal.

For subsequent years: Any expenditures are expected to be minimal.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: Any expenditures are expected to be minimal. The regulation is not expected to generate revenue and no cost savings are anticipated.

(b) Methodology and resources used to reach this conclusion: The estimates herein are based on prior program operations.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): The administrative regulation is not expected to have a major economic impact.

(b) The methodology and resources used to reach this conclusion: The estimates herein are based on prior program operations.

SUMMARY

The regulation amendment updates the statutory authority, defines student attendance day, adds language regarding income eligibility guidelines, adds language regarding participation in the Community Eligibility Provision of the National School Lunch or School Breakfast Program, updates language regarding providing written notice of the fee waiver process to students and their parents or guardians, deletes language regarding school districts using a form and maintaining records, updates language regarding fees that must be waived, and updates language to require school districts to provide written notice of approvals or denials of fee waivers to a student and their parents or guardians and afford the student and their parent or guardian the opportunity for a personal meeting with appropriate district personnel to discuss the validity of a denial.

The proposed agency amendment inserts the language that requires school districts to provide written notice of the fee waiver process to all students and their parents or guardians if the district does not participate in the National School Lunch or School Breakfast Program or participates in the Community Eligibility Provision and provide written notice of approvals and denials of fee waivers to students and their parents or guardians.