

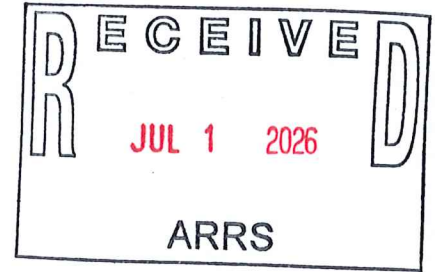
Andy Beshear
Governor



Jamie Link
Secretary, Education and
Labor Cabinet

Dr. Robbie Fletcher
Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION
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July 1, 2026

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Regulation Compiler
Administrative Regulation Review Subcommittee
Capitol Annex 083
Frankfort, KY 40601

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

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 702 KAR 3:220, the Kentucky Board of Education proposes the attached amendment to 702 KAR 3:220.

Sincerely,

Todd G. Allen
Deputy Commissioner and General Counsel

attachment

Subcommittee Substitute

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

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

RELATES TO: KRS 160.330

STATUTORY AUTHORITY: KRS 156.160, 160.330

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 **requires** ~~[authorizes]~~ the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. KRS 160.330 **requires**~~[provides]~~ that local school districts ~~[shall]~~ establish, pursuant to Kentucky Board of Education~~[consistent with]~~~~[State Board for Elementary and Secondary]~~ administrative regulations, a process to waive fees for qualifying students and a procedure for notice of **the fee waiver provisions** ~~[such]~~. This administrative regulation provides guidelines for the waiver of school fees by local districts.

Section 1. Definition. "Student attendance day" is defined by KRS 158.070(1)(e).

Section 2. Local school districts shall establish a process by which to waive any applicable fees charged by the district for pupils who qualify for free or reduced price lunches, including a process by which at least all **qualifying** ~~[such]~~ students shall be informed of the fee waiver provisions. Districts that do not charge fees to any students shall not be subject to these requirements.

Section 3.

(1) **To be eligible for the waiver of fees by the local school district**, a student **shall first** ~~[must]~~ qualify for free or reduced price lunch under the applicable Income Eligibility Guidelines established by the United States Department of Agriculture pursuant to Section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)(A)) ~~[to be eligible for the waiver of fees by the local school district]~~.

(2) A student enrolled in a school district that participates in the Community Eligibility Provision of the National School Lunch or School Breakfast Program **shall** ~~[is]~~ not **be** automatically eligible for the waiver of fees by the local school district. **A student's eligibility shall** ~~[and must]~~ be determined ~~[eligible]~~ under subsection (1) of this section.

Section 4.~~[Section 2.]~~ Local school districts shall adopt specific policies and procedures whereby, at the beginning of the school year or at the time of enrollment, all students who qualify for free or reduced price lunches~~[or at least qualifying pupils]~~ and their parents or guardians shall be given clear and prominent written notice of the fee waiver process~~[including the applicable income guidelines]~~. If the local school district does not participate in the National School Lunch or School Breakfast Program, or participates in the Community Eligibility Provision of the National School Lunch or School Breakfast Program, **the** ~~[such]~~ written notice shall be provided to all students.

~~[Such policies and procedures shall also insure that the written notice of the fee waiver process shall include a form that parents shall use to request waiver of applicable fees.]~~

~~[Section 3.] [Local districts shall keep records for documentation and compliance purposes, which shall be made available to the Department of Education upon request. These records shall include:]~~

~~[(1)] [The number of pupils receiving free lunches and reduced price lunches;]~~

~~[(2)] [The number of pupils who request that fees be waived and the number of pupils for who fees are waived;]~~

~~[(3)] [Copies of any forms, notices or instructions used by schools in the collection or waiver of fees.]~~

Section 5.~~[Section 4.]~~ Mandatory waiver of fees shall apply to all charges, direct or indirect, which would otherwise be required for participation in the following school-sponsored courses, activities, programs, events, or services:

(1) Charges and deposits collected by a school for use of school property~~[- including but not limited to, locks, towels, laboratory equipment and special workbooks];~~

(2) Charges for field trips, any portion of which fall within the student attendance~~[school]~~ day;

(3) Charges or deposits for uniforms or equipment related to intramural sports, music, or fine arts programs;

(4) Special supplies, course materials, or fees required for a particular class;

(5) Graduation fees required for participation;

(6) Special education fees;

(7) School records fees;

(8) School health service fees;

(9) General activities fees;

(10) Career and technical~~[Vocational]~~ education fees;

(11) Technology fees;

~~(12)~~~~[(11)]~~ Driver's education fees; and

~~(13)~~~~[(12)]~~ Any other fees not exempt under Section 6~~[5]~~ of this administrative regulation.

Section 6.~~[Section 5.]~~ Mandatory waiver of fees shall not apply to the following:

(1) Activities or rental of property taking place or for exclusive use outside of the student attendance day~~[normal six (6) hour school day (and any local district extension of such)]~~ and having no impact upon the minimum requirements for high school graduation set forth in 704 KAR 3:305~~[from]~~ or receiving credit for any instructional course~~[(s) included in or]~~ authorized by 704 KAR Chapter 8~~[the "Program of Studies for Kentucky Schools, Grades K-12", incorporated by reference in 704 KAR 3:304];~~ and

(2) Costs for materials, equipment, or supplies beyond those necessary for a student to receive full credit for any instructional course authorized by 704 KAR Chapter 8~~[courses and essential for meeting student performance objectives].~~

Section 7.~~[Section 6.]~~ Local districts shall provide written notice of approvals and denials of fee waivers to students. Any denial shall contain the specific grounds for denial and shall afford the

student and their parent or guardian the opportunity for a personal meeting with appropriate district personnel to discuss the validity of the denial.

~~[This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).]~~

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

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Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Regulation Compiler
Administrative Regulation Review Subcommittee
Capitol Annex 083
Frankfort, KY 40601

Re: 702 KAR 6:110. Claim reimbursement for school and community nutrition programs.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 702 KAR 6:110, the Kentucky Board of Education proposes the attached amendment to 702 KAR 6:110.

Sincerely,

Todd G. Allen
Deputy Commissioner and General Counsel

attachment

Subcommittee Substitute

EDUCATION AND LABOR CABINET Kentucky Board of Education Department of Education (Amendment)

702 KAR 6:110. Claim reimbursement for school and community nutrition programs.

RELATES TO: KRS 156.070(5), 7 C.F.R. 210.8, 220.11, 225.9, 226.10, 42 U.S.C. 1751, 1761, 1766, 1773
STATUTORY AUTHORITY: KRS 156.070(5), 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), 226.10(e)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(5) requires the Kentucky Board of Education to promulgate administrative regulations governing the operation of programs within the Department of Education. 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e) provides the Department of Education with the authority to establish deadlines for claim reimbursement for federal nutrition programs. This administrative regulation establishes the claims deadlines for these programs.

Section 1. Definitions.

- (1) "Online Reporting System" means the Web-based computer application used for claims processing.
- (2) "Program Operator~~[Sponsor]~~" means an entity approved to participate in a nutrition program that is administered by the Division of School and Community Nutrition (SCN)~~[SCN]~~.

Section 2. Submission of Monthly Claims. To be entitled to reimbursement, each participating program operator~~[sponsor]~~ shall submit a monthly Claim for Reimbursement to SCN. The Claim for Reimbursement ~~[form used]~~ shall be submitted in the online reporting system or by U.S. mail~~[the form corresponding to the type of program operated by the sponsor, and shall be one (1) of the following forms:]~~

- ~~[(1)] [Non-Profit Programs Report and Claim for Reimbursement;]~~
- ~~[(2)] [For-Profit Programs Report and Claim for Reimbursement;]~~
- ~~[(3)] [Adult Programs Report and Claim for Reimbursement;]~~
- ~~[(4)] [Family Day Care Homes Report and Claim Form for Reimbursement;]~~
- ~~[(5)] [NSLP/SBP/SMP Report and Claim for Reimbursement Worksheet; or]~~
- ~~[(6)] [Summer Food Program Report and Claim for Reimbursement].~~

Section 3. Submission Timeframes.

- (1) A final Claim for Reimbursement shall be postmarked or submitted through the online reporting system to SCN no later than 11:59 p.m. Eastern time on the 15th of the month following the month covered by the claim to be considered a timely filing.
- (2) Corrected claims~~[Claims]~~ shall be~~[not]~~ postmarked or submitted through~~[by]~~ the online reporting system to SCN no later than 11:59 p.m. Eastern time on the 30th of the month following the month covered by the claim to~~[claims deadline shall not]~~ be considered a timely~~[claim]~~filing~~[by SCN]~~.

(3) A request for a waiver from the deadline established in subsection (1) or (2) of this **section [administrative regulation]** may be submitted in writing to the SCN[SCN's] division director with the reason for the late claim filing clearly specified.

~~[(3)] [Corrected claims shall be submitted on or before the 30th of the month following the month covered by the claim to be considered a timely filing and shall be accompanied by a completed Corrective Action Plan. The Corrective Action Plan submitted shall be the plan corresponding to the type of program operated by the sponsor, and shall be one (1) of the following plans:]~~

~~[(a)] [Child and Adult Care Food Program (CACFP) Claim for Reimbursement Corrective Action Plan;]~~

~~[(b)] [Family Day Care Homes (FDCH) Claim for Reimbursement Corrective Action Plan;]~~

~~[(c)] [National School Lunch/Breakfast/Special Milk Programs Claim for Reimbursement Corrective Action Plan; or]~~

~~[(d)] [Summer Food Service Program (SFSP) Claim for Reimbursement Corrective Action Plan.]~~

(4) Claims submitted after the deadline established in subsection (1) or (2) of this **section [administrative regulation]** shall be accompanied by a completed claim for reimbursement corrective action plan.

Section 4. Claim Verification. The claim shall be signed by an authorized official of the program operator[sponsor]if submitted by U.S. Mail.

~~[Section 5.] [Incorporation by Reference.]~~

~~[(1)] [The following material is incorporated by reference:]~~

~~[(a)] ["Non-Profit Programs Report and Claim for Reimbursement", 7/2010;]~~

~~[(b)] ["For-Profit Programs Report and Claim for Reimbursement", 7/2010;]~~

~~[(c)] ["Adult Programs Report and Claim for Reimbursement", 7/2010;]~~

~~[(d)] ["Family Day Care Homes Report and Claim for Reimbursement", 01/2010;]~~

~~[(e)] ["NSLP/SBP/SMP Report and Claim for Reimbursement Worksheet", 08/2011;]~~

~~[(f)] ["Summer Food Program Report and Claim for Reimbursement", 08/2011;]~~

~~[(g)] ["Child and Adult Care Food Program (CACFP) Claim for Reimbursement Corrective Action Plan", 08/2011;]~~

~~[(h)] ["Family Day Care Homes (FDCH) Claim for Reimbursement Corrective Action Plan", 08/2011;]~~

~~[(i)] ["National School Lunch/Breakfast/Special Milk Programs Claim for Reimbursement Corrective Action Plan", 08/2011; and]~~

~~[(j)] ["Summer Food Service Program (SFSP) Claim for Reimbursement Corrective Action Plan", 08/2011.]~~

~~[(2)] [This material may be inspected, copied, or obtained at the Kentucky Department of Education, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]]~~

~~[This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).]~~

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.