

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

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 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 provides that local school districts shall establish, pursuant to Kentucky Board of Education administrative regulations, a process to waive fees for qualifying students and a procedure for notice of 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 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) A student 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 is not automatically eligible for the waiver of fees by the local school district and must be determined eligible under subsection (1) of this section.

Section 4. 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 and their parents or guardians shall be given clear and prominent written notice of the fee waiver process. 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, such written notice shall be provided to all students.

Section 5. 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;
- (2) Charges for field trips, any portion of which fall within the student attendance 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 education fees;
- (11) Technology fees;
- (12) Driver's education fees; and
- (13) Any other fees not exempt under Section 6 of this administrative regulation.

Section 6. 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 and having no impact upon the minimum requirements for high school graduation set forth in 704 KAR 3:305 or receiving credit for any instructional course authorized by 704 KAR Chapter 8; 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.

Section 7. 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).

DR. ROBBIE FLETCHER, Commissioner of Education
SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: April 13, 2026

FILED WITH LRC: April 13, 2026 at 2:20 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 23, 2026, at 10am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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, 2026. 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: 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.