

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amended at ARRS Committee)

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 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~~for 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).]*~~

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