

1 EDUCATION AND LABOR CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 702 KAR 3:220. Guidelines for waiver of school fees.

6 RELATES TO: KRS 160.330

7 STATUTORY AUTHORITY: KRS 156.160, 160.330

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

15 Section 1. Definitions.

16 (1) “Student attendance day” is defined by KRS 158.070(1)(e).

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

1 Section 3. (1) A student must qualify for free or reduced price lunch under the applicable Income
2 Eligibility Guidelines established by the United States Department of Agriculture pursuant to
3 Section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)(A))
4 to be eligible for the waiver of fees by the local school district.

5 (2) A student enrolled in a school district that participates in the Community Eligibility Provision
6 of the National School Lunch or School Breakfast Program is not automatically eligible for the
7 waiver of fees by the local school district and must be determined eligible under subsection (1) of
8 this section.

9 Section 4~~[2]~~. Local school districts shall adopt specific policies and procedures whereby, at the
10 beginning of the school year or at the time of enrollment, all students who qualify for free or
11 reduced price lunches [~~or at least qualifying pupils~~] and their parents or guardians shall be given
12 clear and prominent written notice of the fee waiver process~~[, including the applicable income~~
13 ~~guidelines]~~. If the local school district does not participate in the National School Lunch or
14 School Breakfast Program, or participates in the Community Eligibility Provision of the National
15 School Lunch or School Breakfast Program, such written notice shall be provided to all students.
16 [~~Such policies and procedures shall also insure that the written notice of the fee waiver process~~
17 ~~shall include a form that parents shall use to request waiver of applicable fees.~~

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

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

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

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

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

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

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

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

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

12 (5) Graduation fees required for participation;

13 (6) Special education fees;

14 (7) School records fees;

15 (8) School health service fees;

16 (9) General activities fees;

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

18 (11) Technology fees;

19 ~~(12[11])~~ Driver's education fees; and

20 ~~(13[12])~~ Any other fees not exempt under Section 6[5] of this administrative regulation.

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

22 (1) Activities or rental of property taking place or for exclusive use outside of the student

23 attendance day ~~[normal six (6) hour school day (and any local district extension of such)]~~ and

1 having no impact upon the minimum requirements for high school graduation set forth in 704
2 KAR 3:305 ~~[from]~~ or receiving credit for any instructional course~~[(s)]~~ ~~[included in or]~~ authorized
3 by 704 KAR Chapter 8 ~~[the "Program of Studies for Kentucky Schools, Grades K-12",~~
4 ~~incorporated by reference in 704 KAR 3:304]~~; and

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

8 Section 7~~[6]~~. Local districts shall provide written notice of approvals and denials of fee waivers
9 to students. Any denial shall contain the specific grounds for denial and shall afford the student
10 and their parent or guardian the opportunity for a personal meeting with appropriate district
11 personnel to discuss the validity of the denial.

12 (17 Ky.R. 1651; 1994; eff. 1-6-1991; 18 Ky.R. 476; eff. 11-8-1991; Crt eff. 6-28-2019.)

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).

(Date)

Dr. Robbie Fletcher
Commissioner of Education

(Date)

Sharon Porter Robinson, Chair
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on {Month ##, 2026}, at {time}, at 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 {Month ##, 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, KY 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

702 KAR 3:220

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

Subject Headings: *Education, Education: Elementary, Education: Secondary*

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides guidelines for the waiver of school fees by local districts.

(b) The necessity of this administrative regulation: 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.

(c) How this administrative regulation conforms to the content of the authorizing statutes: 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.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 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.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: 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 notice to students, 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 meet with students and their parents or guardians if a fee waiver is denied.

(b) The necessity of the amendment to this administrative regulation: The regulation amendment is necessary to clarify which students are eligible for the fee waiver, update the guidelines regarding school district fee waiver processes and denials, and to update which fees must be waived.

(c) How the amendment conforms to the content of the authorizing statutes: 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. The administrative regulation amendment provides updated guidelines for the waiver of school fees by local districts.

(d) How the amendment will assist in the effective administration of the statutes: The administrative regulation amendment provides guidelines for the waiver of school fees by local districts and implements KRS 160.330.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: School districts.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The regulation amendment requires school districts that do not participate in the National School Lunch or School Breakfast Program, or participate in the Community Eligibility Provision of the National School Lunch or School Breakfast Program, to provide written notice of the fee waiver process to all students. The regulation amendment requires a school district that denies a fee waiver request to afford the student and their parent or guardian the opportunity for a personal meeting with the appropriate district personnel to discuss the validity of the denial.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no anticipated cost to school districts.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): School districts will be in compliance with KRS 160.330 which 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.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be minimal cost to the Kentucky Department of Education.

(b) On a continuing basis: The ongoing cost to the Kentucky Department of Education will be minimal.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: General funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None.

(9) State whether or not this administrative regulation establishes any fees or directly or

indirectly increases any fees: There are no fees associated with this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

FISCAL IMPACT STATEMENT

702 KAR 3:220

Contact Person: Todd G. Allen

Phone: 502-564-4474

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.