

1 EDUCATION AND LABOR CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 702 KAR 6:110. Claim reimbursement for school and community nutrition programs.

6 RELATES TO: KRS 156.070(5), 7 C.F.R. 210.8, 220.11, 225.9, 226.10, 42 U.S.C. 1751, 1761,

7 1766, 1773

8 STATUTORY AUTHORITY: KRS 156.070(5), 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6),

9 226.10(e)

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(5) requires the Kentucky Board
11 of Education to promulgate administrative regulations governing the operation of programs within
12 the Department of Education. 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e) provides
13 the Department of Education with the authority to establish deadlines for claim reimbursement for
14 federal nutrition programs. This administrative regulation establishes the claims deadlines for
15 these programs.

16 Section 1. Definitions.

17 (1) "Online Reporting System" means the Web-based computer application used for claims
18 processing.

19 (2) "Program Operator[~~Sponsor~~]" means an entity approved to participate in a nutrition program
20 that is administered by the Division of School and Community Nutrition (SCN).

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

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

12 Section 3. Submission Timeframes.

13 (1) A final Claim for Reimbursement shall be postmarked or submitted through the online reporting
14 system to SCN no later than 11:59 p.m. Eastern time on the 15th of the month following the month
15 covered by the claim to be considered a timely filing.

16 (2) Corrected claims~~[Claims]~~ shall be ~~[not]~~ postmarked or submitted through ~~[by]~~ the online
17 reporting system to SCN no later than 11:59 p.m. Eastern time on the 30th of the month following
18 the month covered by the claim to ~~[claims deadline shall not]~~ be considered a timely ~~[claim]~~ filing
19 [by SCN].

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

1 ~~[(3) Corrected claims shall be submitted on or before the 30th of the month following the month~~
2 ~~covered by the claim to be considered a timely filing and shall be accompanied by a completed~~
3 ~~Corrective Action Plan. The Corrective Action Plan submitted shall be the plan corresponding to~~
4 ~~the type of program operated by the sponsor, and shall be one (1) of the following plans:~~
5 ~~(a) Child and Adult Care Food Program (CACFP) Claim for Reimbursement Corrective Action~~
6 ~~Plan;~~
7 ~~(b) Family Day Care Homes (FDCH) Claim for Reimbursement Corrective Action Plan;~~
8 ~~(c) National School Lunch/Breakfast/Special Milk Programs Claim for Reimbursement Corrective~~
9 ~~Action Plan; or~~
10 ~~(d) Summer Food Service Program (SFSP) Claim for Reimbursement Corrective Action Plan.]~~

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

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

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

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

- 17 ~~(a) "Non-Profit Programs Report and Claim for Reimbursement", 7/2010;~~
- 18 ~~(b) "For-Profit Programs Report and Claim for Reimbursement", 7/2010;~~
- 19 ~~(c) "Adult Programs Report and Claim for Reimbursement", 7/2010;~~
- 20 ~~(d) "Family Day Care Homes Report and Claim for Reimbursement", 01/2010;~~
- 21 ~~(e) "NSLP/SBP/SMP Report and Claim for Reimbursement Worksheet", 08/2011;~~
- 22 ~~(f) "Summer Food Program Report and Claim for Reimbursement", 08/2011;~~

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

3 ~~(h) "Family Day Care Homes (FDCH) Claim for Reimbursement Corrective Action Plan",~~
4 ~~08/2011;~~

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

7 ~~(j) "Summer Food Service Program (SFSP) Claim for Reimbursement Corrective Action Plan",~~
8 ~~08/2011.~~

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

12 (38 Ky.R. 172; 594; eff. 10-7-2011; 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 6:110

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

Subject Headings: *Education: Elementary, Education: Secondary, Finance and Administration*

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes deadlines for claim reimbursement for federal nutrition programs operated by the Kentucky Department of Education.

(b) The necessity of this administrative regulation: 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e) provide the Kentucky 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.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.070(5) requires the Kentucky Board of Education to promulgate administrative regulations governing the operation of programs within the Kentucky Department of Education. 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e) provides the Kentucky 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.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes deadlines for claim reimbursement for federal nutrition programs operated by the Kentucky Department of Education. 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e) provide the Kentucky Department of Education with the authority to establish deadlines for claim reimbursement for federal nutrition programs and KRS 156.070(5) requires the Kentucky Board of Education to promulgate administrative regulations governing the operation of programs within the Kentucky Department of Education.

(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 changes the reference from sponsor to program operator, deletes forms incorporated by reference, updates the requirement that claims be signed by an authorized official to only those claims submitted by U.S. mail, and changes when a corrective action plan must be submitted.

(b) The necessity of the amendment to this administrative regulation: The regulation amendment is necessary to update the definition section to provide clarity and align with federal law; delete forms that are not necessary; update the requirement for claim verification signatures to be only those claims submitted by U.S. mail; and update when a corrective action plan must be submitted.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 156.070(5) requires the Kentucky Board of Education to promulgate administrative regulations governing the operation of programs within the Kentucky Department of Education. 7 C.F.R.

210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e) provide the Kentucky Department of Education with the authority to establish deadlines for claim reimbursement for federal nutrition programs. The regulation amendment updates requirements related to submitting claim reimbursements.

(d) How the amendment will assist in the effective administration of the statutes: The regulation amendment updates requirements related to submitting claim reimbursements.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? This legislation does not implement state legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Entities, including school districts, approved to participate in a federal nutrition program administered by the Kentucky Department of Education.

(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: Participating entities must submit claims for reimbursement to the Kentucky Department of Education Division of School and Community Nutrition and must submit a claim reimbursement corrective action for untimely filings of a final claim for reimbursement or a corrected claim.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Participating entities will be eligible for reimbursement through the federal nutrition program for submitted claims.

(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 and federal 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 6:110

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 156.070(5), 7 C.F.R. 210.8(b)(1), 220.11(b), 225.9(d)(6), 226.10(e)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.070(5)

(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 approved to participate in a federal nutrition program administered by the Kentucky Department of Education.

(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, but school districts that submit claims are eligible for federal reimbursement.

For subsequent years: This regulation is not expected to generate revenue, but school districts that submit claims are eligible for federal reimbursement.

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): Entities other than school districts approved to participate in a federal nutrition program administered by the Kentucky Department of Education.

(b) Estimate the following for each regulated entity identified in (5)(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, but entities that submit claims are eligible for federal reimbursement.

For subsequent years: This regulation is not expected to generate revenue, but entities that submit claims are eligible for federal reimbursement.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(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: For the Kentucky Board of Education and Kentucky Department of Education, any expenditures are expected to be minimal. The regulation is not expected to generate revenue and no cost savings are anticipated. For entities, including school districts, approved to participate in a federal nutrition program administered by the Kentucky Department of Education, any expenditures are expected to be minimal and no cost savings are anticipated. The regulation is not expected to generate revenue, but entities that submit claims are eligible for federal reimbursement.

(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.

FEDERAL MANDATE ANALYSIS COMPARISON

702 KAR 6:110

Contact Person: Todd G. Allen

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- (1) Federal statute or regulation constituting the federal mandate.
- (2) State compliance standards.
- (3) Minimum or uniform standards contained in the federal mandate.
- (4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?
- (5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.