

KENTUCKY DEPARTMENT OF EDUCATION (KDE) STAFF NOTE

Topic: Amendment to 702 KAR 6:090, Minimum nutritional standards for foods and beverages available on public school campuses during the school day; required physical activity reports.

Date: August 2026

Action Requested: ☐Review ☐Action/Consent ☒Action/Discussion

Held In: ☒Full Board ☐State Schools ☐United We Learn

SYNOPSIS OF WHAT YOU WILL BE SHARING:

To act on the proposed amendment to 702 KAR 6:090, Minimum nutritional standards for foods and beverages available on public school campuses during the school day; required physical activity reports.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends the Kentucky Board of Education (KBE) approve the proposed amendments to 702 KAR 6:090.

APPLICABLE STATUTE OR REGULATION:

KRS 156.070, 156.160, 158.854(1)

BACKGROUND:

Existing Policy:

KRS 158.854(1) requires the Kentucky Board of Education to promulgate an administrative regulation to specify the minimum nutritional standards for all foods and beverages that are sold outside the National School Breakfast and National School Lunch programs, whether in vending machines, school stores, canteens, or a la carte cafeteria sales. KRS 160.345(11) requires the Kentucky Department of Education to report to the Legislative Research Commission no later than November 1 of each year on how schools are providing physical activity under KRS 160.345(11) and on the types of physical activity being provided. This administrative regulation establishes the minimum nutritional standards for food and beverages available on the school campus during the school day and the requirements for reporting on how schools are providing physical activity under KRS 160.345(11) and on the types of physical activity being provided.

Summary of Issue:

The proposed amendment updates the regulation to comply with changes to KRS 158.854 made by House Bill 555 from the 2026 legislative session and the repeal of KRS 158.856 by Senate Bill 68 from the 2025 legislative session. The proposed amendment adds a definition section and language regarding student-based enterprises, deletes the local district nutrition program report in Section 4 to comply with the repeal of KRS 158.856, and updates the reporting requirement for schools subject to the requirements of KRS 160.345(11).

Budget Impact:

There will be minimal cost to the Kentucky Department of Education to implement this administrative regulation.

Groups Consulted and a Brief Summary of Responses:

This item will be presented for review by the Local Superintendents Advisory Council on July 28, 2026.

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Commissioner of Education

GOALS/PRIORITIES: Indicate all applicable options.

☐	Foster Educational Innovation Through Vibrant Learning Experiences
☐	Advance Educational Excellence Through Continuous Professional Improvement
☐	Cultivate Collaborative Partnerships
☒	Legislation
☒	Commissioner's Management