

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Review Item:

702 KAR 6:101, Repeal of 702 KAR 6:100, Appeal procedures for nutrition and health services programs (First Reading)

Applicable Statute or Regulation:

KRS 156.070(5), KRS 156.160, 7 C.F.R. 210.18(q), 225.13, 226.6(k)

History/Background:

Existing Policy. The Kentucky Department of Education (KDE) is responsible for administering federal nutrition programs in Kentucky. As the state agency responsible for administering these programs, KDE is required by federal regulation to provide program participants with the appeal procedures that must be followed if adverse action is proposed.

The United States Department of Agriculture (USDA), as a result of Management Evaluations of the state agency, determined that the appeals procedures set forth in 702 KAR 6:100 conflict with the current federal regulations that govern child nutrition programs. The repeal of 702 KAR 6:100 is necessary to address this finding. After repeal of this regulation, the KDE will issue procedural guidance on appeals under the federal regulations.

Groups Consulted and Brief Summary of Responses:

The Southeast Regional Office (SERO) of the United States Department of Agriculture has been consulted and approves of this amended approach.

The Local Superintendents Advisory Council will review the regulation prior to the August meeting and any comments will be reported at the board meeting.

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Commissioner of Education

Date:

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