

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

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

Applicable Statute or Regulation:

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

Action Question:

Should the Kentucky Board of Education (KBE) approve 702 KAR 6:101, which will repeal 702 KAR 6:100?

History/Background:

Existing Policy. The Kentucky Department of Education (KDE) is the state agency 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 once 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. Thus, the repeal of 702 KAR 6:100 is necessary to address this finding and to prevent the situation from continuing to happen since federal regulations often change more frequently than state regulations.

Staff Recommendation and Rationale:

Staff recommends that the Kentucky Board of Education approve 702 KAR 6:101. The federal regulation does not require state agencies to adopt an appeals procedure in the form of a state regulation. In lieu of a state regulation, KDE will satisfy this requirement by developing guidance documents in accordance with federal regulations and communicate these to school districts. This will ensure that state and federal regulations do not conflict.

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 October meeting and their recommendation will be reported to the board.

Impact on Getting to Proficiency:

Nutrition and health services appeal procedures that are in compliance with federal requirements are essential to effective school district operations.

Contact Person:

Hiren Desai, Associate Commissioner
Office of Administration and Support
(502) 564-1976

Hiren.Desai@education.ky.gov



Commissioner of Education

Deanna Tackett, Director
Division of School and Community Nutrition
(502) 564-5625

Deanna.Tackett@education.ky.gov

Date:

October 2013