

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Amendment of 702 KAR 6:040, Personnel; School Nutrition Employee Qualifications  
(First Reading)

**Date:** February 2020

**Action Requested:**  Review     Action/Consent     Action/Discussion

**Held In:**  Full Board     Curriculum, Instruction and Assessment     Operations

### SUMMARY OF ISSUE BEFORE THE BOARD:

To review the conforming amendment of 702 KAR 6:040, Personnel; school nutrition employee qualifications necessitated by the repeal of 702 KAR 6:045, Personnel; policies and procedures.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.160

### BACKGROUND:

#### *Existing Policy:*

KRS 156.160 authorizes the Kentucky Board of Education (KBE) to promulgate administrative regulations deemed necessary or advisable for the protection of the physical welfare and safety of public school children. Pursuant to that grant of authority, the KBE promulgated 702 KAR 6:045 establishing training requirements for school district nutrition employees. Subsequently, the federal government enacted 7 CFR 210.31 which created a different training regime for entities participating in federal nutrition programs. Both training requirements are in addition to local health department food training, safety and inspection rules. The Kentucky Department of Education (KDE) is seeking the repeal of 702 KAR 6:045 as it is duplicative and burdensome. That regulation also is referenced as a requirement for employing school nutrition personnel in 702 KAR 6:040. Therefore, it is necessary to amend 702 KAR 6:040 to strike the reference to the regulation being repealed.

#### *Summary of Issue:*

The proposed amendment to 702 KAR 6:040 is a companion to the repeal of 702 KAR 6:045. KDE's Office of Finance and Operations, Division of School and Community Nutrition is seeking the repeal of 702 KAR 6:045 which sets forth state training requirements for school nutrition personnel. The repeal will alleviate unnecessary and duplicative training requirements for school nutrition employees. District food employees are still subject to federal rules and local health department requirements. 702 KAR 6:040 states, "Each school district shall employ school nutrition personnel in a procedure consistent with KRS 160.380 and 702 KAR 6:045." As

a result of the repeal of 702 KAR 6:045, it is necessary to amend 702 KAR 6:040 to strike the reference to the regulation being repealed.

*Budget Impact:*

There is no budget impact to the KDE. School districts may see some minimal economic benefit in complying with only the federal requirements.

**GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:**

The Division of School and Community Nutrition provides training and oversight of school nutrition programs. Local school districts indicated to School and Community Nutrition staff that the disparate training regimes are challenging from a personnel and recordkeeping standpoint and repeal would help ease districts' administrative burden.

**CONTACT PERSON(S):**

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**Interim Commissioner of Education**

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