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Emily B Caudill
REGULATIONS COMPILER

STATEMENT OF CONSIDERATION
RELATING TO 701 KAR 5:150
Nontraditional Instruction Program.

Kentucky Board of Education
Department of Education

Not Amended After Comments

1. A public hearing was held for the above regulation on November 29, 2018 at 10:00 a.m. Eastern Time, in the State Board Room, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky. At the public hearing, the following individuals provided public comments:

Name and Title	Agency/Organization/Entity/Other
Dr. Tim Bobrowski, Superintendent	Owsley County Schools

2. No written comments were received on this regulation

3. The following people from the promulgating administrative body responded to written comments:

Name and Title
Dr. Kelly Foster, Associate Commissioner, Office of Continuous Improvement and Support
Deanna Durrett, General Counsel, Office of Legal Services
Todd G. Allen, Deputy General Counsel, Office of Legal Services
David Cook, Division of Innovation Director, Office of Continuous Improvement and Support
Beth Peterson, Division of Innovation Branch Manager, Office of Continuous Improvement and Support
Whitney A. Crowe, Executive Advisor, Office of Continuous Improvement and Support

Summary of Comments and Responses

(1) Subject Matter: Funding for Food Services on Nontraditional Instruction Days

(a) Comment: Superintendent Bobrowski requested districts be able to receive reimbursements for student meals provided on nontraditional instruction days.

(b) Response: The agency carefully reviewed these comments.

Reimbursements for student meals are dictated by the National School Lunch Program, a federally assisted meal program established in 1946 to provide nutritionally balanced, low-cost or free lunches to children each school day. This program is administered by the United States Department of Agriculture in accordance with federal law, primarily 7 C.F.R. Parts 210, 235, and 245. Pursuant to KRS 13A.120(2)(f), the Kentucky Department of Education (KDE) is prohibited from regulating matters when state or federal law "sets forth a comprehensive scheme of regulation of the particular matter." Because the National School Lunch Program is a federal program that is administered by a federal agency in accordance with comprehensive federal law, KDE is not authorized to regulate funding for food services on nontraditional instruction days. Therefore, the amendment requested by Superintendent Bobrowski is outside the scope of this regulation and KDE's authority.

No amendments have been made in response to these comments.

Summary of Statement of Consideration
And Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was held on November 29, 2018 at 10:00 a.m. Eastern Time, in the State Board Room, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky. At that time, public comments were offered related to (1) funding for food services on nontraditional instruction days. No written comments were received related to the regulation. The agency declined to make amendments to the regulation as proposed by public comments received.