

ACTION BY: Regional Directors
Special Nutrition Programs

SOURCE CITATION: Section 226.6(k)

Independence of the Review Official
in the Child and Adult Care Food Program

This Instruction provides clarification of the standards used for determining the independence of the review officer who will conduct the institution appeal procedure. Section 226.6(k) sets such standards. The standards are intended to prohibit designation of a review official who, as part of his assigned duties, can be reasonably expected to make or influence appealable decisions, or who reports to a person in this category. This clarification applies when a State agency either follows the appeal procedures outlined in the regulations or utilizes its own appeals procedures.

It is not reasonable to assume that a State director of one or more special nutrition programs, or any member of his staff, meets these standards of independence. However, personnel in the State educational agency (or alternate State agency) who are senior to the State director of special nutrition programs within the State agency, may serve as the review official.



SAMUEL P. BAUER
Director
Child Nutrition Division

DISTRIBUTION: 5,6,11,12	MANUAL MAINTENANCE INSTRUCTIONS: Remove FNS Instruction 765-4 from Manual. Insert this Instruction.	RESPONSIBLE FOR PREPARATION AND MAINTENANCE: CND-100	11-1-91
----------------------------	--	---	---------