



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4805/1
KRP:amn

2021 ASSEMBLY BILL 805

January 4, 2022 - Introduced by Representatives SHELTON, HONG, ANDRACA, EMERSON, B. MEYERS, VINING, STUBBS, ANDERSON, CABRERA, MILROY, POPE, SNODGRASS, NEUBAUER, VRUWINK, SINICKI, SPREITZER, SHANKLAND, CONLEY, CONSIDINE, HESSELBEIN, HEBL, BALDEH, L. MYERS, DOYLE, SUBECK, BILLINGS, OHNSTAD, S. RODRIGUEZ, MOORE OMOKUNDE and BROSTOFF, cosponsored by Senators LARSON, CARPENTER, ROYS, JOHNSON, AGARD and SMITH. Referred to Committee on Education.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 115.341; *to renumber* 115.34 (1); *to amend* 20.255 (1) (jg),
2 20.255 (2) (cm), 20.255 (2) (cn), 115.34 (title), 115.34 (2) and 115.341 (1); and *to*
3 **create** 20.255 (2) (cL), 115.34 (1g) and 115.34 (3) to (5) of the statutes; **relating**
4 **to:** providing state aid to reimburse public and private schools that provide free
5 meals to all pupils for the costs of those meals and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill provides additional state aid to public and private schools in this state that provide free meals to all pupils.

Under current law, the Department of Public Instruction makes payments to school districts, private schools, independent charter schools, tribal schools, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, and the Wisconsin Center for the Blind and Visually Impaired to partially match the federal contribution under the National School Lunch Program, under which schools provide free or reduced-price lunches to low-income children. Currently, the state share for school lunches is a variable percentage of the amount of the federal basic reimbursement, which is then allocated among eligible schools according to the number of lunches served during the prior school year.

Also under current law, DPI provides a per meal reimbursement to school districts, private schools, and tribal schools that provide breakfast to pupils under the federal School Breakfast Program. Currently, the state provides a per meal reimbursement of \$0.15 for each breakfast served under the program, but, if there is insufficient funding to pay the full amount, DPI prorates the payments.

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Under the bill, a school is eligible for additional state reimbursement for lunches and breakfasts served in a school year if the school 1) participates in both the National School Lunch Program and the federal School Breakfast Program for the school year; and 2) for each school day in which school is in session during the school year, provides to any pupil who requests one, at no cost to the pupil, one lunch and one breakfast that meet the federal food, nutritional, and other requirements for meals served under the federal programs. Under the bill, DPI must reimburse an eligible school a per meal amount that is equal to the federal reimbursement rate applicable to the eligible school under the applicable federal program for a meal served to a pupil who satisfies the income eligibility criteria for a free lunch, minus any amount the eligible school receives from the federal government to pay for those meals. In other words, the bill guarantees that an eligible school will receive a total amount in state and federal aid that will reimburse the eligible school an amount equal to the free meal reimbursement rate for each meal the eligible school serves.

The additional state reimbursement under the bill is available to school districts, independent charter schools, private schools, tribal schools, residential care centers for children and youth, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, and the Wisconsin Center for the Blind and Visually Impaired that meet the eligibility requirements.

Under the bill, if a school does not meet the eligibility requirements for the additional state reimbursement for a school year, all of the following apply:

1. If the school participates in the National School Lunch Program for the school year, DPI will reimburse the school an amount required to meet the state's matching obligation under the federal program.

2. If the school participates in the federal School Breakfast Program for the school year, DPI will reimburse the school \$0.15 for each breakfast served under the federal program, without proration.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.255 (1) (jg) of the statutes is amended to read:
2 20.255 (1) (jg) *School lunch handling charges.* The amounts in the schedule
3 for the transportation, warehousing, processing, and insuring of food products
4 granted to this state by the federal government. All moneys received from contracts
5 made under s. 115.34 (1) (1r), under which food products granted to the state by the
6 federal government are utilized, shall be credited to this appropriation.

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1 **SECTION 2.** 20.255 (2) (cL) of the statutes is created to read:

2 20.255 (2) (cL) *Reimbursement for school lunch programs.* A sum sufficient for
3 reimbursement for school lunch programs under s. 115.34 (2) and (5) (a) 1.

4 **SECTION 3.** 20.255 (2) (cm) of the statutes is amended to read:

5 20.255 (2) (cm) *Reimbursement for school breakfast programs.* ~~As a continuing~~
6 ~~appropriation, the amounts in the schedule~~ A sum sufficient for reimbursement for
7 school breakfast programs under s. ~~115.341~~ 115.34 (3) and (5) (a) 2.

8 **SECTION 4.** 20.255 (2) (cn) of the statutes is amended to read:

9 20.255 (2) (cn) *Aids for school lunches and nutritional improvement for the*
10 *elderly.* The amounts in the schedule for the payment of school lunch aids under s.
11 ~~115.34 (2) and~~ for nutritional improvement under ss. 36.51, 38.36, and 115.345.

12 **SECTION 5.** 115.34 (title) of the statutes is amended to read:

13 **115.34 (title) School lunch program and breakfast programs.**

14 **SECTION 6.** 115.34 (1) of the statutes is renumbered 115.34 (1r).

15 **SECTION 7.** 115.34 (1g) of the statutes is created to read:

16 115.34 (1g) In this section:

17 (a) “Eligible school” means a school that is eligible for reimbursement for a
18 school year under sub. (4).

19 (b) “Governing body” means the school board of a school district, operator of a
20 charter school under s. 118.40 (2r) or (2x), governing body of a private school,
21 governing body of a tribal school, operator of a residential care center for children and
22 youth, as defined in s. 115.76 (14g), director of the Wisconsin Educational Services
23 Program for the Deaf and Hard of Hearing, or director of the Wisconsin Center for
24 the Blind and Visually Impaired.

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1 (c) "School" means a public school, including a charter school under s. 118.40
2 (2r) or (2x), private school, tribal school, residential care center for children and
3 youth, as defined in s. 115.76 (14g), the Wisconsin Educational Services Program for
4 the Deaf and Hard of Hearing, or the Wisconsin Center for the Blind and Visually
5 Impaired.

6 **SECTION 8.** 115.34 (2) of the statutes is amended to read:

7 115.34 (2) The Beginning with reimbursements paid in 2023-24 for school
8 lunches served in the 2022-23 school year, from the appropriation under s. 20.255
9 (2) (cL), the state superintendent shall make payments to school districts, private
10 schools, charter schools under s. 118.40 (2r) and (2x), tribal schools, the program
11 under s. 115.52, and the center under s. 115.525 a payment to the governing body of
12 a school that is not an eligible school for a school year and that participates in the
13 national school lunch program, 42 USC 1751 to 1769j, for that school year for school
14 lunches served to children in the prior that school year as determined by the state
15 superintendent from the appropriation under s. 20.255 (2) (en). Payments shall
16 equal the state's matching obligation under 42 USC 1751 et seq to 1769j. Payments
17 in the current year shall be determined by prorating the state's matching obligation
18 based on the number of school lunches served to children in the prior year. In this
19 subsection, "private school" means any school defined in s. 115.001 (3r) which
20 complies with the requirements of 42 USC 2000d.

21 **SECTION 9.** 115.34 (3) to (5) of the statutes are created to read:

22 115.34 (3) Beginning with reimbursements paid in 2023-24 for breakfasts
23 served in the 2022-23 school year, from the appropriation under s. 20.255 (2) (cm),
24 the state superintendent shall reimburse the governing body of a school that is not
25 an eligible school for a school year and that participates in the federal school

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1 breakfast program, 42 USC 1773, for that school year 15 cents for each breakfast
2 served in that school year at the school that meets the requirements of 7 CFR 220.8.

3 (4) Beginning with reimbursements for school lunches and breakfasts served
4 in the 2022-23 school year, the governing body of a school is eligible for
5 reimbursement under sub. (5) for meals served in the school year only if the
6 governing body does all of the following:

7 (a) Participates in both the national school lunch program, 42 USC 1751 to
8 1769j, and the federal school breakfast program, 42 USC 1773, for the school year.

9 (b) For each day in which school is in session during the school year, provides
10 to any pupil who requests, at no cost to the pupil, one lunch that meets the
11 requirements under 7 CFR 210.10 and one breakfast that meets the requirements
12 of 7 CFR 220.8.

13 (5) (a) Beginning with reimbursements for school lunches and breakfasts
14 served in the 2022-23 school year, subject to par. (b), the state superintendent shall
15 reimburse the governing body of an eligible school all of the following amounts:

16 1. From the appropriation under s. 20.255 (2) (cL), for each lunch the eligible
17 school served under sub. (4) (b) in the prior school year, an amount equal to the
18 federal reimbursement rate under the national school lunch program, 42 USC 1751
19 to 1769j, applicable to the eligible school for serving a lunch to a pupil who satisfies
20 the income eligibility criteria for a free lunch under 42 USC 1758 (b) (1).

21 2. From the appropriation under s. 20.255 (2) (cm), for each breakfast the
22 eligible school served under sub. (4) (b) in the prior school year, an amount equal to
23 the federal reimbursement rate under the federal school breakfast program, 42 USC
24 1773, applicable to the eligible school for serving a breakfast to a pupil who satisfies
25 the income eligibility criteria for a free breakfast under 42 USC 1773 (e) (1) (A).

ASSEMBLY BILL 805**SECTION 9**

1 (b) The state superintendent shall reduce the reimbursement amount the state
2 superintendent pays to the governing body of an eligible school under par. (a) by any
3 amount the governing body receives from the federal government as reimbursement
4 for the same meals.

5 (c) The governing body of an eligible school may charge a pupil for food or drink
6 items the eligible school serves to the pupil that are in addition to or different from
7 the meals the eligible school is required to serve to the pupil at no cost under sub. (4)
8 (b).

9 **SECTION 10.** 115.341 of the statutes, as affected by 2021 Wisconsin Act (this
10 act), is repealed.

11 **SECTION 11.** 115.341 (1) of the statutes is amended to read:

12 115.341 (1) From the appropriation under s. 20.255 (2) (cm), the state
13 superintendent shall reimburse each school board 15 cents for each breakfast served
14 at a school that meets the requirements of 7 CFR 220.8 or 220.8a, whichever is
15 applicable, and shall reimburse each governing body of a private school or tribal
16 school 15 cents for each breakfast served at the private school or tribal school that
17 meets the requirements of 7 CFR 220.8 or 220.8a, whichever is applicable. This
18 subsection does not apply to reimbursements paid in 2023-24 for breakfasts served
19 in the 2022-23 school year or in any school year thereafter.

20 **SECTION 12. Nonstatutory provisions.**

21 (1) LEGISLATIVE PURPOSE AND INTENT. It is the intent of the legislature that no
22 child in this state should experience hunger and that every school-age child should
23 benefit from access to at least 2 healthy, nutritious meals during the school day.

24 (2) TRANSITIONAL PROVISION; REIMBURSEMENT FOR SCHOOL LUNCHESES SERVED IN
25 2021-22. Notwithstanding s. 115.34 (2), the state superintendent of public instruction

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1 shall make payments to school districts, private schools, charter schools under s.
2 118.40 (2r) and (2x), tribal schools, the program under s. 115.52, and the center under
3 s. 115.525 for school lunches served to children in the 2021-22 school year as
4 provided under s. 115.34 (2), 2019 stats.

5 **SECTION 13. Effective dates.** This act takes effect on the day after publication,
6 except as follows:

7 (1) The treatment of s. 20.255 (2) (cL), (cm), and (cn) and the repeal of s. 115.341
8 take effect on July 1, 2023.

9 (END)