



2019 ASSEMBLY BILL 84

March 19, 2019 - Introduced by Representatives TAUCHEN, RAMTHUN, MYERS, OHNSTAD, VINING, C. TAYLOR, SKOWRONSKI, NOVAK, STEFFEN, SUBECK, KULP, POPE, SINICKI, SPREITZER, SARGENT, ZAMARRIPA and PRONSHINSKE, cosponsored by Senators L. TAYLOR, COWLES, BERNIER, SMITH and HANSEN. Referred to Committee on Education.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT to create** 115.3415 of the statutes; **relating to:** imposing requirements
2 related to school lunch and breakfast programs in certain schools.

Analysis by the Legislative Reference Bureau

This bill 1) requires certain schools to provide a school lunch or breakfast to a pupil who requests such a meal; 2) prohibits those schools from taking certain actions against a pupil who is unable to pay for those meals; and 3) requires those schools to provide information and take certain actions related to applications for free or reduced-price meals.

The bill defines “school” as a public school, private school, charter school, tribal school, the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, provided the school, program, or center receives state aid for providing school lunches and breakfasts (free or reduced-price meals).

Under the bill, the school board of a school district, governing body of a private school, operator of an independent charter school, governing body of a tribal school, director of the program, or director of the center (governing body) must provide a meal that is of a similar quality to a free or reduced-price meal (quality meal) to a pupil who requests such a meal, regardless of the pupil’s ability to pay for the meal, and prohibits the governing body from providing a meal of inferior quality in place of a quality meal. If the pupil is homeless and is enrolled in a public school or independent charter school, the governing body of the school must provide the quality meal to the pupil at no cost to the pupil.

The bill prohibits the governing body of a school from doing any of the following:

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1. Publicly identifying or stigmatizing a pupil who is unable to pay for a quality meal or who has outstanding debt related to a quality meal.

2. Requiring a pupil who is unable to pay for a quality meal, as a condition of receiving the quality meal, to do chores or other work not expected of a pupil who has the ability to pay.

3. Requiring a pupil who has received a quality meal to relinquish or throw away that quality meal because the pupil is unable to pay for the quality meal or has outstanding debt related to a quality meal.

4. Communicating directly with a pupil concerning the pupil's inability to pay for a quality meal or to pay outstanding debt related to a quality meal.

5. Requiring a pupil or the pupil's parent or guardian to pay fees or costs charged by a collection agency retained by the governing body to collect outstanding debt related to a quality meal.

Finally, the bill requires the governing body of a school annually to provide certain information regarding the application process to receive free or reduced-price meals to the parent or guardian of each pupil enrolled in the school, and, if the governing body determines that a pupil is eligible for free or reduced-price meals but has not submitted an application, the governing body must submit an application on the pupil's behalf.

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.** 115.3415 of the statutes is created to read:

2 **115.3415 School lunch and breakfast programs; requirements.** (1) In
3 this section:

4 (a) "Application" means an application to receive free or reduced-price meals.

5 (b) "Free or reduced-price meal" means a school lunch made available under
6 the federal school lunch program, 42 USC 1751 to 1769j, or a breakfast made
7 available under the federal school breakfast program, 42 USC 1773.

8 (c) "Governing body" means the school board of a school district, governing body
9 of a private school, operator of a charter school under s. 118.40 (2r) or (2x), governing
10 body of a tribal school, director of the program under s. 115.52, or director of the
11 center under s. 115.525.

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1 (d) "Quality meal" means a school lunch or breakfast that satisfies the
2 requirements for the governing body of a school to receive reimbursement under s.
3 115.34 (2) or 115.341 (1).

4 (e) "School" means any of the following:

5 1. A public school, private school, charter school under s. 118.40 (2r) or (2x), or
6 tribal school that receives a payment under s. 115.34 (2) for a school lunch served to
7 a pupil at the school.

8 2. The program under s. 115.52, provided the program receives a payment
9 under s. 115.34 (2) for a school lunch served to a pupil in the program.

10 3. The center under s. 115.525, provided the center receives a payment under
11 s. 115.34 (2) for a school lunch served to a pupil at the center.

12 4. A public school, private school, or tribal school that receives a payment under
13 s. 115.341 (1) for a breakfast served at the school that meets the requirements of 7
14 CFR 220.8.

15 (2) (a) Annually by September 1, the governing body of a school shall provide
16 to the parent or guardian of each pupil enrolled in the school an application and
17 instructions for completing the application or, if the governing body uses an
18 electronic application, information regarding the electronic application process and
19 instructions on how the parent or guardian may obtain a printed application at no
20 cost. To the extent practicable, the governing body shall provide the application,
21 instructions, and information in a language the parent or guardian can understand
22 or shall offer assistance to the parent or guardian in completing the application.

23 (b) If the governing body of a school determines that a pupil enrolled in the
24 school is eligible for free or reduced-price meals but no application has been

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1 submitted on behalf of the pupil, the governing body shall complete and submit an
2 application on behalf of the pupil as allowed under 7 CFR 245.6 (d).

3 (3) (a) Except as provided in par. (b), the governing body of a school shall
4 provide a quality meal to each pupil who requests one, regardless of the pupil's ability
5 to pay for the quality meal, and may not give the pupil an inferior meal in place of
6 a quality meal. If the pupil who requests a quality meal is homeless and is enrolled
7 in a public school or charter school under s. 118.40 (2r) or (2x), the governing body
8 of the school shall provide the pupil with a quality meal at no cost to the pupil.

9 (b) The governing body of a school is not required to provide a quality meal to
10 a pupil if the pupil's parent or guardian has submitted written instruction to the
11 governing body to withhold a quality meal.

12 (4) The governing body of a school may not do any of the following:

13 (a) Publicly identify or stigmatize a pupil who is unable to pay for a quality meal
14 provided under sub. (3) or who owes money to the governing body related to those
15 quality meals. In this paragraph, requiring a pupil to wear a wristband or badge or
16 receive a hand stamp or marking is considered public identification.

17 (b) Require a pupil who is unable to pay for a quality meal, as a condition of
18 receiving a quality meal under sub. (3), to do chores or other work not expected of a
19 pupil who has the ability to pay.

20 (c) Require a pupil who has received a quality meal under sub. (3) to relinquish
21 or throw away the quality meal because the pupil owes money to the governing body
22 related to quality meals provided under sub. (3) or is unable to pay for the quality
23 meal.

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1 (d) Communicate directly with a pupil concerning the pupil's inability to pay
2 for a quality meal provided under sub. (3) or to pay other money owed to the
3 governing body related to quality meals provided under sub. (3).

4 (e) Require a pupil or a pupil's parent or guardian to pay fees or costs charged
5 by a collection agency retained by the governing body to collect money owed to the
6 governing body related to quality meals provided under sub. (3).

7 **(5)** If a pupil owes money to the governing body of a school for 5 or more quality
8 meals provided under sub. (3), the governing body shall do all of the following:

9 (a) Determine whether the pupil is categorically eligible to receive free or
10 reduced-price meals due to the pupil's participation, or the participation of a
11 member of the pupil's household, in an assistance program, or is other source
12 categorically eligible. In this paragraph:

13 1. "Assistance program" means the federal temporary assistance for needy
14 families program under 42 USC 601 to 619, the federal supplemental nutrition
15 assistance program under 7 USC 2011 to 2036c, and the food distribution program
16 on Indian reservations, under 7 USC 2013 (b) and 7 CFR 250, 253, and 254.

17 2. "Other source categorically eligible" means eligibility based on a pupil being
18 categorized as homeless, a migrant, a runaway, or a foster child or enrolled in a head
19 start program.

20 (b) Through the school's principal, assistant principal, or guidance counselor,
21 make at least 2 attempts to communicate with the pupil's parent or guardian
22 regarding the debt to discuss options for paying the debt and to provide assistance
23 to the parent or guardian in completing an application if it is determined that the
24 pupil may be eligible for free or reduced-price meals.

