

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

School finance-food services.

Sponsored by: HDRAFT

A BILL

for

1 AN ACT relating to school finance; establishing financial  
2 assistance to school districts for operation of food  
3 service programs outside of block grant model funding;  
4 imposing qualifications; prescribing duties for the  
5 department of education and granting rulemaking authority;  
6 specifying transitional duties; providing an appropriation;  
7 and providing for effective dates.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.**

12

13 (a) The education resource block grant model,  
14 executing recommendations contained within the 2005 cost of

1 education study, was premised upon report findings and  
2 recommendations that school district food service programs  
3 were financially self supporting in that revenues from  
4 student fees and other available state and federal funds  
5 are adequate to cover program costs. In adopting 2005  
6 study recommendations and for purposes of refining study  
7 recommendations based upon more precise information, the  
8 legislature, under 2006 Wyoming Session Laws, Chapter 37,  
9 Section 7(e), directed and funded a data collection effort  
10 and data analysis study by the department of education on  
11 district revenues and expenditures for food service  
12 programs. Under this provision, the department was  
13 directed to identify and determine if districts experience  
14 deficits in operating food service programs and if so,  
15 determine the basis for program deficits.

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17 (b) Based upon data analysis and recommendations  
18 compiled under subsection (a) of this section, and to  
19 augment amounts available to school districts within the  
20 education resource block grant model for operation of its  
21 public schools during the period preceding 2010 model  
22 recalibration and development of a cost-based model  
23 component for food service programs, and to assist

1 districts with covering costs of food service program  
2 deficits, financial assistance is available to school  
3 districts in accordance with this section. Financial  
4 assistance under this section shall be in addition to and  
5 not considered in determining school foundation program  
6 payments under the education resource block grant model  
7 pursuant to W.S. 21-13-309. To qualify for financial  
8 assistance, a school district shall:

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10 (i) Obtain department approval of its strategic  
11 plan for food service operations, including operating  
12 guidelines and standards for food safety, required food  
13 service training, food production procedures and standards,  
14 staffing requirements, supervisory structure, comprehensive  
15 performance measures, benchmarks and program budget review  
16 procedures and equipment maintenance and replacement plans;

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18 (ii) Be in compliance with federal, state and  
19 district regulations and policies;

20

21 (iii) Conduct periodic program evaluations  
22 reviewing program quality and performance as measured by  
23 quality review instruments provided by the department;

1           (iv) Implement financial management policies and  
2 procedures including procurement, wage scales comparable  
3 with other district employees, collection policies and  
4 accounting policies; and

5

6           (v) Provide a meal counting system in compliance  
7 with department rules and regulations for reporting  
8 purposes under this section.

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10          (c) Any qualifying school district may apply for  
11 financial assistance under this section with the department  
12 of education at the same time the district reports actual  
13 revenue collections for the purpose of reconciliation under  
14 W.S. 21-13-313(d). Application shall be in a form and  
15 manner specified by rule and regulation of the department  
16 and shall include:

17

18           (i) The number of qualifying meals served by the  
19 district's food service program during the school year  
20 immediately preceding the year of application, based upon  
21 meals qualifying for reimbursement under the national  
22 school lunch act, 42 U.S.C. 1751 et seq.;

23

1           (ii) The total amount of the funding deficit  
2 experienced by the district's food service program during  
3 the same school year, as documented and computed in  
4 accordance with department rule and regulation. For  
5 purposes of this paragraph, the state match paid for each  
6 district under the national school lunch act, 42 U.S.C.  
7 1751 et seq., shall be considered a revenue and shall be  
8 subtracted from any funding deficit reported under this  
9 paragraph.

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11           (d) Assistance for each qualifying district shall be  
12 based upon a statewide per meal reimbursement computed each  
13 year by the department as follows:

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15           (i) Compute the statewide food service program  
16 deficit for the applicable school year based upon each  
17 school district's reported deficit for the immediately  
18 preceding school year in accordance with guidelines  
19 prescribed under subsection (c) of this section;

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21           (ii) From the amount computed under paragraph  
22 (i) of this subsection, subtract an amount equal to ten

1 percent (10%) of the computed statewide deficit under  
2 paragraph (i) of this section;

3

4 (iii) Divide the amount determined under  
5 paragraph (ii) of this subsection by the number of  
6 qualifying meals reported by all districts for the prior  
7 school year as required under subsection (c) of this  
8 section.

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10 (e) The amount of assistance for each qualifying  
11 applicant district under this section shall be determined  
12 by multiplying the per meal reimbursement computed for the  
13 school year of application under subsection (d) of this  
14 section times the number of qualifying meals reported by  
15 the applicant district under subsection (c) of this  
16 section. Payments for each qualifying district shall be  
17 made by the department not later than October 15 of the  
18 school year of application.

19

20 (f) Each district shall report annually to the  
21 department of education on food service program revenues,  
22 expenses, program operations and program policies and  
23 procedures in a manner and level of detail required by

1 department rule and regulation. The department shall  
2 compile reported information and submit the compilation to  
3 the joint education interim committee not later than  
4 December 1 of each school year. In addition, information  
5 compiled under this subsection shall be maintained by the  
6 department for use in 2010 model recalibration and  
7 development of a cost-based model component for food  
8 service programs.

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10 **Section 2.** The department of education shall  
11 promulgate rules and regulations necessary to implement  
12 Section 1 of this act and establish necessary program  
13 evaluation instrumentation, food service strategic plan  
14 guidelines and meal counting methodology required under  
15 Section 1(b)(v) of this act, and program deficit  
16 computation instructions required under Section 1(c)(ii) of  
17 this act, all within sufficient time to enable  
18 implementation of the financial assistance program  
19 established by this act during school year 2008-2009. In  
20 addition, the department shall provide necessary technical  
21 assistance to school districts as required to meet  
22 qualification requirements imposed under this act.

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1           **Section 3.** Four million five hundred thousand dollars  
2 (\$4,500,000.00) is appropriated from the public school  
3 foundation program account to the department of education  
4 to be expended only for financial assistance to school  
5 districts for food service programs as provided by Section  
6 1 of this act. This appropriation is for the period  
7 commencing July 1, 2008, and ending June 30, 2009.

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9           **Section 4.**

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11           (a) Except as provided by subsection (b) of this  
12 section, this act is effective July 1, 2008.

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14           (b) Notwithstanding subsection (a) of this act,  
15 Section 2 is effective immediately upon completion of all  
16 acts necessary for a bill to become law as provided by  
17 Article 4, Section 8 of the Wyoming Constitution.

18

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(END)