

1989 Assembly Bill 417

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1989 WISCONSIN ACT 269

AN ACT to amend 20.255 (2) (cn) and 115.345 (5); and to create 20.285 (1) (k), 36.50, 38.35 and 50.50 (5) (f) of the statutes, relating to: nutritional improvement programs for the elderly at university of Wisconsin centers and institutions, private institutions of higher education, vocational, technical and adult education districts and school districts, granting rule-making authority and making an appropriation.

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

SECTION 1. 20.255 (2) (cn) of the statutes is amended to read:

20.255 (2) (cn) (title) *Aids for school lunches and nutritional improvement.* The amounts in the schedule for the payment of school lunch aids to school districts and to private schools under s. 115.34 (2) and for nutritional improvement for the elderly under s. ss. 36.50, 38.35 and 115.345.

SECTION 2. 20.285 (1) (k) of the statutes is created to read:

20.285 (1) (k) *Funds transferred from other state agencies.* All moneys received from other state agencies to carry out the purposes for which received.

SECTION 3. 36.50 of the statutes is created to read:

36.50 Nutritional improvement for elderly. (1) In this section:

(a) "Authorized elderly person" means any resident of this state who is 60 years of age or older, and the spouse of any such person.

(b) "Institution" includes any private institution of higher education.

(2) Any center or institution approved by the board may establish a system to provide the opportunity for authorized elderly persons to participate in its meal program. If a center or institution desires to establish such a service, it shall develop a plan for the provision of food services for elderly persons and submit the plan to the

board. Annually, the board shall notify the department of public instruction of the approved centers and institutions.

(3) Each plan shall provide at least one meal per day for each day that school is in regular session. The center or institution may provide additional service at other times in its discretion, if the number of eligible persons in the area is of sufficient size, in the opinion of the board, so that unwarranted production expense is not incurred.

(4) Any center or institution that operates a food services plan for elderly persons under this section shall make facilities available for service to elderly persons at every facility that provides hot food service to its students. Upon application, the board may grant exceptions from compliance with this subsection for reasons of safety, convenience or insufficient interest in a given neighborhood.

(5) Meals may be served at schools where they are served to students or at any site more convenient to the majority of authorized elderly persons interested in the service. Food may be transported to authorized elderly persons who are unable to leave their homes or distributed to nonprofit organizations for such purposes. However, no state funds under this section may be used for food delivery to individual homes. The board may require consolidation of programs between centers and institutions and between schools if such a procedure will be convenient and economical.

(6) The center or institution may file a claim with the department of public instruction for reimbursement for

reasonable expenses incurred, excluding capital equipment costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be charged to participants. If the department of public instruction approves the claim, it shall certify that payment is due and the state treasurer shall pay the claim from the appropriation under s. 20.255 (2) (cn).

(7) All meals served must meet the approval of the board, which shall establish minimum nutritional standards and reasonable expenditure limits consistent with the standards and limits established by the state superintendent of public instruction under s. 115.345 (6). The board shall give special consideration to the dietary problems of elderly persons in formulating a nutritional plan. However, no center or institution may be required to provide special foods for individual persons with allergies or medical disorders.

(8) Participants in a program under this section may be required to document their Wisconsin residency in a manner approved by the board. The board may issue identification cards to such persons if necessary. A center or institution may admit nonresidents who would otherwise qualify into its program, but no state funds under this section may be used to subsidize any portion of the meals served to such persons.

(9) The board shall adopt reasonable rules necessary to implement this section.

SECTION 4. 38.35 of the statutes is created to read:

38.35 Nutritional improvement for elderly. (1) In this section, "authorized elderly person" means any resident of this state who is 60 years of age or older, and the spouse of any such person.

(2) Any district approved by the board may establish a system to provide the opportunity for authorized elderly persons to participate in its meal program. If a district board desires to establish such a service, it shall develop a plan for the provision of food services for elderly persons and submit the plan to the board. Annually, the board shall notify the department of public instruction of the approved districts.

(3) Each plan shall provide at least one meal per day for each day that school is in regular session. The district board may provide additional service at other times in its discretion, if the number of eligible persons in the district or adjacent districts is of sufficient size, in the opinion of the board, so that unwarranted production expense is not incurred.

(4) Any district board that operates a food services plan for elderly persons under this section shall make facilities available for service to elderly persons at every vocational school in the district that provides hot food service to its students. Upon application, the board may grant exceptions from compliance with this subsection for reasons of safety, convenience or insufficient interest in a given neighborhood.

(5) Meals may be served at schools where they are served to students or at any site more convenient to the majority of authorized elderly persons interested in the service. Food may be transported to authorized elderly persons who are unable to leave their homes or distributed to nonprofit organizations for such purposes. However, no state funds under this section may be used for food delivery to individual homes. The board may require consolidation of programs between districts and between schools if such a procedure will be convenient and economical.

(6) The district board may file a claim with the department of public instruction for reimbursement for reasonable expenses incurred, excluding capital equipment costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be charged to participants. If the department of public instruction approves the claim, it shall certify that payment is due and the state treasurer shall pay the claim from the appropriation under s. 20.255 (2) (cn).

(7) All meals served must meet the approval of the board, which shall establish minimum nutritional standards and reasonable expenditure limits consistent with the standards and limits established by the state superintendent of public instruction under s. 115.345 (6). The board shall give special consideration to the dietary problems of elderly persons in formulating a nutritional plan. However, no district board may be required to provide special foods for individual persons with allergies or medical disorders.

(8) Participants in a program under this section may be required to document their Wisconsin residency in a manner approved by the board. The board may issue identification cards to such persons if necessary. A district board may admit nonresidents who would otherwise qualify into its program, but no state funds under this section may be used to subsidize any portion of the meals served to such persons.

(9) The board shall adopt reasonable rules necessary to implement this section.

SECTION 5. 50.50 (5) (f) of the statutes is created to read:

50.50 (5) (f) Any center as defined in s. 36.05 (4), institution as defined in s. 36.50 (1) (c) or vocational, technical and adult education district school that serves meals only to the students enrolled in the center, institution or school or to authorized elderly persons under s. 36.50 or 38.35.

SECTION 6. 115.345 (5) of the statutes is amended to read:

115.345 (5) ~~Authorized elderly persons may be required to contribute toward the expense of food and production at a rate up to \$.65 per meal.~~ The school board may file a claim with the department for reimbursement for reasonable expenses incurred ~~in excess of this~~

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~~amount~~, excluding capital equipment costs, but not to exceed ~~\$.20~~ per 15% of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of ~~\$.85 per meal~~ the lesser amount may also be charged to partici-

pants. If the department approves the claim, it shall certify that payment is due and the state treasurer shall pay the claim from the appropriation under s. 20.255 (2) (c).