

CR 94-85

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF PUBLIC INSTRUCTION)

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to the school breakfast program was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 7th day of November, 1994.

John T. Benson
State Superintendent
State Department of Public Instruction

ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
CREATING RULES

The state superintendent of public instruction hereby creates ch. PI 42, relating to the school breakfast program.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.341(4) as created by 1993 Wisconsin Act 168 and 227.11(2)(a), Stats.

Statute interpreted: s. 115.341, Stats., as created by 1993 Wisconsin Act 168

Section 115.341, Stats., as created by 1993 Wisconsin Act 168, establishes a school breakfast program funded at \$150,000 annually. Beginning in the 1994-95 school year, the state superintendent shall award a grant up to \$10,000 to a school board or governing body of a private school to assist the school district or school in establishing a school breakfast program.

In order to apply for a grant under this program, applicants must meet certain criteria established in the statute. One criterion is to adopt a plan to maximize the participation in the program of pupils who are eligible for free or reduced-price lunches under 42 USC 1758(b).

The proposed rules establish plan and application requirements.

SECTION 1. Chapter PI 42 is created to read:

CHAPTER PI 42

SCHOOL BREAKFAST PROGRAM

PI 42.01 DEFINITIONS. In this chapter:

(1) "Eligible for free or reduced price lunch" means students who have been determined by the school food authority to be eligible to participate in the national school lunch program by either an approved application for free or reduced-price meals under 42 USC 1758(b) or by having been certified to be eligible for AFDC, food stamps or the food distribution program on Indian reservations.

(2) "School food authority" means a school board or governing body of a private school.

(3) "State superintendent" means the state superintendent of public instruction.

PI 42.02 PURPOSE. (1) Under s. 115.341(1), Stats., beginning in the 1994-95 school year a school food authority may apply to the state superintendent

1 for a start-up grant to assist in establishing a school breakfast program. A
2 school food authority may apply for a grant under this section only if all of
3 the provisions under s. 115.341(1), Stats., apply.

4 (2) A grant may not be used for the same school for more than one year.
5 However, a school food authority that received a grant to establish a school
6 breakfast program may apply in successive school years for a grant to expand
7 the program to additional schools.

8 PI 42.03 SCHOOL BREAKFAST PROGRAM GRANT APPLICATION. Annually, by July
9 15, 1994, and by February 1 in subsequent years, an applicant that meets the
10 requirements under s. 115.341(1), Stats., may submit an application to begin a
11 school breakfast program within the following school year. The application
12 shall contain all of the following:

13 (1) Assurances that the school food authority agrees to operate a school
14 breakfast program for at least three school years.

15 (2) The number and percentage of pupils enrolled in the school who are
16 eligible for a free or reduced-price lunch.

17 (3) A copy of the plan required under s. 115.341(1)(c), Stats. The plan
18 shall include the following information:

19 (a) The plan shall describe efforts to maximize participation in the
20 program of pupils who are eligible for a free or reduced-price lunch such as
21 adjusting bus schedules to allow access; providing an adequate amount of time
22 to consume a breakfast; and planned staff, pupil and parental involvement in
23 such areas as menu planning.

24 (b) The plan shall include a budget indicating the nonrecurring costs to
25 be funded by the grant in such areas as site improvement, purchase of
26 equipment, costs of training necessary to establish a school breakfast
27 program, and the costs of publicizing the program.

1 PI 42.04 REVIEW OF APPLICATION PROPOSALS AND AWARDING OF GRANTS.

2 (1) The state superintendent may award a grant of up to \$10,000 to a school
3 food authority that meets the requirements under s. 115.341(1), Stats., and s.
4 PI 42.03 with primary consideration given to the following:

5 (a) School food authorities whose participating schools will operate a
6 school breakfast program under 42 USC 1773.

7 (b) School food authorities establishing a breakfast program in the
8 greatest number of schools.

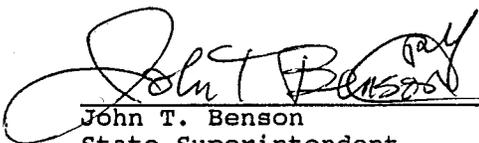
9 (c) Schools with the greatest number of children eligible for a free or
10 reduced-price lunch.

11 (d) Schools with the highest percentage of children enrolled who are
12 eligible for a free or reduced-price lunch.

13 (2) If adequate funds are not available under s. 20.255(2)(cm), Stats.,
14 the state superintendent shall give preference to applicants that have never
15 received school breakfast program funds under s. 115.341, Stats., or 42 USC
16 1773.

 The rules contained in this order shall take effect on the first day of
the month commencing after the date of publication in the Wisconsin
Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this 7th day of November, 1994



John T. Benson
State Superintendent

