



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #137

### **Farm-to-School Grants and Position (Agriculture, Trade and Consumer Protection, and Public Instruction)**

[LFB 2019-21 Budget Summary: Page 41, #8, and 356, #12]

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#### **CURRENT LAW**

The Department of Agriculture, Trade and Consumer Protection's (DATCP) farm-to-school program was established in 2010. It seeks to connect schools and local farms to provide students with locally sourced fruit, vegetables, and dairy products, while also supporting local agriculture and providing nutrition education in schools. The program is housed in DATCP's Division of Agricultural Development.

The Department of Public Instruction (DPI) also dedicates time to farm-to-school activities. DPI staff provide direction, training, and technical assistance related to school gardens, local procurement and nutrition education. DPI also administers the AmeriCorps farm-to-school program, which consists of AmeriCorps volunteers who provide nutrition education to students through in-class demonstrations, farm field trips, school gardens, and wellness plans.

#### **GOVERNOR**

Provide DATCP \$200,000 GPR annually for farm-to-school grants. Further, create an additional preferred criterion for grant awards by requiring DATCP to give preference to proposals from school districts in which a high percentage of pupils are eligible for a free or reduced-price lunch. Current law specifies that DATCP must give preference to proposals that are innovative or provide models other school districts may adopt.

Provide DPI 1.0 GPR position and \$48,000 GPR in 2019-20 and \$63,500 GPR in 2020-21. The Executive Budget Book indicates the position is provided to coordinate the farm-to-school grant program with DATCP.

## DISCUSSION POINTS

### A. Farm-to-School Grants

1. 2009 Wisconsin Act 293 created the farm-to-school grant program, but funding has never been provided. Under current law, DATCP is authorized to provide farm-to-school grants, which are intended to support the creation and expansion of farm-to-school programs, including: (a) promoting production, processing, marketing and distribution of food produced in Wisconsin for sale to schools in Wisconsin; (b) construction or improvement of facilities for use of food produced in Wisconsin at schools in Wisconsin; (c) training for food service personnel, farmers, and distributors; and (d) nutritional and agricultural education in the classroom.

2. Grants would be intended to support both school districts and early care providers, and farmers and supply chain partners. DATCP suggests grants in educational settings could support facilities improvements and equipment purchases, staff training, marketing and promotional materials, school program planning and development, and attendance at an annual grantee meeting. Grants in farm and supply chain settings could support equipment purchase, staff and consultant time, trade show costs, and marketing and promotional materials. DATCP reports it intends to require grantees to identify a project cooperator in their application, such as a UW-Extension agent for a farmer, or a culinary coach from a technical college culinary program for a school.

3. DATCP reports it intends to weight grant scoring based on eligibility for free or reduced-price lunch, providing priority to districts with 35% to 50% of students who are eligible for free or reduced-price lunch, and additional priority to those with 50% or more of students eligible for free or reduced-price lunch. The administration indicates it provided this additional criteria to direct funding to areas with the most need.

4. DATCP argues that farm-to-school grants would leverage local expertise and expand farm-to-school activities beyond districts with established programs. Further, the Department believes grants will provide incentives necessary to encourage farmers to enter a new market. DATCP expects that grant reporting requirements would further encourage best practices development and innovation by requiring information sharing of project results.

5. 2009 Act 293 required DATCP to promulgate rules for the administration of the farm-to-school program. However, no rules have been promulgated for the program generally or for grant administration. Farm-to-school grant funding could likely be administered through information published during the application process. However, as a matter of law, it is generally preferable for agencies to administer grants and aids according to procedures established in statute or administrative rule. A process established in law informs recipient parties on what conditions funding will be provided, and statutory or rule provisions also specify expectations and requirements to which the administering agency is accountable.

6. If the Committee wished to provide funding for farm-to-school grants, it could consider: (a) providing DATCP with emergency rule authority without the finding of an emergency; and (b) requiring DATCP to submit draft administrative rules to the Legislative

Council rules clearinghouse by January 1, 2020 (Alternative A3). The Legislature occasionally provides for agencies to establish administrative rules promptly through the emergency process, while waiving the required finding of an emergency, to expedite procedures necessary to administer programs. Requiring the agency to initiate the rule-making process for a permanent rule would minimize reliance on the use of emergency rules.

7. If the Committee wished to increase participation and capacity related to farm-to-school activities, it could consider providing \$200,000 GPR annually for farm-to-school grants (Alternative A1). As funding for farm-to-school grants has not been provided previously, the Committee could consider appropriating funding as one-time (Alternative A2). In combination with initiating rule-making (Alternative A3), the Committee could establish funding on a temporary basis in the 2019-21 biennium, then evaluate further funding on the basis of the program structure established by rule, as well as on the basis of the demand exhibited and projects funded. The Committee could also consider taking no action (Alternative A4).

## **B. Farm-to-School Position**

8. Under the bill, DPI is provided 1.0 position to coordinate the farm-to-school grant program with DATCP. However, DPI reports it did not request a position for work related to DATCP's farm-to-school grant program. DPI suggests that such a position would conduct outreach and site visits, and provide technical assistance and training. However, DPI reports it is unable to provide detail regarding the duties or time allocation of the position without more information about how the DATCP program would be implemented.

9. DPI reports it originally requested a position to administer its AmeriCorps farm-to-school program. The program is currently funded with a grant from Serve Wisconsin. The position currently administering the program is a project position that expires in January, 2020, funded from federal indirect revenues. DPI reports that the position allocates its time as follows: (a) administration and implementation (40%); (b) monitoring and compliance (35%); (c) technical assistance and training for program sites (15%); and (d) outreach and collaboration with program partners (10%).

10. 2009 Act 293 provided DATCP 1.0 GPR position for administration of the farm-to-school program. The position has been funded since 2011-12 and is currently filled. DATCP indicates that current division staff would administer the grants, and the incumbent holding the farm-to-school coordinator position would assist in those efforts.

11. While the administration indicates its intent for the position would be to coordinate the farm-to-school grant program with DATCP, the bill does not provide language requiring the position be allocated in that manner. Thus, if the Committee wished to provide a position to DPI for work related to the AmeriCorps program, it could adopt the Governor's proposal (Alternative B1). Given that DPI is unable to report details related to a position supporting farm-to-school grants, the Committee could consider taking no action (Alternative B2), and examine need at a future date if DATCP grant implementation is able to demonstrate a need for assistance.

## ALTERNATIVES

### A. Farm-to-School Grants

1. Adopt the Governor's proposal to provide DATCP \$200,000 GPR annually for farm-to-school grants.

ALT A1	Change to	
	Base	Bill
GPR	\$400,000	\$0

2. Provide \$200,000 GPR annually for DATCP farm-to-school grants in the 2019-21 biennium, but specify that funding be one-time.

ALT A2	Change to	
	Base	Bill
GPR	\$400,000	\$0

3. Provide DATCP the authority to promulgate an emergency rule under s. 227.24 of the statutes without the finding of emergency. Require DATCP to submit a permanent rule regarding administration of farm-to-school grants in draft form to the Legislative Council rules clearinghouse no later than January 1, 2020. (This alternative could be moved in addition to Alternatives A1 or A2 above.)

4. Take no action.

ALT A4	Change to	
	Base	Bill
GPR	\$0	- \$400,000

### B. Farm-to-School Position

1. Adopt the Governor's proposal to provide DPI 1.0 GPR position and \$48,000 GPR in 2019-20 and \$63,500 GPR in 2020-21 to coordinate the farm-to-school grant program DATCP.

ALT B1	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$111,500	1.00	\$0	0.00

2. Take no action.

<b>ALT B2</b>	<b>Change to Base</b>		<b>Change to Bill</b>	
	<b>Funding</b>	<b>Positions</b>	<b>Funding</b>	<b>Positions</b>
GPR	\$0	0.00	- \$111,500	- 1.00

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