

1 AN ACT relating to school nutrition programs.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section, unless the context otherwise requires:*

6 *(a) "Department" means the Kentucky Department of Agriculture;*

7 *(b) "Eligible district" means a Kentucky school district that spends at least five*
8 *percent (5%) of total food procurement dollars on Kentucky-grown*
9 *agricultural products;*

10 *(c) "Eligible meal" means a meal served by an eligible school district approved*
11 *to participate in the Kentucky Farm to School Program that:*

12 *1. Includes an offering of at least one (1) Kentucky-grown agricultural*
13 *product;*

14 *2. Is served by a school that participates in federal school meal program;*
15 *and*

16 *3. Meets other criteria established by the department;*

17 *(d) "Kentucky-grown agricultural products" means all agricultural products,*
18 *as defined by KRS 260.016, that are grown, raised, or produced in the*
19 *Commonwealth, including agricultural products grown, raised, or produced*
20 *by Kentucky students;*

21 *(e) "Program" means the Kentucky Farm to School Program established in*
22 *this section; and*

23 *(f) "Program year" mean a school year during which the Kentucky Farm to*
24 *School Program is funded.*

25 *(2) (a) There is hereby established the Kentucky Farm to School Program to*
26 *improve student access to high-quality, Kentucky-grown agricultural*
27 *products.*

- 1 (b) There is hereby established within the State Treasury a trust and agency
2 account to be known as the Kentucky Farm to School Program fund. The
3 fund shall consist of moneys received from state appropriations, gifts,
4 grants, and federal funds.
- 5 (c) The fund shall be administered by the department.
- 6 (d) Amounts deposited in the fund shall be used for the purposes set forth in
7 this section and for no other purpose.
- 8 (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a
9 fiscal year shall not lapse but shall be carried forward into the next fiscal
10 year.
- 11 (3) The department shall accept applications for eligible districts to participate in the
12 program and seek partial reimbursement for eligible meals served by the district
13 during each program year. At a minimum, the application shall include:
- 14 (a) The total number of breakfasts served by the district to students during the
15 previous school year;
- 16 (b) The total number of lunches served by the district to students during the
17 previous school year; and
- 18 (c) The estimated number of eligible meals projected to be served during the
19 upcoming school year;
- 20 (d) A written program plan for the school district to:
- 21 1. Identify Kentucky-grown agricultural products available to school
22 nutrition programs that meet the applicable quality standards and
23 pricing requirements of the school district;
- 24 2. Offer Kentucky-grown agricultural products during school meals; and
25 3. Optimize food usage in the district's school nutrition programs in
26 order to reduce food waste in the district; and
- 27 (e) Any additional information required by the department.

- 1 (4) No later than July 31 of each program year, the department shall:
- 2 (a) Review all applications submitted by school districts and approve all
- 3 applications that meet the eligibility requirements of this section and the
- 4 administrative regulations promulgated by the department in accordance
- 5 with subsection (8) of this section;
- 6 (b) Calculate the partial reimbursement rate for each eligible meal approved by
- 7 the department based upon the total funds available in the program fund,
- 8 the total number of eligible districts approved to participate in the program,
- 9 and the estimated number of eligible meals projected to be served during the
- 10 upcoming program year by eligible school districts;
- 11 (c) Notify each eligible district approved to participate in the program of the
- 12 partial reimbursement amount calculated in accordance with paragraph (b)
- 13 of this subsection; and
- 14 (d) Invite each eligible district approved to participate in the program to
- 15 confirm its participation.
- 16 (5) (a) No later than August 15 of each program year, each eligible district
- 17 approved to participate in the program shall confirm its participation in the
- 18 program with the department. Failure to confirm participation shall
- 19 constitute a withdrawal of the eligible district's application to participate in
- 20 the program.
- 21 (b) In the event that one (1) or more eligible districts approved to participate in
- 22 the program withdraw their application, the department may recalculate the
- 23 partial reimbursement rate for each eligible meal and notify each eligible
- 24 school district participating in the program of the updated partial
- 25 reimbursement rate.
- 26 (6) No later than June 1 of each program year, each eligible district participating in
- 27 the program shall submit a year-end report to the department on the program that

1 includes:

2 (a) An accounting of all eligible meals provided by the district;

3 (b) A report on the integration of Kentucky-grown agricultural products into
4 the districts school nutrition programs; and

5 (c) Any other information requested by the department.

6 (7) No later than June 30 of each program year, the department shall remit to each
7 eligible district participating in the program the calculated reimbursement rate
8 multiplied by the number of eligible meals provided by the district during the
9 previous program year. Based upon the availability of funds, the department may
10 limit the number of eligible meals partially reimbursed to the estimated number
11 of eligible meals projected by the school district in its program application.

12 (8) The department shall promulgate administrative regulations in accordance with
13 KRS Chapter 13A necessary to carry out this section, including:

14 (a) An application form for the program;

15 (b) A sample program plan required by subsection (3)(d) of this section;

16 (c) Eligibility requirements for the approval of program applications in
17 accordance with subsection (4)(a) of this section;

18 (d) The formula for the department to calculate the program partial
19 reimbursement rate in accordance with subsection (4)(b) of this section;

20 (e) The minimal criteria to qualify a meal as including at least one (1)
21 Kentucky-grown agricultural product;

22 (f) A form for the year-end report of the district's program required by
23 subsection (5) of this section;

24 (g) Status reporting requirements during the program year; and

25 (h) A method of data collection to measure the economic impact of the
26 program.

27 ➔Section 2. This Act may be cited as the Kentucky Farm to School Act.