

REFERENCE TITLE: school meal program fund; appropriation

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2565

Introduced by
Representatives Gutierrez: Austin, Cano, De Los Santos, Hernandez M,
Mathis, Salman, Sandoval, Schwiebert, Sun, Terech, Travers, Senator Marsh

AN ACT

AMENDING SECTIONS 15-1152, 15-1153, 15-1154, 15-1155 AND 15-1157, ARIZONA
REVISED STATUTES; APPROPRIATING MONIES; RELATING TO SCHOOL MEAL PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 The article heading of title 15, chapter 10, article 4, Arizona
4 Revised Statutes, is changed from "SCHOOL LUNCH PROGRAM FUND" to "SCHOOL
5 MEAL PROGRAMS".

6 Sec. 2. Section 15-1152, Arizona Revised Statutes, is amended to
7 read:

8 15-1152. School meal programs; interagency agreements; powers
9 of department of education; fund

10 A. The ~~state board~~ DEPARTMENT of education may enter into
11 agreements with an agency of the federal government, a governing board or
12 another agency or person, direct the disbursement of federal and state
13 monies in accordance with federal and state law, direct the distribution
14 of commodities as provided by federal and state law, prescribe
15 regulations, employ personnel, give technical advice and assistance to
16 SCHOOL DISTRICT governing boards in connection with ~~establishment~~
17 ~~ESTABLISHING~~ and ~~operation of~~ OPERATING school meal programs, assist in
18 training personnel engaged in ~~operation of~~ OPERATING school meal programs
19 and take other action it deems necessary to provide for ~~the establishment~~
20 ~~ESTABLISHING~~ and ~~maintenance of~~ MAINTAINING school meal programs. The
21 ~~state board~~ DEPARTMENT of education and ~~the~~ SCHOOL DISTRICT governing
22 boards may also accept gifts for use in connection with a school meal
23 program. Agreements entered into pursuant to this section are exempt from
24 section 11-952, subsection D. The form to be used in the agreements shall
25 be approved annually by the attorney general before ~~its~~ THE FORM'S use in
26 such agreements. The department of education shall file with the
27 secretary of state by January 1 one blank copy of the agreement form and a
28 list of the agencies with which the department entered INTO agreements
29 during the preceding year.

30 B. THE STATEWIDE SCHOOL MEAL PROGRAM FUND IS ESTABLISHED CONSISTING
31 OF LEGISLATIVE APPROPRIATIONS, FEDERAL MONIES AND PRIVATE GRANTS, GIFTS,
32 CONTRIBUTIONS AND DEVICES. THE DEPARTMENT OF EDUCATION SHALL ADMINISTER
33 THE FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION.
34 THE DEPARTMENT SHALL DISTRIBUTE MONIES IN THE FUND TO SCHOOL DISTRICTS AND
35 CHARTER SCHOOLS TO ESTABLISH AND OPERATE SCHOOL MEAL PROGRAMS THAT PROVIDE
36 MEALS AT NO COST TO STUDENTS.

37 Sec. 3. Section 15-1153, Arizona Revised Statutes, is amended to
38 read:

39 15-1153. Federal monies; acceptance; disbursement

40 A. The ~~state board~~ DEPARTMENT of education may accept and direct
41 the disbursement of ~~funds~~ MONIES appropriated by act of Congress and
42 apportioned to the state for use in connection with school meal
43 programs. The ~~state board~~ DEPARTMENT shall deposit, pursuant to sections
44 35-146 and 35-147, ~~such funds~~ MONIES in the STATEWIDE school meal program

1 fund ESTABLISHED BY SECTION 15-1152. Disbursements from the fund shall be
2 made in accordance with ~~the provisions of~~ section 35-185.

3 B. Notwithstanding any provision of title 35, chapter 1 limiting
4 the drawing of warrants after the expiration of the fiscal year in which
5 an obligation is incurred, the ~~state board~~ DEPARTMENT of education may
6 accept and direct the allocation of federal ~~funds~~ MONIES THAT ARE
7 apportioned to ~~the~~ THIS state for use in connection with school meal
8 programs, ~~which~~ AND THAT are received and ~~the allocation effected~~
9 ALLOCATED not later than six months after expiration of the fiscal year
10 for which the allocation is made.

11 Sec. 4. Section 15-1154, Arizona Revised Statutes, is amended to
12 read:

13 15-1154. Operation of school meal programs by governing
14 boards; school district school meal program funds;
15 revolving funds

16 A. A SCHOOL DISTRICT governing board may operate school meal
17 programs, ~~and~~ for that purpose may employ personnel, purchase equipment
18 and food and incur other necessary expenses, making payment therefor
19 through the use of gifts or donations, ~~proceeds of sales of school meals,~~
20 contributions made available by the federal government, MONIES FROM THE
21 STATEWIDE SCHOOL MEAL PROGRAM FUND ESTABLISHED BY SECTION 15-1152 or
22 monies obtained by school district levy, ~~but no monies acquired by the~~
23 ~~levy of state, county or school district taxes shall be expended for food.~~

24 B. Any monies received in the operation of a school district school
25 meal program shall be deposited with the county treasurer, who shall
26 credit the deposits to the school meal program fund of the respective
27 school district. Monies deposited to the credit of a school meal program
28 fund may be withdrawn by voucher as approved by the SCHOOL DISTRICT
29 governing board for operation of the school ~~district~~ DISTRICT'S school
30 meal program, except that a revolving fund of ~~five hundred dollars~~ \$500
31 may be established in the manner and for the purposes prescribed in
32 subsection C of this section. The school meal program fund of a school
33 district is a continuing fund AND IS not subject to reversion.

34 C. The governing board of any school district, with the consent of
35 the county school superintendent, may establish for the operation of
36 school meal programs a revolving fund of ~~five hundred dollars~~ \$500, which
37 may be used ~~for payment of~~ TO PAY freight on commodities, TO purchase of
38 food required in emergencies, ~~employment of~~ TO EMPLOY temporary personnel
39 for employment ~~which~~ THAT does not exceed eight hours for any person or
40 FOR other minor disbursements. The revolving fund monies shall be
41 deposited in a federal reserve bank in a designated account and shall be
42 withdrawn by check signed by two bonded employees appointed by the
43 governing board of the school district.

44 D. ~~Upon~~ ON approval of a revolving fund as prescribed by subsection
45 C of this section, the county school superintendent shall draw a warrant

1 to the order of the designated employees and charge the amount thereof
2 against the school district school meal program fund. ~~, but no~~ A
3 revolving fund shall NOT be established unless the designated employees
4 are bonded for an amount equal to twice the amount of the fund. The cost
5 of the bond shall be a proper charge against the school district school
6 meal program fund.

7 E. The designated employees shall periodically submit a voucher
8 with supporting papers covering disbursements from the school meal
9 revolving fund prescribed by subsection C of this section to the county
10 school superintendent, who shall issue a warrant for the voucher to
11 reimburse the fund. If the school district is dissolved, consolidated,
12 unified or subdivided, or if the governing board decides to terminate the
13 revolving fund, the designated employees shall return the original amount
14 of the revolving fund to the county treasurer by the date that the
15 dissolution, consolidation, unification or subdivision becomes effective
16 or within thirty days after the date that the governing board decides to
17 terminate the revolving fund, whichever is appropriate, for deposit in the
18 school meal program fund of the respective school district.

19 Sec. 5. Section 15-1155, Arizona Revised Statutes, is amended to
20 read:

21 15-1155. Records, reports, rules, audits and inspections by
22 department of education

23 A. The ~~state board~~ DEPARTMENT of education shall ~~prescribe~~
24 ~~regulations~~ ADOPT RULES for keeping accounts and records and making
25 reports, under the supervision of SCHOOL DISTRICT governing boards. The
26 accounts and records shall be available at all times for inspection and
27 audit by authorized officials and shall be preserved for a period, ~~not~~
28 ~~exceeding~~ OF NOT MORE THAN five years, as prescribed by the ~~state board~~
29 DEPARTMENT. The ~~state board~~ DEPARTMENT shall conduct or cause to be
30 conducted audits, inspections and administrative reviews of accounts,
31 records and operations ~~as~~ THAT are necessary to determine whether the
32 school meal programs are being administered according to ~~the provisions of~~
33 this article and ~~the regulations made by the state board~~ DEPARTMENT RULES.

34 B. ON OR BEFORE SEPTEMBER 1, 2023 AND EACH YEAR THEREAFTER, THE
35 DEPARTMENT OF EDUCATION SHALL FURNISH TO THE JOINT LEGISLATIVE BUDGET
36 COMMITTEE A REPORT CONTAINING ALL OF THE FOLLOWING:

37 1. AN ESTIMATE OF THE AMOUNT REQUIRED TO FUND SCHOOL MEAL PROGRAMS
38 IN THIS STATE FOR THE FOLLOWING FISCAL YEAR.

39 2. THE ACTUAL COSTS OF EACH SCHOOL DISTRICT'S OR CHARTER SCHOOL'S
40 SCHOOL MEAL PROGRAM DURING THE PRIOR FISCAL YEAR.

41 3. THE AMOUNT OF FEDERAL MONIES DISTRIBUTED BY THE DEPARTMENT OF
42 EDUCATION TO SCHOOL DISTRICTS AND CHARTER SCHOOLS FOR SCHOOL MEAL PROGRAMS
43 DURING THE PRIOR FISCAL YEAR.

1 Sec. 6. Section 15-1157, Arizona Revised Statutes, is amended to
2 read:

3 15-1157. Budget; superintendent of public instruction; school
4 meal programs

5 There shall be included in the budget of the superintendent of
6 public instruction, for presentation to the legislature, such amounts as
7 required by the ~~state board~~ DEPARTMENT of education for and limited to the
8 administration of this article, including the establishment, maintenance,
9 operation and expansion of school meal programs.

10 Sec. 7. Appropriation; statewide school meal program fund;
11 intent

12 A. The sum of \$106,000,000 is appropriated from the state general
13 fund in fiscal year 2023-2024 to the statewide school meal program fund
14 established by section 15-1152, Arizona Revised Statutes, as amended by
15 this act, and is appropriated from the statewide school meal program fund
16 to the department of education.

17 B. The legislature intends that the appropriation made in
18 subsection A of this section be considered ongoing funding in future
19 years.