

AMENDMENTS TO LB285

Introduced by Walz, 15.

1           1. Strike original sections 4, 5, 6, 7, and 8 and insert the  
2 following new sections:

3           Sec. 4. Each qualified school that has an identified student  
4 percentage greater than or equal to fifty percent shall operate under the  
5 community eligibility provision to maximize the federal reimbursement for  
6 eligible breakfasts and eligible lunches.

7           Sec. 5. (1)(a) The department may grant a waiver of the  
8 requirements of section 4 of this act to a qualified school that is able  
9 to demonstrate that participation in the community eligibility provision  
10 is not financially viable for such school. The waiver may be of a  
11 specified length of time as determined by the department.

12           (b) The department shall provide technical assistance to any  
13 qualified school that is granted a waiver under this section to support  
14 such school's adoption of the community eligibility provision in  
15 subsequent years.

16           (2) The State Board of Education shall adopt and promulgate rules  
17 and regulations to establish a process for granting an annual waiver,  
18 including a process and criteria for determining if participation in the  
19 community eligibility provision is viable for a qualified school.

20           Sec. 6. Section 79-10,138, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22           ~~79-10,138~~ The department ~~State Department of Education~~ shall  
23 reimburse each qualified ~~public~~ school in Nebraska a portion of the cost  
24 of such school's school breakfast program in the amount of five cents per  
25 eligible school breakfast served by such school in the second preceding  
26 school year. Each qualified ~~To qualify,~~ a school ~~district~~ shall ~~operate a~~  
27 ~~school lunch program and shall~~ submit information regarding the number of

1 eligible breakfasts served by such school in a manner prescribed by the  
2 department. The Legislature shall appropriate money from the General Fund  
3 to carry out this section.

4 Sec. 7. Section 79-10,139, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 ~~79-10,139~~ Payments pursuant to section 6 of this act ~~79-10,138~~ shall  
7 be made to each qualified school district according to rules and  
8 regulations for disbursements adopted and promulgated by the State Board  
9 of Education ~~State Department of Education~~.

10 Sec. 8. Nothing in the School Community Eligibility Provision  
11 Maximization Act shall prevent a qualified school from collecting  
12 information from the parent or guardian of a student to determine  
13 eligibility for other services of the school.

14 2. On page 2, line 30, strike "public".

15 3. On page 3, line 11, after the semicolon insert "and"; and strike  
16 lines 12 through 17 and insert the following new subdivision:

17 "(7) Qualified school means a public school or a nonprofit private  
18 school which is participating in the school breakfast program or the  
19 national school lunch program under the federal Child Nutrition Act of  
20 1966, 42 U.S.C. 1771 et seq., or the federal Richard B. Russell National  
21 School Lunch Act, 42 U.S.C. 1751 et seq., as such acts existed on January  
22 1, 2023.".