

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1039**

Introduced by Cavanaugh, 6; Hunt, 8; Vargas, 7.

Read first time January 16, 2020

Committee:

1 A BILL FOR AN ACT relating to schools; to amend section 79-10,137,  
2 Reissue Revised Statutes of Nebraska; to adopt the Hunger-Free  
3 Schools Act; to restate legislative findings; to eliminate  
4 provisions relating to reimbursement for school breakfast programs;  
5 to repeal the original section; and to outright repeal sections  
6 79-10,138 and 79-10,139, Reissue Revised Statutes of Nebraska.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 6 of this act shall be known and may be  
2 cited as the Hunger-Free Schools Act.

3           Sec. 2. Section 79-10,137, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           ~~79-10,137~~ The Legislature finds that, for Nebraska to compete  
6 effectively in the world, it must have an educated and productive work  
7 force. In order to have an educated and productive work force, it must  
8 prepare its children to learn, and in order to do so the children must be  
9 well-nourished. The Legislature further finds that school breakfast and  
10 lunch programs are integral parts of Nebraska's educational system, and  
11 that every student deserves access to healthy food during the school day.  
12 It is the intent of the Legislature to provide each student with the best  
13 opportunity for educational success by ensuring that public schools serve  
14 meals during the school day at no cost to every student.

15           Sec. 3. For the purposes of the Hunger-Free Schools Act:

16           (1) Community eligibility provision has the same meaning as in  
17 section 79-101;

18           (2) Department means the State Department of Education;

19           (3) Eligible breakfast means a school breakfast served to a student  
20 which is reimbursable, in total or in part, with federal funds, as  
21 specified under regulations promulgated by the United States Department  
22 of Agriculture pursuant to the federal Healthy, Hunger-Free Kids Act of  
23 2010, 42 U.S.C. 1751 et seq., as such act and regulations existed on  
24 January 1, 2020;

25           (4) Eligible lunch means a school lunch served to a student which is  
26 reimbursable, in total or in part, with federal funds, as specified under  
27 regulations promulgated by the United States Department of Agriculture  
28 pursuant to the federal Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C.  
29 1751 et seq., as such act and regulations existed on January 1, 2020;

30           (5) Federal reimbursement rate means the payment levels received by  
31 the qualified public school for an eligible breakfast or an eligible

1 lunch for the school year in which the eligible breakfast or the eligible  
2 lunch was served, as published by the United States Department of  
3 Agriculture pursuant to the federal Child Nutrition Act of 1966, 42  
4 U.S.C. 1771 et seq., as such act existed on January 1, 2020;

5 (6) Fully paid breakfast means an eligible breakfast served to a  
6 student who is not eligible for free or reduced-price school meals;

7 (7) Fully paid lunch means an eligible lunch served to a student who  
8 is not eligible for free or reduced-price school meals;

9 (8) Identified student percentage means the identified student  
10 percentage calculated for high-poverty schools as specified under  
11 regulations promulgated by the United States Department of Agriculture  
12 pursuant to the federal Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C.  
13 1751 et seq., as such act and regulations existed on January 1, 2020;

14 (9) Qualified public school means a public school which is  
15 participating in the school breakfast program or the national school  
16 lunch program under the federal Child Nutrition Act of 1966, 42 U.S.C.  
17 1771 et seq., as such act existed on January 1, 2020;

18 (10) Reduced-price breakfast means a breakfast served to an eligible  
19 student by a school district participating in the school breakfast  
20 program under the federal Child Nutrition Act of 1966, 42 U.S.C. 1771 et  
21 seq., as such act existed on January 1, 2020; and

22 (11) Reduced-price lunch means a lunch served to an eligible student  
23 by a school district participating in the school lunch program under the  
24 Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq., as such act existed  
25 on January 1, 2020.

26 Sec. 4. The Hunger-Free Schools Program is created. To comply with  
27 the Hunger-Free Schools Program, a qualified school shall:

28 (1) Offer eligible breakfasts and eligible lunches at no cost to all  
29 students for any school breakfast program or school lunch program  
30 operated by such school during the school day;

31 (2) Submit information regarding the number of eligible breakfasts

1 and eligible lunches served in a manner prescribed by the department; and  
2 (3) Maximize federal reimbursement for eligible breakfasts and  
3 eligible lunches by operating under the community eligibility provision  
4 if such school has an identified student percentage greater than or equal  
5 to sixty-two and one-half percent.

6 Sec. 5. (1) The department shall reimburse each qualified public  
7 school a portion of the cost of each eligible breakfast and each eligible  
8 lunch served by such school during the second preceding school fiscal  
9 year in an amount intended to offset the cost of the provision of such  
10 eligible breakfasts and eligible lunches at no cost to all students. The  
11 department shall make disbursements annually to each qualified school  
12 district that complies with the requirements of the Hunger-Free Schools  
13 Program in the amount of:

14 (a) For each qualified public school that has adopted the community  
15 eligibility provision for the school fiscal year that such eligible  
16 breakfasts and eligible lunches were served:

17 (i) The difference between the federal reimbursement for a free  
18 breakfast and the federal reimbursement rate for a fully paid breakfast  
19 for each fully paid breakfast served; and

20 (ii) The difference between the federal reimbursement rate for a  
21 free lunch and the federal reimbursement rate for a fully paid lunch for  
22 each fully paid lunch served; and

23 (b) For each qualified public school that has not adopted the  
24 community eligibility provision in the year that the eligible breakfasts  
25 and eligible lunches were served:

26 (i) Thirty cents for each eligible breakfast served to a student  
27 eligible for a reduced-price breakfast;

28 (ii) Forty cents for each eligible lunch served to a student  
29 eligible for a reduced-price lunch;

30 (iii) The difference between the federal reimbursement rate for a  
31 free breakfast and the federal reimbursement for a fully paid breakfast

1 for each fully paid breakfast served; and

2 (iv) The difference between the federal reimbursement rate for a  
3 free lunch and the federal reimbursement for a fully paid lunch for each  
4 fully paid lunch served.

5 (2) It is the intent of the Legislature to appropriate money from  
6 the General Fund to carry out the Hunger-Free Schools Act.

7 Sec. 6. (1) Nothing in the Hunger-Free Schools Act shall prevent a  
8 school district from collecting and qualifying income applications for  
9 students eligible for free or reduced-price meals.

10 (2) The department may adopt and promulgate rules and regulations to  
11 carry out the Hunger-Free Schools Act, including, but not limited to  
12 rules and regulations for the disbursement of payments to school  
13 districts pursuant to the act.

14 Sec. 7. Original section 79-10,137, Reissue Revised Statutes of  
15 Nebraska, is repealed.

16 Sec. 8. The following sections are outright repealed: Sections  
17 79-10,138 and 79-10,139, Reissue Revised Statutes of Nebraska.