

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 285

Introduced by Walz, 15.

Read first time January 11, 2023

Committee:

- 1 A BILL FOR AN ACT relating to schools; to amend sections 79-10,137,
- 2 79-10,138, and 79-10,139, Reissue Revised Statutes of Nebraska; to
- 3 adopt the School Community Eligibility Provision Maximization Act;
- 4 and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 9 of this act shall be known and may be
2 cited as the School Community Eligibility Provision Maximization 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 Sec. 3. For purposes of the School Community Eligibility Provision
13 Maximization Act:

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

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

17 (3) Eligible breakfast means a school breakfast served to a student
18 which is reimbursable, in total or in part, with federal funds, as
19 specified under regulations promulgated by the United States Department
20 of Agriculture pursuant to the federal Child Nutrition Act of 1966, 42
21 U.S.C. 1771 et seq., as such act and regulations existed on January 1,
22 2023;

23 (4) Eligible lunch means a school lunch served to a student which is
24 reimbursable, in total or in part, with federal funds, as specified under
25 regulations promulgated by the United States Department of Agriculture
26 pursuant to the federal Richard B. Russell National School Lunch Act, 42
27 U.S.C. 1751 et seq., as such act and regulations existed on January 1,
28 2023;

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

1 lunch was served, as published by the United States Department of
2 Agriculture pursuant to the federal Child Nutrition Act of 1966, 42
3 U.S.C. 1771 et seq., and the federal Richard B. Russell National School
4 Lunch Act, 42 U.S.C. 1751 et seq., as such acts existed on January 1,
5 2023;

6 (6) Identified student percentage means the identified student
7 percentage calculated for high-poverty schools as specified under
8 regulations promulgated by the United States Department of Agriculture
9 pursuant to the federal Richard B. Russell National School Lunch Act, 42
10 U.S.C. 1751 et seq., as such act and regulations existed on January 1,
11 2023;

12 (7) Qualified public school means a school operated by a school
13 district which is participating in the school breakfast program or the
14 national school lunch program under the federal Child Nutrition Act of
15 1966, 42 U.S.C. 1771 et seq., or the federal Richard B. Russell National
16 School Lunch Act, 42 U.S.C. 1751 et seq., as such acts existed on January
17 1, 2023.

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

22 Sec. 5. (1)(a) The department may grant a waiver of the
23 requirements of section 4 of this act to a school district that is able
24 to demonstrate that participation in the community eligibility provision
25 is not financially viable for the district. The waiver may be of a
26 specified length of time as determined by the department.

27 (b) The department shall provide technical assistance to any school
28 district that is granted a waiver under this section to support such
29 school district's adoption of the community eligibility provision in
30 subsequent years.

31 (2) The State Board of Education shall adopt and promulgate rules

1 and regulations to establish a process for granting an annual waiver,
2 including a process and criteria for determining if participation in the
3 community eligibility provision is viable for a school district.

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

6 ~~79-10,138~~ The department ~~State Department of Education~~ shall
7 reimburse each qualified public school in Nebraska a portion of the cost
8 of such school's school breakfast program in the amount of five cents per
9 eligible school breakfast served by such school in the second preceding
10 school year. ~~Each To qualify,~~ a school district shall ~~operate a school~~
11 ~~lunch program and shall~~ submit information regarding the number of
12 eligible breakfasts served by each qualified public school in the school
13 district in a manner prescribed by the department. The Legislature shall
14 appropriate money from the General Fund to carry out this section.

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

17 ~~79-10,139~~ Payments pursuant to section 6 of this act ~~79-10,138~~ shall
18 be made to each school district according to rules and regulations for
19 disbursements adopted and promulgated by the State Board of Education
20 ~~State Department of Education~~.

21 Sec. 8. Nothing in the School Community Eligibility Provision
22 Maximization Act shall prevent a school district from collecting
23 information from the parent or guardian of a student to determine
24 eligibility for other services of the school district.

25 Sec. 9. The State Board of Education may adopt and promulgate rules
26 and regulations to carry out the School Community Eligibility Provision
27 Maximization Act.

28 Sec. 10. Original sections 79-10,137, 79-10,138, and 79-10,139,
29 Reissue Revised Statutes of Nebraska, are repealed.