

ENGROSSED LEGISLATIVE BILL 966

Introduced by Cavanaugh, M., 6; Conrad, 46.

A BILL FOR AN ACT relating to schools; to amend section 79-10,137, Reissue Revised Statutes of Nebraska; to adopt the Hunger-Free Schools Act; to restate legislative findings and state legislative intent; to eliminate provisions relating to reimbursement for school breakfast programs; to create a fund; to provide powers and duties to the State Department of Education and the State Board of Education; to state intent relating to funding; to appropriate funds to carry out this legislative bill; to repeal the original section; and to outright repeal sections 79-10,138 and 79-10,139, Reissue Revised Statutes of Nebraska.

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

Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Hunger-Free Schools Act.

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

The Legislature finds that, for Nebraska to compete effectively in the world, it must have an educated and productive work force. In order to have an educated and productive work force, it must prepare its children to learn, and in order to do so the children must be well-nourished. The Legislature further finds that school breakfast and lunch programs are integral parts of Nebraska's educational system and that every student deserves access to healthy food during the school day.

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

- (1) Department means the State Department of Education;
- (2) Eligible meal means a school breakfast or school lunch that is served
 - (a) by a participating school,
 - (b) to a student who qualifies for reduced-price school meals under United States Department of Agriculture child nutrition programs, and
 - (c) at no cost to such student;

(3) Federal reimbursement rate means the payment a school receives for a school meal and is dependent on whether the school meal was a breakfast or a lunch, whether or not the student qualifies for free or reduced-price school meals, and the school year in which the school meal is served, as published by the United States Department of Agriculture pursuant to the federal Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq., and the federal Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq., and regulations promulgated under such acts, as such acts and regulations existed on January 1, 2026;

(4) Participating school means a qualified school that is selected to participate in the Hunger-Free Schools Pilot Program; and

(5) Qualified school means a school which is participating in the school breakfast program or the national school lunch program under the federal Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq., or the federal Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq., as such acts existed on January 1, 2026, and which does not serve free meals to all students under the community eligibility provision.

Sec. 4. (1) The Hunger-Free Schools Pilot Program is created. The pilot program shall include school years 2026-27 through 2031-32.

(2) Any qualified school may apply to participate in the pilot program in the manner prescribed by the department.

(3) The department shall annually select schools to participate in the pilot program from applicant qualified schools.

(4) To receive funding under the pilot program, a participating school shall:

(a) Serve eligible meals through any school breakfast program or school lunch program operated by such school during the school day; and

(b) Submit information regarding the number of eligible meals served in a manner prescribed by the department.

Sec. 5. The department shall annually reimburse each participating public school from the Hunger-Free Schools Cash Fund and each participating nonpublic

school from the General Fund a portion of the cost of each eligible meal served by such school during the second preceding school fiscal year in an amount equal to the difference between the federal reimbursement rate for a free meal and the federal reimbursement rate for a reduced-price meal for each eligible meal. The calculation of the reimbursement for each eligible meal shall be based on the federal reimbursement rates for a school breakfast or a school lunch as applicable to the eligible meal.

Sec. 6. (1) The department shall study the efficacy of the Hunger-Free Schools Pilot Program and the impact on academic and behavioral performance of students involved in the program. The study shall:

- (a) Examine the performance of students attending participating schools;
- (b) Include data beginning with school year 2026-27 and ending with school year 2031-32; and
- (c) Be conducted in a manner that protects the identity of students and complies with state and federal privacy laws.

(2) On or before December 1, 2032, the department shall electronically report the results to the Clerk of the Legislature and to the Education Committee of the Legislature.

Sec. 7. The Hunger-Free Schools Cash Fund is created. The fund shall be administered by the State Department of Education. The fund shall consist of money transferred to the fund by the Legislature and money donated as gifts, bequests, or other contributions from public or private entities. The department shall use the proceeds of the fund to carry out the Hunger-Free Schools Act for public schools. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 8. The State Board of Education may adopt and promulgate rules and regulations to carry out the Hunger-Free Schools Act.

Sec. 9. It is the intent of the Legislature to appropriate funds to the department necessary to administer the Hunger-Free Schools Act for any school that does not receive funds from the Hunger-Free Schools Cash Fund.

Sec. 10. There is hereby appropriated (1) \$55,638 from the General Fund and \$1,151,180 from the Hunger-Free Schools Cash Fund for FY2026-27 and (2) \$55,638 from the General Fund and \$1,151,180 from the Hunger-Free Schools Cash Fund for FY2027-28 to the State Department of Education, for Program 158, to aid in carrying out the provisions of Legislative Bill 966, One Hundred Ninth Legislature, Second Session, 2026.

There is included in the appropriation to this program for FY2026-27 \$55,638 General Funds and \$1,151,180 Cash Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2027-28 \$55,638 General Funds and \$1,151,180 Cash Funds for state aid, which shall only be used for such purpose.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 11. Original section 79-10,137, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 12. The following sections are outright repealed: Sections 79-10,138 and 79-10,139, Reissue Revised Statutes of Nebraska.

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 966 was passed by the One Hundred Ninth
Legislature of Nebraska at its Second Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR