

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 14

Introduced by Cavanaugh, M., 6.

Read first time January 09, 2025

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 and state legislative
4 intent; to eliminate provisions relating to reimbursement for school
5 breakfast programs; to provide powers and duties to the State
6 Department of Education and the State Board of Education; to repeal
7 the original section; and to outright repeal sections 79-10,138 and
8 79-10,139, Reissue Revised Statutes of Nebraska.
9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 7 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 offer
14 meals during the school day at no cost to every student.

15 **Sec. 3.** For 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 that 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 Child Nutrition Act of 1966, 42
23 U.S.C. 1771 et seq., as such act and regulations existed on January 1,
24 2023;

25 (4) Eligible lunch means a school lunch served to a student that 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 Richard B. Russell National School Lunch Act, 42
29 U.S.C. 1751 et seq., as such act and regulations existed on January 1,
30 2023;

31 (5) Federal reimbursement rate means the payment levels received by

1 the qualified school for an eligible breakfast or an eligible lunch for
2 the school year in which the eligible breakfast or the eligible lunch was
3 served, as published by the United States Department of Agriculture
4 pursuant to the federal Child Nutrition Act of 1966, 42 U.S.C. 1771 et
5 seq., and the federal Richard B. Russell National School Lunch Act, 42
6 U.S.C. 1751 et seq., and regulations promulgated under such acts, as such
7 acts and regulations existed on January 1, 2023;

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

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

12 (8) Identified student percentage means the identified student
13 percentage calculated for high-poverty schools as specified under
14 regulations promulgated by the United States Department of Agriculture
15 pursuant to the federal Richard B. Russell National School Lunch Act, 42
16 U.S.C. 1751 et seq., as such act and regulations existed on January 1,
17 2023;

18 (9) Qualified school means a public school or a nonprofit private
19 school which is participating in the school breakfast program or the
20 national school lunch program under the federal Child Nutrition Act of
21 1966, 42 U.S.C. 1771 et seq., or the federal Richard B. Russell National
22 School Lunch Act, 42 U.S.C. 1751 et seq., as such acts existed on January
23 1, 2023;

24 (10) Reduced-price breakfast means a breakfast served to an eligible
25 student by a public school or nonprofit private school participating in
26 the school breakfast program under the federal Child Nutrition Act of
27 1966, 42 U.S.C. 1771 et seq., as such act existed on January 1, 2023; and

28 (11) Reduced-price lunch means a lunch served to an eligible student
29 by a public school or nonprofit private school participating in the
30 national school lunch program under the federal Richard B. Russell
31 National School Lunch Act, 42 U.S.C. 1751 et seq., as such act existed on

1 January 1, 2023.

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

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

7 (2) Submit information regarding the number of eligible breakfasts
8 and eligible lunches served in a manner prescribed by the department; and

9 (3) Maximize federal reimbursement for eligible breakfasts and
10 eligible lunches by operating under the community eligibility provision
11 if such school has an identified student percentage greater than or equal
12 to sixty-two and one-half percent.

13 **Sec. 5.** The department shall reimburse each qualified school a
14 portion of the cost of each eligible breakfast and each eligible lunch
15 served by such school during the second preceding school fiscal year in
16 an amount intended to offset the cost of providing such eligible
17 breakfasts and eligible lunches at no cost to all students. The
18 department shall make disbursements annually to each qualified school
19 that complies with the requirements of the Hunger-Free Schools Program in
20 the amount of:

21 (1) For each qualified school that has adopted the community
22 eligibility provision for the school fiscal year during which such
23 eligible breakfasts and eligible lunches were served:

24 (a) The difference between the federal reimbursement rate for a free
25 breakfast and the federal reimbursement rate for a fully paid breakfast
26 for each fully paid breakfast served; and

27 (b) The difference between the federal reimbursement rate for a free
28 lunch and the federal reimbursement rate for a fully paid lunch for each
29 fully paid lunch served; and

30 (2) For each qualified school that has not adopted the community
31 eligibility provision in the school fiscal year during which the eligible

1 breakfasts and eligible lunches were served:

2 (a) Thirty cents for each eligible breakfast served to a student
3 eligible for a reduced-price breakfast;

4 (b) Forty cents for each eligible lunch served to a student eligible
5 for a reduced-price lunch;

6 (c) The difference between the federal reimbursement rate for a free
7 breakfast and the federal reimbursement rate for a fully paid breakfast
8 for each fully paid breakfast served; and

9 (d) The difference between the federal reimbursement rate for a free
10 lunch and the federal reimbursement rate for a fully paid lunch for each
11 fully paid lunch served.

12 **Sec. 6.** (1) Nothing in the Hunger-Free Schools Act shall prevent a
13 school district or a nonprofit private school from collecting information
14 from the parent or guardian of a student to determine eligibility for
15 other services of the school district or nonprofit private school.

16 (2) The State Board of Education may adopt and promulgate rules and
17 regulations to carry out the act.

18 (3) It is the intent of the Legislature to appropriate money from
19 the General Fund to carry out the Hunger-Free Schools Act.

20 **Sec. 7.** Original section 79-10,137, Reissue Revised Statutes of
21 Nebraska, is repealed.

22 **Sec. 8.** The following sections are outright repealed: Sections
23 79-10,138 and 79-10,139, Reissue Revised Statutes of Nebraska.