

AMENDMENTS TO LB583

(Amendments to Standing Committee amendments, AM970)

Introduced by Cavanaugh, M., 6.

1 1. Insert the following new sections:

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

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

6 ~~79-10,137~~ The Legislature finds that, for Nebraska to compete
7 effectively in the world, it must have an educated and productive work
8 force. In order to have an educated and productive work force, it must
9 prepare its children to learn, and in order to do so the children must be
10 well-nourished. The Legislature further finds that school breakfast and
11 lunch programs are integral parts of Nebraska's educational system, and
12 that every student deserves access to healthy food during the school day.

13 Sec. 3. For purposes of the Hunger-Free Schools 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

1 U.S.C. 1751 et seq., as such act and regulations existed on January 1,
2 2023;

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

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

17 Sec. 4. Each qualified public school that is eligible to receive
18 one hundred percent of the federal reimbursement rate at the free rate
19 for all eligible breakfasts and eligible lunches shall operate under the
20 community eligibility provision.

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

23 ~~79-10,138~~ The department State Department of Education shall
24 reimburse each qualified public school in Nebraska a portion of the cost
25 of such school's school breakfast program in the amount of five cents per
26 eligible school breakfast served by such school in the second preceding
27 school year. Each To qualify, a school district shall operate a school
28 lunch program and shall submit information regarding the number of
29 eligible breakfasts served by each qualified public school in the school
30 district in a manner prescribed by the department. The Legislature shall
31 appropriate money from the General Fund to carry out this section.

1 Sec. 6. Section 79-10,139, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 ~~79-10,139~~ Payments pursuant to section 5 of this act ~~79-10,138~~ shall
4 be made to each school district according to rules and regulations for
5 disbursements adopted and promulgated by the department ~~State Department~~
6 ~~of Education~~.

7 Sec. 7. Nothing in the Hunger-Free Schools Act shall prevent a
8 school district from collecting information from the parent or guardian
9 of a student to determine eligibility for other services of the school
10 district.

11 Sec. 8. The department may grant a waiver of the requirement under
12 section 4 of this act to a school or district which lacks facilities,
13 equipment, or staff to offer a school breakfast program and in which the
14 acquisition of such facilities, equipment, or staff would cause extreme
15 hardship to such school or district. A waiver may also be granted if
16 participation in the program is too small to allow the program to be
17 cost-effective or may create substantial scheduling difficulties. The
18 waiver may be permanent or for a specified length of time as determined
19 by the department.

20 Sec. 9. The State Board of Education shall adopt and promulgate
21 rules and regulations to carry out the Hunger-Free Schools Act.

22 Sec. 23. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 25 of this act
23 become operative on August 1, 2023. The other sections of this act become
24 operative on their effective date.

25 Sec. 25. Original sections 79-10,137, 79-10,138, and 79-10,139,
26 Reissue Revised Statutes of Nebraska, are repealed.

27 2. Renumber the remaining sections, correct internal references, and
28 correct the repealer accordingly.