

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 627

Introduced by Bostar, 29.

Read first time January 17, 2023

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to adopt the Free Student Meals
- 2 Act; to eliminate provisions relating to reimbursement for school
- 3 breakfast programs; and to outright repeal sections 79-10,138 and
- 4 79-10,139, Reissue Revised Statutes of Nebraska.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 5 of this act shall be known and may be
2 cited as the Free Student Meals Act.

3 Sec. 2. For purposes of the Free Student Meals Act:

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

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

7 (3) Eligible breakfast means a school breakfast served to a student
8 which is reimbursable, in total or in part, with federal funds, as
9 specified under regulations promulgated by the United States Department
10 of Agriculture pursuant to the federal Child Nutrition Act of 1966, 42
11 U.S.C. 1771 et seq., as such act and regulations existed on January 1,
12 2023;

13 (4) Eligible lunch means a school lunch served to a student which is
14 reimbursable, in total or in part, with federal funds, as specified under
15 regulations promulgated by the United States Department of Agriculture
16 pursuant to the federal Richard B. Russell National School Lunch Act, 42
17 U.S.C. 1751 et seq., as such act and regulations existed on January 1,
18 2023;

19 (5) Federal reimbursement rate means the payment levels received by
20 the qualified school for an eligible breakfast or eligible lunch for the
21 school year in which the eligible breakfast or eligible lunch was served,
22 as published by the United States Department of Agriculture pursuant to
23 the federal Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq., and the
24 federal Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et
25 seq., as such acts existed on January 1, 2023;

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

28 (7) Fully paid lunch means a lunch served to a student who is not
29 eligible for free or reduced-price school lunches;

30 (8) Identified student percentage means the identified student
31 percentage calculated for high-poverty schools as specified under

1 regulations promulgated by the United States Department of Agriculture
2 pursuant to the federal Richard B. Russell National School Lunch Act, 42
3 U.S.C. 1751 et seq., as such act and regulations existed on January 1,
4 2023;

5 (9) Qualified school means a public school or a nonprofit private
6 school which is participating in the school breakfast program or the
7 national school lunch program under the federal Child Nutrition Act of
8 1966, 42 U.S.C. 1771 et seq., or the federal Richard B. Russell National
9 School Lunch Act, 42 U.S.C. 1751 et seq., as such acts existed on January
10 1, 2023;

11 (10) Reduced-price breakfast means a breakfast served to an eligible
12 student by a school participating in the school breakfast program under
13 the federal Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq., as such
14 act existed on January 1, 2023; and

15 (11) Reduced-price lunch means a lunch served to an eligible student
16 by a school participating in the national school lunch program under the
17 federal Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et
18 seq., as such act existed on January 1, 2023.

19 Sec. 3. To qualify for reimbursement under the Free Student Meals
20 Act, a qualified school shall:

21 (1) Offer breakfasts and lunches at no cost to all students for any
22 school meal program operated by such school during the school day;

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

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

29 Sec. 4. (1) The department shall create and administer a grant
30 program to reimburse a qualified school for a portion of the cost of each
31 breakfast and each lunch served by such school during the second

1 preceding school fiscal year in an amount intended to offset the cost of
2 providing such breakfasts and lunches at no cost to all students. The
3 department shall make disbursements annually to each school that applies
4 for the grant and complies with the requirements of the Free Student
5 Meals Act in the amount of:

6 (a) For each qualified school that has adopted the community
7 eligibility provision for the school fiscal year that such breakfasts and
8 lunches were served:

9 (i) The difference between the federal reimbursement rate for a free
10 breakfast and the federal reimbursement rate for fully paid breakfast for
11 each fully paid breakfast served; and

12 (ii) The difference between the federal reimbursement rate for a
13 free lunch and the federal reimbursement rate for a fully paid lunch for
14 each fully paid lunch served; and

15 (b) For each qualified school that has not adopted the community
16 eligibility provision in the year that such breakfasts and lunches were
17 served:

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

20 (ii) Forty cents for each eligible lunch served to a student
21 eligible for a reduced-price lunch; and

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

25 (iv) The difference between the federal reimbursement rate for a
26 free lunch and the federal reimbursement rate for a fully paid lunch for
27 each fully paid lunch served.

28 (2) It is the intent of the Legislature to appropriate money from
29 the General Fund to carry out the Free Student Meals Act.

30 Sec. 5. (1) Nothing in the Free Student Meals Act shall prevent a
31 school from collecting information from the parent or guardian of a

1 student to determine eligibility for other services of the school.

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

4 Sec. 6. The following sections are outright repealed: Sections
5 79-10,138 and 79-10,139, Reissue Revised Statutes of Nebraska.