

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 834

Introduced by Avery, 28.

Read first time January 13, 2014

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend section 79-10,138, Reissue
2 Revised Statutes of Nebraska; to change provisions
3 relating to reimbursement for school breakfast programs;
4 to create a fund; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-10,138, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-10,138 (1) The State Department of Education shall
4 reimburse each qualified public school in Nebraska a portion of the
5 cost of such school's school breakfast program in the amount of five
6 cents per school breakfast served by such school in the second
7 preceding school year. To qualify, a school district shall operate a
8 school lunch program and shall submit information regarding the
9 number of breakfasts served in a manner prescribed by the department.
10 The Legislature shall appropriate money from the General Fund to
11 carry out this subsection.

12 (2) The department shall also provide grants to
13 qualifying school districts that: (a) Operate a school breakfast
14 program; (b) submit information regarding the number of breakfasts
15 served in a manner prescribed by the department; (c) agree to
16 implement alternative flexible models of school breakfast shown to
17 increase participation, such as grab-and-go breakfast and breakfast
18 in the classroom; (d) amend written policies to include the new
19 breakfast models and sign a memorandum of understanding with the
20 department, agreeing to increase breakfast participation rates
21 through the use of the alternative models; and (e) collect data
22 showing average daily participation percentage.

23 (3)(a) A school district that qualifies pursuant to
24 subsection (2) of this section shall receive a one-time grant based
25 on enrollment as follows: A school with fewer than two hundred

1 students shall receive two thousand dollars; a school with at least
2 two hundred students and not more than five hundred students shall
3 receive three thousand dollars; and a school with more than five
4 hundred students shall receive five thousand dollars. Schools that
5 have implemented alternative breakfast models before the effective
6 date of this act are not eligible for a grant under this section. The
7 Legislature shall appropriate money from the General Student Wellness
8 Fund to carry out this ~~section~~ subsection.

9 (b) If more schools qualify than there are funds
10 available, priority shall be given to schools in which at least half
11 of the students are eligible for free or reduced-price lunch.

12 (4) The Student Wellness Fund is created for the purpose
13 of receiving funds appropriated by the Legislature to carry out this
14 section and private funds to expand school breakfast participation
15 and encourage other school wellness activities.

16 (5) The department shall contract with an outside entity
17 to administer the Student Wellness Fund, but no more than ten percent
18 of the money in the Student Wellness Fund may be used for
19 administrative expenses.

20 (6) No grants shall be made pursuant to this subsection
21 after May 1, 2017, or when the funds appropriated to the Student
22 Wellness Fund for such grants are depleted, whichever occurs earlier.

23 (7) Any money in the Student Wellness Fund available for
24 investment shall be invested by the state investment officer pursuant
25 to the Nebraska Capital Expansion Act and the Nebraska State Funds

1 Investment Act.

2 Sec. 2. Original section 79-10,138, Reissue Revised

3 Statutes of Nebraska, is repealed.