

**NEBRASKA DEPARTMENT
OF EDUCATION**

RULE 86

**REGULATIONS AND PROCEDURES FOR PUBLIC SCHOOL BREAKFAST
PROGRAM REIMBURSEMENT**

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 86**

**EFFECTIVE DATE
FEBRUARY 9, 2008
(REVISED)**

**State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509**



**TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 86 - REGULATIONS AND PROCEDURES FOR PUBLIC SCHOOL
BREAKFAST PROGRAM REIMBURSEMENT**

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001 General Provisions

001.01 Purpose. The Legislature has found that school breakfast and lunch program are integral parts of Nebraska's educational system. Accordingly, the Legislature will reimburse each qualified public school in Nebraska a portion of the cost of such school's school breakfast program.

001.02 Statutory Authority. This Chapter is adopted pursuant to Neb. Rev. Stat. Sections 79-10,137 through 79-10,139.

001.03 Coverage. This Chapter sets forth the breakfast reimbursement requirements for qualified public schools in Nebraska for payments pursuant to Neb. Rev. Stat. Section 79-10,138.

002 Definitions

002.01 Breakfast shall mean a meal which meets the nutritional requirements set out in 7 CFR Part 220.8, and which is served to the school's eligible students in the morning hours prior to the lunch meal, pursuant to the requirements of the School Breakfast Program at 7 CFR Part 220.

002.02 Department shall mean the Nebraska Department of Education.

002.03 Eligible student shall mean qualified public school students who participate in a school lunch program as authorized by the National School Lunch Act found at 42 U.S.C. 1751, et seq.

002.04 School lunch program shall mean the National School Lunch Program at 7 CFR Part 210, as authorized by the National School Lunch Act.

002.05 Qualified public school shall mean a Department accredited public school pursuant to Title 92, Nebraska Administrative Code, Chapter 10, (92 NAC 10), which operates a school lunch program as authorized by the National School Lunch Act.

002.06 State reimbursement shall mean the state funds payable to qualified public schools for breakfasts served to eligible students. The rate for breakfast reimbursement is 5¢ for each school breakfast served to each eligible student and payment is made for breakfasts served in the second preceding school year. Therefore, for example, payments made in 2007-08 would be for meal claims from 2005-06.

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002.07 USDA shall mean the United States Department of Agriculture.

003 Reimbursement Procedures

003.01 Program and Site Applications. Each qualified public school that operates a school lunch program shall submit a completed Program Application and Site Application for each participating site to the Department. Form NDE-01-014 is available online from the Department and must be submitted online.

003.02 Breakfast Requirements. Only breakfasts which meet the USDA regulatory requirements at 7 CFR Part 220, and are eligible for federal reimbursement according to the National School Lunch Act, shall be eligible for state reimbursement.

003.03 Claim Procedures. Claims shall be made on the Department's Claim for Reimbursement Form NDE-28-036 (Appendix A), or the same Claim information may be submitted in the Nebraska Nutrition Services web-based reporting system. All claims submitted to the Department after the claim deadline of sixty (60) days past the last day of each month shall not be payable. For purposes of school breakfast reimbursement, the instructions in Appendix A attached to Claim for Reimbursement Form NDE-28-036 must be followed for all claims submitted to the Department pursuant to this Chapter, and such instructions are incorporated into this section by reference as if fully set forth herein.

Return to:
Nebraska Department of Education
Financial Services
P.O. Box 94987
Lincoln, Nebraska 68509-4987
Fax Number (402) 471-6351 or (402) 471-4407

NDE 28-036
(Revised 07/07)
Date Due: 5th day of the month following
the Month Being Reported

Date Received by NDE

[GO TO INSTRUCTIONS](#)

[RESET FORM](#)

Monthly Claim Form for Reimbursement

National School Lunch, School Breakfast, Special Milk Programs

Sponsor Information			
System Name	System Number	Month/Year Claimed	Submission Type
			Original <input type="checkbox"/> Revised <input type="checkbox"/>
Town			

	Lunch	Breakfast		After School Care Snack		Special Milk
		Regular	Severe Need	<50%	>=50%	
Meals Served to Children						
Paid						
Free						
Reduced						
Totals	0	0	0	0	0	0
Eligible Children						
Paid						
Free						
Reduced						
Total Eligible	0	0	0	0	0	0
Program Information						
Sites Claiming						
Days Meals Served						
Average Daily Attendance						
Special Milk						
Cost Per Half-Pints	If you are claiming free milk you must complete this area					

I certify that to the best of my knowledge and belief, this claim is true and correct in all respects, records are available to support the claim, the claim is in accordance with existing agreement and payment therefor has not been received. I further certify and assume full responsibility that the meal counts have been reviewed and analyzed in accordance with 7CFR 210.8.

Date of Preparation

Title

Signature of Authorized Representative

Mandatory

Original – Nebraska Department of Education

Canary Copy – Retain for your records

INSTRUCTIONS

If you are submitting the claim via the WEB, you do not need to send a claim form to the Department of Education. However, you must retain the original on file with the Authorized Representatives signature. If you are submitting the claim via the WEB, you have until the 10th day of the month to submit the claim.

Claims not submitted via the WEB, are due the 5th day of the month following the reporting month and must be submitted by the calendar month, not the school month. No month's meal counts can be combined with another month's counts regardless of the number of days served.

Sponsor Information

Complete the System Name, the correct 6-digit system number (county-district number), the Month and Year of the claiming month. Check the type of submission of claim, either original claim or revised claim. Report the town.

Meals Served to Children

Report the number of meals served to children by meal type (Lunch, Breakfast, Snacks, and Special Milk) and eligibility type (Paid, Free, and Reduced). Also report the total number of lunches, regular breakfasts, severe need breakfasts, after school snacks and special milk served to children.

Eligible Children

Report the number of children approved for paid, free, and reduced price meals by meal type. Also, report the total number of children eligible for lunch, regular breakfast, severe need breakfast, after school care snacks, and special milk.

Program Information

Report the average daily attendance in schools where each meal type (lunch, regular breakfast, severe need breakfast, after school care snacks and special milk) is served.

Special Milk Average Daily Attendance: For "Milk Program Only" schools, and schools with "Split-Session Kindergarten" Milk Programs, report the Average Daily Attendance of those children who have the special milk program available to them. "Milk Program Only" schools, are school with a special milk program, but no lunch or breakfast programs. "Split-Session Kindergarten" Milk programs are half-day kindergartners who do not have access to a lunch program.

Report the actual number of days of service by meal type for the month being reported. If you have more than one school that served different numbers of days, report the average of all days. Round to the nearest whole number, i.e. 178.6 equals 179; and 172.2 equals 172.

Report the number of sites in which you actually served each meal type. (Number of sites must be equal to or less than the number approved on web-based Program Application NDE 01-014)

Special Milk Computation

If you are claiming free milk you must report the cost of milk per 1/2 pint. This is calculated by dividing the total cost of milk purchased by the total number of 1/2 pints purchased. This is your reimbursement rate for free milk. If you do not offer free milk, you do not need to calculate and report.

State reimbursement will be calculated by the Department's Financial Services Section.

The claim must be signed by the authorized representative. If you are submitting the claim via the WEB you have until the 10th day of the month to enter the claim information into the WEB site and you do not need to send a paper claim to the Department of Education.

If you do not submit you claim via the WEB you must mail or fax the claim on or before the 5th day of the month following the month being reported. The claim must be signed and dated by the Authorized Representative.

GO TO FORM

**NEBRASKA DEPARTMENT OF EDUCATION ADMINISTRATIVE RULES
(TITLES 92 AND 93 NEBRASKA ADMINISTRATIVE CODE)
AS OF FEBRUARY 2008**

<u>CHAPTER NUMBER</u>	<u>SUBJECT</u>	<u>EFFECTIVE DATE</u>	<u>REVISION PENDING</u>
<u>TITLE 92</u>			
<u>SCHOOL OPERATION AND FINANCE</u>			
1	School Audit Procedures	08-07-04	X
2	Uniform System of Accounting	08-07-04	X
3	Identification of High Ability Learners	12-15-98	
4	Private Student Book Loans	01-19-08	
8	School Financing & Budgeting	08-29-06	X
9	Proration of Affiliated School System Bond Funds	11-9-94	
<u>SCHOOL SYSTEM APPROVAL AND CURRICULUM</u>			
10	Accreditation of Schools	06-24-07	X
11	Early Childhood Education Programs	08-20-07	
12	Exempt Schools (not for religious reasons)	01-19-05	
13	Exempt Schools	01-19-05	
14	Approved Nonpublic Schools	01-14-96	
17	Alternative Schools, Classes & Programs for Expelled Students	12-09-97	
18	Interim-Program Schools	12-29-03	
19	School Enrollment	12-17-06	
<u>SCHOOL PERSONNEL</u>			
20	Teachers College Approval	01-19-08	
21	Teacher Certification	11-19-07	
22	Master Teacher Program	01-13-02	
23	Basic Skills Competency Testing	02-16-97	X
24	Endorsements	12-26-06	
25	Attracting Excellence to Teaching Program	01-13-02	
26	Mentor Teacher Program	08-04-99	
27	Professional Practices Criteria	11-12-03	
28	Non-Public Professional Practices & Investigations	12-25-89	
29	State Board Review of Professional Practices Cases	12-25-89	
<u>VOCATIONAL EDUCATION</u>			
41	Private Postsecondary Career Schools	06-24-07	
42	Private Postsecondary Career Schools Agent	06-24-07	
43	Private Postsecondary Schools Complaint & Investigation Procedures	04-15-91	
44	Private Postsecondary Schools Tuition Recovery Cash Fund	01-10-00	
45	Vocational Student Organizations	12-19-94	
46	Career Education Partnership Act Grants	11-19-07	
<u>SPECIAL EDUCATION</u>			
51	Special Education Programs Standards	05-13-06	X
53	Special Education Residential Care	03-09-86	
55	Special Education Appeals	05-02-06	
59	Competency Assessment of School Staff Who Provide Medication	05-13-06	
<u>PRACTICE AND PROCEDURE</u>			
61	Contested Cases	10-01-97	
62	Declaratory Orders	08-22-95	
63	Rulemaking Petitions	08-22-95	
64	Negotiated Rulemaking	08-22-95	
<u>REHABILITATION SERVICES</u>			
71	Formal Review of Vocational Rehabilitation Determinations	06-07-00	
72	Vocational Rehabilitation Cost Containment	05-02-04	X
<u>MISCELLANEOUS</u>			
81	High School Equivalency	01-01-02	
83	State Committee for the Reorganization of School Districts	11-28-05	
84	Educational Service Units Accreditation	08-10-98	
85	Educational Service Unit Boundary Changes	12-15-98	
86	Public School Breakfast Program Reimbursement	02-09-08	
87	Qualified Zone Academy Bonds	11-10-98	
88	School Technology Fund Program	12-24-96	
89	Education Innovation Fund Program-Distance Education Equipment Reimbursement and Incentives	07-08-07	
<u>TRANSPORTATION</u>			
91	Driver Qualifications & Operational Procedures for Pupil Transportation Vehicles	12-28-03	X
92	Minimum Equipment Standards & Safety Inspection Criteria for Pupil Transportation Vehicles	03-07-04	X
<u>TITLE 93</u>			
1 – 16	Nebraska Department of Education Personnel Rules	08-18-07	

** To view/print a copy of any rule listed above, visit the NDE Homepage at:
<http://www.nde.state.ne.us/LEGAL/RULES.html>