

CHAPTER 424
FORMERLY
HOUSE BILL NO. 408
AS AMENDED BY
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL BREAKFAST.

WHEREAS, it is widely accepted that breakfast is the most important meal of the day; and

WHEREAS, according to the American Academy of Pediatrics approximately eight to twelve percent of all school-aged kids skip breakfast; and

WHEREAS, the number of adolescents skipping breakfast may be as high as twenty to thirty percent; and

WHEREAS, school breakfast is being offered to children in all of Delaware's traditional public schools already; and

WHEREAS, nationally, less than half the students who are eligible for free or reduced price school breakfast are currently participating; and

WHEREAS, eating breakfast at school is proven to increase academic performance, improve student behavior and positively impacts the health of our children;

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 41, Title 14 of the Delaware Code as follows:

§4137. Alternative Service Models for School Breakfast.

(a) Purpose. The purpose of allowing for Alternative Service Models for School Breakfast is:

(1) To increase the total number of public school, excluding charter school, students eating breakfast on school days;

(2) To help improve the academic performance of these students; and

(3) To improve the overall health of these students in the State of Delaware.

(b) Definitions. For the purposes of this section:

(1) "Alternative Service Model" means breakfast meal service that may include one or more of the following:

a. Breakfast in the Classroom.

b. Grab and Go Breakfast.

c. Second Chance Breakfast.

(2) "Breakfast in the Classroom" means that breakfast meals are eaten in the classroom at the start of the school day. A breakfast meal can either be delivered to the classroom or be served from the cafeteria or a cart or kiosk placed within the school, the cafeteria, or another location deemed appropriate by the school.

(3) "Community Eligibility Provision" means a provision from the Healthy, Hunger-Free Kids Act of 2010 that allows schools and local education agencies with high poverty rates to provide a breakfast and lunch to all students at no cost.

(4) "Department" means the State of Delaware Department of Education.

(5) "Free Claiming Percentage Rate", for the purposes of this program, means the Identified Student Percentage of a school multiplied by a factor of 1.6.

(6) "Grab and Go Breakfast" means that students are able to access a breakfast meal from a cart or kiosk placed within the school, the cafeteria or another location deemed appropriate by the school.

(7) "Identified Student Percentage" means the number of students in a school directly certified for free meals (any student in a household receiving Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF) plus any student identified as homeless, foster, migrant or runaway) between the period of July 1 through April 1 annually.

(8) "National School Lunch Program" means the federal National School Lunch Act created in 42 U.S.C. §§ 1751 et seq.

(9) “Reduced Price Meal” means a meal a child is entitled to in the School Breakfast or National School Lunch Program where the family’s income is between 130 and 185 percent of the Federal poverty threshold, published annually in the Federal register as required by Section 9 of the Richard B. Russell National School Lunch Act.

(10) “School Breakfast Program” means the federal School Breakfast Program created in 42 U.S.C §§ 1773 et seq.

(11) “Second Chance Breakfast” means that students are offered the opportunity to obtain a breakfast meal at a time prior to the beginning of second period.

(c) The Program.

(1) Beginning in school year 2017-2018, every public school site, including charter school sites, participating in the Community Eligibility Provision, shall be required to offer a breakfast at no cost to every student in the school through an Alternative Service Model, which may be in addition to their traditional breakfast meal service.

(d) Administration. The Department may promulgate regulations regarding the implementation of this section.

Approved September 14, 2016