



SPONSOR: Rep. Osienski & Rep. Longhurst & Sen. Townsend  
Reps. Baumbach, Bentz, Heffernan, Jaques, Potter; Sens.  
Blevins, Henry, Marshall

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 408

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

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

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

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

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

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

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

11 NOW, THEREFORE:

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

13 Section 1. Amend Chapter 41, Title 14 of the Delaware Code by making deletions as shown by strike through and  
14 insertions as shown by underline as follows:

15 §4137. Alternative Service Models for School Breakfast.

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

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

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

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

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

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

23 a. Breakfast in the Classroom.

24 b. Grab and Go Breakfast.

25 c. Second Chance Breakfast.

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

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

32 (4) “Department” means the State of Delaware Department of Education.

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

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

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

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

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

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

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

50 (c) The Program.

51 (1) Beginning in school year 2016-2017, every public school site, excluding charter school sites, participating  
52 in the Community Eligibility Provision, shall be required to offer a breakfast at no cost to every student in the school  
53 through an Alternative Service Model, which may be in addition to their traditional breakfast meal service.

54 (2) No later than school year 2017-2018, every public school site, excluding charter school sites, under the  
55 School Lunch Program that has a Free Claiming Percentage Rate of 70% or higher shall be required to offer a breakfast  
56 at no cost to every student in the school, through an Alternative Service Model, which may be in addition to their  
57 traditional breakfast meal service.

58 (3) No later than school year 2017-2018, every public school site, excluding charter school sites, under the  
59 School Lunch Program that has a Free Claiming Percentage Rate of less than 70% shall be required to offer a breakfast  
60 at no cost to every student in the school that would be eligible for a Reduced Price Meal through an Alternative Service  
61 Model, which may be in addition to their traditional breakfast meal service. A public school site may charge for a  
62 breakfast meal any student who does not qualify for a free or reduced price meal.

63 (4) No later than school year 2017-2018, every public school site, excluding charter school sites, under the  
64 School Lunch Program shall be required to offer a breakfast meal, through an Alternative Service Model, which may  
65 be in addition to their traditional breakfast meal service.

66 (5) Any public school site, excluding charter school sites, that does not participate in the School Lunch  
67 Program would not be required to participate in this program.

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

#### SYNOPSIS

This Act requires that no later than school year 2017-2018, all public school sites, excluding charter school sites, that participate in the National School Lunch Program offer breakfast through an alternative service model(s), which may include, but not be limited to, Breakfast in the Classroom, Grab and Go Breakfast, or Second Chance Breakfast. These alternative service model(s) may be in addition to their traditional breakfast meal service. This Act also requires that every public school site, excluding charter school sites, which reach a Free Claiming Percentage Rate of 70% or higher, shall be required to offer a breakfast at no cost to every student in the school.