

110TH CONGRESS  
1ST SESSION

# S. 2143

To amend the Elementary and Secondary Education Act to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2007

Mr. KOHL (for himself, Mr. FEINGOLD, Mr. TESTER, Mr. SANDERS, Mr. KERRY, Mr. DURBIN, Mr. OBAMA, Mr. BINGAMAN, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

---

## A BILL

To amend the Elementary and Secondary Education Act to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Student Breakfast and  
5 Education Improvement Act of 2007”.

### 6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

1           (1) approximately 60 percent of students in the  
2           United States are eligible to receive free or reduced-  
3           price school lunches under the school lunch program  
4           established under the Richard B. Russell National  
5           School Lunch Act (42 U.S.C. 1751 et seq.);

6           (2) in fiscal year 2006, 7,700,000 students in  
7           the United States consumed free or reduced-price  
8           school breakfasts provided under the school break-  
9           fast program established by section 4 of the Child  
10          Nutrition Act of 1966 (42 U.S.C. 1773);

11          (3) as of the date of enactment of this Act, ap-  
12          proximately 83 percent of all public schools in the  
13          United States provide 9,500,000 school breakfasts  
14          each year under the program established by section  
15          4 of that Act (42 U.S.C. 1773) to at least 130,000  
16          students;

17          (4) less than  $\frac{1}{2}$  of the low-income students who  
18          participate in the school lunch program also partici-  
19          pate in the school breakfast program;

20          (5) many students who are eligible for reduced-  
21          price breakfasts and lunches can afford only 1 of  
22          those meals per day;

23          (6) almost 17,000 schools that participate in  
24          the school lunch program do not participate in the  
25          school breakfast program;

1           (7) as of January 1, 2005, over 13,000,000  
2       children, or 18.5 percent of all children, in the  
3       United States were living in poverty and 11 percent  
4       of the households in the United States were food in-  
5       secure;

6           (8) missing breakfast and the resulting hunger  
7       has been shown to lower the ability of children to  
8       learn and hinder academic performance;

9           (9) Provision 2 as established under subsections  
10      (b) through (k) of section 245.9 of title 7, Code of  
11      Federal Regulations (or successor regulations), re-  
12      duces application and administrative burdens for  
13      schools that provide universal free meals;

14          (10) schools electing to implement school break-  
15      fast programs face significant hurdles, such as start-  
16      up costs and lack of participation, that require var-  
17      ious additional resources for the best solution;

18          (11) school districts that are participating in  
19      the Provision 2 option described in paragraph (9)  
20      have found that the school districts can often pro-  
21      vide universal free breakfast in schools with as little  
22      as 60 to 75 percent of students who are eligible for  
23      free and reduced-price school meals due to the sav-  
24      ings realized from reduced administrative costs and  
25      improved economies of scale;

1           (12) studies suggest that eating breakfast clos-  
2       er to class and test-taking time improves student  
3       performance on standardized tests relative to stu-  
4       dents who skip breakfast or have breakfast at home;

5           (13) studies show that children experiencing  
6       hunger are more likely to be hyperactive, absent,  
7       tardy, or have behavioral or attention problems;

8           (14) students who eat a complete breakfast  
9       have been shown to make fewer mistakes and work  
10      faster in math exercises than those who eat a partial  
11      breakfast;

12          (15) eating school breakfast has been shown to  
13      improve math grades, attendance, and punctuality;

14          (16) providing breakfast in the classroom has  
15      been shown in several instances to improve attentive-  
16      ness and academic performance, while reducing tar-  
17      diness and disciplinary referrals;

18          (17) providing universal free breakfast, espe-  
19      cially in the classroom, has been shown to signifi-  
20      cantly increase school breakfast participation rates  
21      and decrease absences and tardiness;

22          (18) studies suggest that children who eat  
23      breakfast have more adequate nutrition and intake  
24      of nutrients, such as calcium, fiber, protein, and vi-  
25      tamins A, E, D, and B6;

1           (19) studies suggest that some students who  
2       participate in the school breakfast program or other  
3       nutrition programs have a lower body mass index  
4       and risk of being overweight;

5           (20) local produce (as compared to transported  
6       produce)—

7           (A) is often harvested closer to full ripe-  
8       ness;

9           (B) can have higher nutritional quality;

10          (C) can have improved ripeness, taste, or  
11       selection, which can increase rates of consump-  
12       tion of fruits and vegetables; and

13          (D) is more efficient to store, distribute,  
14       and package; and

15          (21) use of local produce—

16          (A) reduces dependence on foreign oil by  
17       reducing fuel consumption rates associated with  
18       the production or transportation of fruits and  
19       vegetables; and

20          (B) can help to improve the ability of indi-  
21       viduals using the procurement system to pro-  
22       vide education on nutrition, farming, sustain-  
23       ability, energy efficiency, and the importance of  
24       local purchases to the local economy.

1 (b) PURPOSE.—The purpose of this Act is to improve  
 2 student learning and the classroom environment through  
 3 expanded and improved school breakfast programs, par-  
 4 ticularly universal programs provided during the school  
 5 day.

6 **SEC. 3. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST**  
 7 **PROGRAMS TO IMPROVE HEALTH AND EDU-**  
 8 **CATION OF CHILDREN.**

9 Part D of title V of the Elementary and Secondary  
 10 Education Act of 1965 (20 U.S.C. 7241 et seq.) is amend-  
 11 ed by adding at the end the following:

12 **“Subpart V—Grants for Expansion of School Break-**  
 13 **fast Programs to Improve Health and Education**  
 14 **of Children**

15 **“SEC. 5621. GRANTS FOR EXPANSION OF SCHOOL BREAK-**  
 16 **FAST PROGRAMS TO IMPROVE HEALTH AND**  
 17 **EDUCATION OF CHILDREN.**

18 “(a) DEFINITION OF QUALIFYING SCHOOL.—In this  
 19 section the term ‘qualifying school’ means a school pro-  
 20 viding elementary or secondary education (kindergarten  
 21 through grade 12) at least 65 percent of the students of  
 22 which are eligible for free or reduced-price school lunches  
 23 under the school lunch program established under the  
 24 Richard B. Russell National School Lunch Act (42 U.S.C.  
 25 1751 et seq.).

1       “(b) ESTABLISHMENT.—The Secretary shall estab-  
 2       lish a program under which the Secretary shall provide  
 3       grants, on a competitive basis, to local education agencies  
 4       or State departments of education for use in accordance  
 5       with this section.

6       “(c) COORDINATION.—The Secretary shall consult  
 7       and coordinate, as appropriate, with the Secretary of Agri-  
 8       culture with respect to grant elements, application review  
 9       criteria, and analyses of grant impacts that relate to or  
 10      overlap with Department of Agriculture activities or exper-  
 11      tise, such as nutrition and school meal program rules.

12      “(d) GRANTS TO LOCAL EDUCATION AGENCIES OR  
 13      STATE DEPARTMENTS OF EDUCATION.—The amount of  
 14      grants provided by the Secretary to local education agen-  
 15      cies or State departments of education for a fiscal year  
 16      under this section shall not exceed the lesser of—

17               “(1) the product obtained by multiplying—

18                       “(A) the number of qualifying schools re-  
 19                       ceiving subgrants or other benefits under sub-  
 20                       section (e) for the fiscal year; and

21                       “(B) the maximum amount of a subgrant  
 22                       provided to a qualifying school under subsection  
 23                       (e)(3)(B); or

24               “(2) \$2,000,000.

25      “(e) SUBGRANTS TO QUALIFYING SCHOOLS.—

1           “(1) IN GENERAL.—A local education agency or  
2       State department of education receiving a grant  
3       under this section shall use funds made available  
4       under the grant to award subgrants to individual or  
5       groups of qualifying schools to carry out activities in  
6       accordance with this section.

7           “(2) STATE AND DISTRICT SUPPORT.—A local  
8       education agency or State department of education  
9       may allocate a portion of each subgrant to support  
10      State or local education agency activities in support  
11      of qualified schools for which it is more efficient or  
12      appropriate to support the activities in a centralized  
13      manner.

14          “(3) AMOUNT; TERM.—

15               “(A) IN GENERAL.—Except as otherwise  
16              provided in this paragraph, a subgrant provided  
17              by a local education agency or State depart-  
18              ment of education to a qualifying school under  
19              this section shall be in such amount, and shall  
20              be provided for such term, as the local edu-  
21              cation agency or State department of education,  
22              respectively, determines appropriate.

23               “(B) MAXIMUM AMOUNT.—The amount of  
24              a subgrant provided by a local education agency  
25              or State department of education to a quali-



1           fying school under this subsection shall not ex-  
 2           ceed—

3                       “(i) \$50,000 for a single fiscal year;

4                       or

5                       “(ii) \$100,000 for all fiscal years.

6                       “(C) MAXIMUM GRANT TERM.—A local  
 7           education agency or State department of edu-  
 8           cation shall not provide subgrants to a quali-  
 9           fying school under this subsection for more  
 10          than 5 fiscal years.

11          “(f) PREFERENCE.—In providing grants and sub-  
 12       grants under this section, the Secretary, a local education  
 13       agency, and a State department of education shall give  
 14       priority to qualifying schools—

15                   “(1) in which 75 percent or more of the stu-  
 16       dents of which are eligible for free or reduced-price  
 17       school lunches under the school lunch program es-  
 18       tablished under the Richard B. Russell National  
 19       School Lunch Act (42 U.S.C. 1751 et seq.); and

20                   “(2) that demonstrate—

21                       “(A) an intent to use the grants or sub-  
 22       grants to establish or support connections be-  
 23       tween the qualifying schools and local agricul-  
 24       tural producers and food providers;

1           “(B) that the qualifying schools have es-  
 2           tablished, or intend to establish, a universal  
 3           free breakfast program; or

4           “(C) that the qualifying schools have con-  
 5           sidered, or intend to establish, service methods  
 6           that make breakfast a part of the school day.

7           “(g) APPLICATION.—

8           “(1) IN GENERAL.—To be eligible to receive a  
 9           grant under this section, a local education agency or  
 10          State department of education shall submit to the  
 11          Secretary an application at such time, in such man-  
 12          ner, and containing such information as the Sec-  
 13          retary may require.

14          “(2) ADMINISTRATION.—In carrying out this  
 15          section, the Secretary shall—

16               “(A) develop an appropriate application  
 17               process; and

18               “(B) advertise the availability of funds  
 19               under this section to qualified schools, local  
 20               education agencies, and State departments of  
 21               education.

22          “(h) USE OF FUNDS.—

23               “(1) IN GENERAL.—A qualifying school may  
 24               use a grant provided under this section—

1           “(A) to establish, promote, or expand a  
2 school breakfast program of the qualifying  
3 school under this section, which shall include a  
4 nutritional education component;

5           “(B) to increase the quantity of local or  
6 fresh food available under the school breakfast  
7 program of the qualifying school under this sec-  
8 tion;

9           “(C) to provide nutritional education mate-  
10 rials to students;

11           “(D) to extend the period during which  
12 school breakfast is available at the qualifying  
13 school;

14           “(E) to provide school breakfast to stu-  
15 dents of the qualifying school during the school  
16 day;

17           “(F) to increase participation in the school  
18 breakfast program, including through a uni-  
19 versal free breakfast program;

20           “(G) to compensate for receipts no longer  
21 collected from reduced and paid breakfasts  
22 when operating a universal free breakfast pro-  
23 gram;

24           “(H) to provide to students first-hand  
25 knowledge of food systems, including through—

1 “(i) occasional activities, such as in-  
 2 viting agricultural producers to speak at  
 3 the qualifying school or offering student  
 4 field trips to local agricultural projects; or

5 “(ii) integrating food system informa-  
 6 tion into the curriculum (including mathe-  
 7 matics and science classes) of the quali-  
 8 fying school; or

9 “(I) to collaborate with local colleges, uni-  
 10 versities, or other research entities (including  
 11 hunger advocacy entities)—

12 “(i) to compile data and reports relat-  
 13 ing to the school breakfast program of the  
 14 qualifying school; and

15 “(ii) to submit the data and reports to  
 16 the Secretary.

17 “(2) REQUIREMENT.—Each activity of a quali-  
 18 fying school under this subsection shall be carried  
 19 out in accordance with applicable nutritional guide-  
 20 lines and regulations issued by the Secretary of Ag-  
 21 riculture.

22 “(i) MAINTENANCE OF EFFORT.—Grants made  
 23 available under this subsection shall not diminish or other-  
 24 wise affect the expenditure of funds from State and local

1 sources for the maintenance of the school breakfast pro-  
2 gram.

3 “(j) REPORTS.—

4 “(1) IN GENERAL.—The Secretary, in consulta-  
5 tion with the Secretary of Agriculture, local edu-  
6 cation agencies, State departments of education, and  
7 qualifying schools that receive grants and subgrants  
8 under this section, shall submit to Congress an an-  
9 nual report describing the impact of the school  
10 breakfast programs of the qualifying schools on and  
11 classroom performance and environment.

12 “(2) DATA COLLECTION.—The Secretary shall  
13 provide guidance and minimum standards for data  
14 collection to grant recipients and any collaborating  
15 local colleges, universities, or research entities as  
16 necessary to ensure that annual reports under this  
17 section are able to provide an adequate qualitative  
18 and quantitative evaluation of the grant impacts.

19 “(k) EVALUATION.—Not later than 180 days before  
20 the end of a grant term under this section, a local edu-  
21 cation agency or State department of education that re-  
22 ceives a grant under this section shall—

23 “(1) evaluate whether electing to provide uni-  
24 versal free breakfasts under the school breakfast  
25 program in accordance with Provision 2 as estab-

1       lished under subsections (b) through (k) of section  
2       245.9 of title 7, Code of Federal Regulations (or  
3       successor regulations), would be cost-effective for the  
4       qualified schools based on estimated administrative  
5       savings and economies of scale; and

6               “(2) submit the results of the evaluation to the  
7       Secretary.

8       “(1) AUTHORIZATION OF APPROPRIATIONS.—There  
9       are authorized to be appropriated such sums as are nec-  
10      essary to carry out this section for each of fiscal years  
11      2008 through 2012.”.

○