

111TH CONGRESS
1ST SESSION

S. 1480

To amend the Child Nutrition Act of 1966 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

JULY 21, 2009

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

A BILL

To amend the Child Nutrition Act of 1966 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 2009”.

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 2008, 8,520,000 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 August 2008, over 13,000,000 chil-
2 dren, or 18 percent of all children, in the United
3 States were living in poverty, and, in 2007, and 11
4 percent of households in the United States were food
5 insecure;

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; and

5 (20) use of local produce—

6 (A) reduces dependence on foreign oil by
7 reducing fuel consumption rates associated with
8 the production or transportation of fruits and
9 vegetables; and

10 (B) can help to improve the ability of indi-
11 viduals using the procurement system to pro-
12 vide education on nutrition, farming, sustain-
13 ability, energy efficiency, and the importance of
14 local purchases to the local economy.

15 (b) PURPOSE.—The purpose of this Act is to improve
16 student learning and the classroom environment through
17 expanded and improved school breakfast programs, par-
18 ticularly universal programs provided during the school
19 day.

20 **SEC. 3. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST**
21 **PROGRAMS TO IMPROVE HEALTH AND EDU-**
22 **CATION OF CHILDREN.**

23 The Child Nutrition Act of 1966 (42 U.S.C. 1771
24 et seq.) is amended by adding at the end the following:

1 **“SEC. 23. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST**
 2 **PROGRAMS TO IMPROVE HEALTH AND EDU-**
 3 **CATION OF CHILDREN.**

4 “(a) DEFINITION OF QUALIFYING SCHOOL.—In this
 5 section, the term ‘qualifying school’ means a school pro-
 6 viding elementary or secondary education at least 65 per-
 7 cent of the students of which are eligible for free or re-
 8 duced-price school lunches under the school lunch program
 9 established under the Richard B. Russell National School
 10 Lunch Act (42 U.S.C. 1751 et seq.).

11 “(b) ESTABLISHMENT.—The Secretary shall estab-
 12 lish a program under which the Secretary shall provide
 13 grants, on a competitive basis, to local educational agen-
 14 cies or State educational agencies for use in accordance
 15 with this section.

16 “(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES OR
 17 STATE EDUCATIONAL AGENCIES.—The amount of grants
 18 provided by the Secretary to local educational agencies or
 19 State educational agencies for a fiscal year under this sec-
 20 tion shall not exceed the lesser of—

21 “(1) the product obtained by multiplying—

22 “(A) the number of qualifying schools re-
 23 ceiving subgrants or other benefits under sub-
 24 section (d) for the fiscal year; and

1 “(B) the maximum amount of a subgrant
2 provided to a qualifying school under subsection
3 (d)(3)(B); or
4 “(2) \$2,000,000.

5 “(d) SUBGRANTS TO QUALIFYING SCHOOLS.—

6 “(1) IN GENERAL.—A local educational agency
7 or State educational agency receiving a grant under
8 this section shall use funds made available under the
9 grant to award subgrants to individual or groups of
10 qualifying schools to carry out activities in accord-
11 ance with this section.

12 “(2) STATE AND DISTRICT SUPPORT.—A local
13 educational agency or State educational agency may
14 allocate a portion of each subgrant to support State
15 or local educational agency activities in support of
16 qualified schools for which it is more efficient or ap-
17 propriate to support the activities in a centralized
18 manner.

19 “(3) AMOUNT; TERM.—

20 “(A) IN GENERAL.—Except as otherwise
21 provided in this paragraph, a subgrant provided
22 by a local educational agency or State edu-
23 cational agency to a qualifying school under
24 this section shall be in such amount, and shall
25 be provided for such term, as the local edu-

1 cational agency or State educational agency, re-
2 spectively, determines appropriate.

3 “(B) MAXIMUM AMOUNT.—The amount of
4 a subgrant provided by a local educational
5 agency or State educational agency to a quali-
6 fying school under this subsection shall not ex-
7 ceed—

8 “(i) \$50,000 for a single fiscal year;
9 or

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

11 “(C) MAXIMUM GRANT TERM.—A local
12 educational agency or State educational agency
13 shall not provide subgrants to a qualifying
14 school under this subsection for more than 5
15 fiscal years.

16 “(e) PREFERENCE.—In providing grants and sub-
17 grants under this section, the Secretary, a local edu-
18 cational agency, and a State educational agency shall give
19 priority to qualifying schools—

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

25 “(2) that demonstrate—

1 “(A) an intent to use the grants or sub-
 2 grants to establish or support connections be-
 3 tween the qualifying schools and local agricul-
 4 tural producers and food providers;

5 “(B) that the qualifying schools have es-
 6 tablished, or intend to establish, a universal
 7 free breakfast program; or

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

11 “(f) BEST PRACTICES.—Prior to awarding grants
 12 under this section, the Secretary shall make available to
 13 State educational agencies information regarding the most
 14 effective mechanisms by which to increase school breakfast
 15 participation among eligible children at qualifying schools.

16 “(g) APPLICATION.—

17 “(1) IN GENERAL.—To be eligible to receive a
 18 grant under this section, a local educational agency
 19 or State educational agency shall submit to the Sec-
 20 retary an application at such time, in such manner,
 21 and containing such information as the Secretary
 22 may require.

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

1 “(A) develop an appropriate application
2 process; and

3 “(B) advertise the availability of funds
4 under this section to qualified schools, local
5 educational agencies, and State educational
6 agencies.

7 “(h) USE OF FUNDS.—

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

10 “(A) to establish, promote, or expand a
11 school breakfast program of the qualifying
12 school under this section, which shall include a
13 nutritional education component;

14 “(B) to increase the quantity of local or
15 fresh food available under the school breakfast
16 program of the qualifying school under this sec-
17 tion;

18 “(C) to provide nutritional education mate-
19 rials to students;

20 “(D) to extend the period during which
21 school breakfast is available at the qualifying
22 school;

23 “(E) to provide school breakfast to stu-
24 dents of the qualifying school during the school
25 day;

1 “(F) to increase participation in the school
2 breakfast program, including through a uni-
3 versal free breakfast program;

4 “(G) to compensate for receipts no longer
5 collected from reduced and paid breakfasts
6 when operating a universal free breakfast pro-
7 gram;

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

10 “(i) occasional activities, such as in-
11 viting agricultural producers to speak at
12 the qualifying school or offering student
13 field trips to local agricultural projects;

14 “(ii) integrating food system informa-
15 tion into the curriculum (including mathe-
16 matics and science classes) of the quali-
17 fying school; or

18 “(iii) collaborating with nutrition ex-
19 perts, food banks, nonprofit organizations,
20 and local farms to develop and integrate
21 relevant service-learning opportunities into
22 classroom instruction; or

23 “(I) to collaborate with local institutions of
24 higher education or other research entities (in-
25 cluding hunger advocacy entities)—

1 “(i) to compile data and reports relat-
2 ing to the school breakfast program of the
3 qualifying school; and

4 “(ii) to submit the data and reports to
5 the Secretary.

6 “(2) REQUIREMENT.—Each activity of a quali-
7 fying school under this subsection shall be carried
8 out in accordance with applicable nutritional guide-
9 lines and regulations issued by the Secretary.

10 “(i) MAINTENANCE OF EFFORT.—Grants made
11 available under this section shall not diminish or otherwise
12 affect the expenditure of funds from State and local
13 sources for the maintenance of the school breakfast pro-
14 gram.

15 “(j) REPORTS.—

16 “(1) IN GENERAL.—The Secretary, in consulta-
17 tion with local educational agencies, State edu-
18 cational agencies, and qualifying schools that receive
19 grants and subgrants under this section, shall sub-
20 mit to Congress an annual report describing the im-
21 pact of the school breakfast programs of the quali-
22 fying schools on and classroom performance and en-
23 vironment.

24 “(2) DATA COLLECTION.—The Secretary shall
25 provide guidance and minimum standards for data

1 collection to grant recipients and any collaborating
 2 local institutions of higher education or research en-
 3 tities as necessary to ensure that annual reports
 4 under this section are able to provide an adequate
 5 qualitative and quantitative evaluation of the grant
 6 impacts.

7 “(k) EVALUATION.—Not later than 180 days before
 8 the end of a grant term under this section, a local edu-
 9 cational agency or State educational agency that receives
 10 a grant under this section shall—

11 “(1) evaluate whether electing to provide uni-
 12 versal free breakfasts under the school breakfast
 13 program in accordance with Provision 2 as estab-
 14 lished under subsections (b) through (k) of section
 15 245.9 of title 7, Code of Federal Regulations (or
 16 successor regulations), would be cost-effective for the
 17 qualified schools based on estimated administrative
 18 savings and economies of scale; and

19 “(2) submit the results of the evaluation to the
 20 Secretary.

21 “(l) AUTHORIZATION OF APPROPRIATIONS.—There
 22 are authorized to be appropriated to carry out this section
 23 such sums as are necessary for each of fiscal years 2010
 24 through 2014.”.

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