

110TH CONGRESS
1ST SESSION

H. R. 3978

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 HOUSE OF REPRESENTATIVES

OCTOBER 25, 2007

Ms. MOORE of Wisconsin (for herself, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. WYNN, Mr. LEWIS of Georgia, Ms. WATSON, Ms. LEE, Mr. VAN HOLLEN, Mr. KIND, Ms. SCHAKOWSKY, and Ms. SHEA-PORTER) introduced the following bill; which was referred to the Committee on Education and Labor

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.”.

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