

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.

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## 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

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## 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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