SAMPLE LEGISLATIVE LANGUAGE: ACCESS TO SCHOOL-LEVEL BREAKFAST DATA

**INTRODUCTION**

Access to information is key to pursue data-driven and evidence-based policy and decision-making. In this regard, having access to school-level data is critical for policy-makers, educators, and other community stakeholders that strive to improve the health, academic, and overall well-being of children in their states. This resource is intended to provide these stakeholders with sample legislative language for:

* Accessing data on school-level breakfast participation, and
* Improving transparency and accountability in school breakfast participation rates.

**SAMPLE LEGISLATION**

**School-Level Breakfast Participation Data**

School-level breakfast participation data is crucial to understanding the breakfast participation gap in your state and what you need to do to address it. Although this data can often be requested through your state agency, it may sometimes be necessary to require that this be made publicly available. The sample legislative language included in Section 1 can be used to make sure that state agencies provide the school-level data that is necessary to identify schools with low school breakfast participation rates and measure progress. Without this data, it is not possible to identify where the need is to target breakfast expansion efforts or to track the progress and impact of efforts to improve breakfast participation within the state.

***Section 1****. The State [Department of Education/Agriculture] shall create, publish and make school-level breakfast participation data publicly available on its website on a quarterly basis each year. Such data include, but are not limited to:*

* 1. *School District Name*
  2. *School Name*
  3. *Unique Identification Number (e.g. LEA, NCES, other site or sponsor ID)*
  4. *Total Enrollment*
  5. *Free Eligible Enrollment*
  6. *Reduced-Price Eligible Enrollment*
  7. *Total Free Breakfasts served*
  8. *Total Reduced-Price Breakfasts served*
  9. *Total Paid Breakfasts served*
  10. *Total Free Lunches served*
  11. *Total Reduced-Price Lunches served*
  12. *Total Paid Lunches served*
  13. *Number of Operating Days of Service for each meal type*
  14. *Type of School (elementary, middle, high, etc.)*
  15. *School type (public vs private vs charter)*
  16. *School address (including city, zip code, and county)*
  17. *Whether or not the school is participating in the Community Eligibility Provision (CEP)*
  18. *School Breakfast Delivery Methods (e.g. traditional cafeteria, breakfast in the classroom, grab and go, etc.)[[1]](#endnote-1) including breakfast service time ( e.g before the bell or after the bell, etc)*

*Nothing in this section shall be construed to require the department to publicly share protected information as defined by applicable state and federal data privacy and security laws, including the federal Family Educational Rights and Privacy Act and federal Health Insurance Portability and Accountability Act (HIPAA).*

**School Breakfast Participation Data and School Report Cards**

Schools and districts can include breakfast participation data in their state School Report Cards (or School Accountability Report Cards) that can help hold schools accountable for having high breakfast participation; expand access to school-level breakfast participation data options for policy-makers, educators, community stakeholders and other interested parties; and offer the possibility of analyzing the impact of breakfast participation in relation to other key student academic outcomes. The language included in Section 2 and Section 3 below can be used in a legislative or administrative approach to include school breakfast participation data in state Report Cards.

***Section 2.*** *The State [Department of Education or Agriculture] shall regularly monitor the performance of schools or school districts implementing the School Breakfast Program and ensure that participating schools are in full compliance with this act and any regulations adopted thereto.*

*(a) Pursuant to Section 2 of this act, the State [Department of Education or Agriculture] shall include data on each school’s annual [School Report Card or School Accountability Report Card] that demonstrate the number and percentage of students participating in the School Breakfast Program. Such data include, but are not limited to:*

1. *Number and percentage of free and reduced-price eligible students participating in school breakfast.*
2. *Number and percentage of free and reduced-price eligible students who are participating in school lunch.*
3. *The type of breakfast service delivery model used by the school such as Breakfast in the Classroom, Grab and Go to the Classroom, Second Chance Breakfast or traditional cafeteria-based breakfast service.*

*(b) The State [Department of Education or Agriculture] shall provide written notice to schools that have fewer than 50 percent of free and reduced-price eligible students participating in school breakfast.*

*(c))The State [Department of Education or Agriculture] shall require schools that receive written notice to develop improvement plans within 30 days to increase their breakfast participation rates by at least 10 percentage points per year until they meet the targeted 50 percent breakfast participation rate. Such improvement plans shall include, but are not limited to:*

1. *Adopting proven policies and strategies that would increase school breakfast participation such as Breakfast After the Bell*
2. *Increasing training to school nutrition staff, administrators and teachers*

***(****d) The State [Department of Education or Agriculture] shall hold schools accountable that fail to demonstrate progress in their school breakfast participation rates despite implementing improvement plans. Such accountability measures includes, but are not limited to, making public the list of schools that fail to make progress towards meeting the 50 percent breakfast participation benchmark on the Department’s website.*

***Section 3.*** *The school-level data obtained in this act shall be utilized for research, education and public awareness purposes:*

* 1. *As required by state or federal law and subject to the restrictions under applicable state and federal law; or*
  2. *As allowed by state or federal law and under the direction of a school, a local board of education, or the department, subject to compliance with subsection (a) of this section.*

1. **Definitions of Breakfast After the Bell Models.**

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   | **Breakfast Model** | **Definition** | **Model Short Name** |
   | **Breakfast in the Classroom** | Breakfast is offered/served in the classroom and eaten in the classroom. | BIC |
   | **Grab and Go to the Classroom**, served at the start of the school day. | Breakfast is offered/served from one or more central locations at the start of the day only. Students have the option to eat it in their classroom after the bell has rung. | GNG Classroom |
   | **Second Chance Breakfast**, served grab-and-go style to the classroom. | Breakfast is offered/served from one or more central locations during a mid-morning break, usually between 1st and 2nd period, and students have the option to eat it in their classroom after the bell has rung. | Second Chance (GNG) |
   | **Second Chance Breakfast**, eaten in the cafeteria. | Breakfast is offered/served and eaten in the cafeteria during a mid-morning break, usually between 1st and 2nd period, and students have at least 15 minutes to eat. | Second Chance (Cafe) |

   [↑](#endnote-ref-1)