

SAMPLE STATE LEGISLATION: BREAKFAST RESOLUTIONS



INTRODUCTION

Lawmakers and advocates interested in expanding school breakfast participation through legislation may find it useful to start these efforts by first working to pass a School Breakfast Resolution. A School Breakfast Resolution can be an effective way to highlight the need for school breakfast expansion in the state, establish a record of who supports school breakfast expansion, convene a working group to bring together key stakeholders, or provide an opportunity to get data that will support future Breakfast After the Bell legislation.

This resource will provide legislators and advocates with the considerations and sample language needed to craft a School Breakfast Resolution in their own states.

SAMPLE LEGISLATION

WHEREAS, More than [PERCENTAGE] of [STATE] residents struggle to provide enough food for their families and more than [PERCENTAGE] of [STATE] children are food insecure, meaning they do not have consistent access to adequate food; and

WHEREAS, [STATE] ranks [PLACE] in the nation in school breakfast participation; the State provided only [PERCENTAGE] of free or reduced-price eligible children with federally-funded school breakfasts and left [DOLLARS¹] in unclaimed federal funding for school breakfast; and

WHEREAS, more than [PERCENTAGE] of [STATE] public school students qualify for free or reduced-price school meals, yet many of those low-income students are not eating the nutritious school breakfast offered due to barriers such as social stigma, late buses or carpools, long cafeteria lines, and tight class schedules; and

WHEREAS, eating breakfast as part of the school day is associated with positive student behavioral health and academic outcomes such as improved concentration in class, lower rates of chronic absenteeism, fewer classroom disruptions, and less frequent visits to the school nurse; and

WHEREAS, Breakfast After the Bell programs, such as Breakfast in the Classroom, Grab and Go Breakfast, and Second Chance Breakfast, are proven meal delivery methods to boost school breakfast participation and related positive outcomes; and

WHEREAS, School breakfast participation is associated with a lower body mass index (BMI, an indicator of excess body fat) lower probability of overweight, and lower probability of obesity; and

WHEREAS, States across the nation have introduced legislation requiring schools with high free or reduced-price eligibility to provide Breakfast After the Bell; and

WHEREAS, If all [STATE] schools with at least [PERCENTAGE] free or reduced-price eligibility implemented Breakfast After the Bell models and increased school breakfast participation to 70% of their

¹ (Total number of FRP eligible children living in the state) - (Total number of FRP children currently participating in breakfast) x \$1.60 (combined free and reduced price reimbursement rate for non-severe need schools) x Average number of school days in one school year in the state = The state's unclaimed federal funding.

students, an additional [NUMBER] students would receive breakfast every day and school districts would realize an additional [DOLLARS²] in federal meal reimbursements for school nutrition budgets of school districts; therefore, be it

RESOLVED, That we encourage schools participating in the School Breakfast Program, and schools with [PERCENTAGE] or higher free or reduced-price meal eligibility in particular, to utilize Breakfast After the Bell models such as Breakfast in the Classroom and Grab and Go; and be it further

RESOLVED, That we acknowledge the importance of increasing participation in school breakfast in [STATE] schools and recognize that establishing State requirements for schools to participate in Breakfast After the Bell models are the most effective means to increase school breakfast participation.

KEY LEGISLATION COMPONENTS

The primary purpose of a Breakfast Resolution is to demonstrate the need for school breakfast expansion in the state, the benefit to schools with high percentages of free or reduced-price eligible students adopting Breakfast After the Bell statewide and to encourage all schools to implement Breakfast After the Bell. The facts and statistics used to demonstrate the need for increasing school breakfast participation should be customized depending on what is most compelling to stakeholders in your state. The most commonly used figures include the state's low school breakfast participation rate, the number of federal dollars that the state is forfeiting due to this low participation, and the negative consequences of childhood hunger. Facts that show how Breakfast After the Bell will address these problems should also be included.

The Resolution should conclude with commitments to encourage schools to implement Breakfast After the Bell and the importance of increasing breakfast participation statewide.

OTHER OPTIONS

In addition to demonstrating the need and making a commitment to support Breakfast After the Bell, it can also be helpful to include other provisions that will support efforts to pass Breakfast After the Bell legislation in the future.

Creating a Working Group

States such as Nevada and Illinois established working groups in advance of successfully passing Breakfast After the Bell legislation to build coalitions and develop common goals to address hunger. If your state does not already have a body acting in this official capacity, it can be useful to include language in a Breakfast Resolution that establishes this type of coalition and gives this group authority.

It is important for the working group to include leaders within the state that are knowledgeable about hunger and school meal programs within the state. Including a bipartisan mix of legislators and staff with connections to the governor's office can help to build support for Breakfast After the Bell and ensure that the conclusions of the working group are supported by the people required to incorporate those recommendations into future legislation. It is helpful if the resolution language outlines who should be included in the working group. The

² (Total number of FRP eligible children attending schools within the selected FRP eligibility threshold [e.g. 70% or higher]) - (Total number of FRP children currently participating in breakfast in schools within the selected FRP eligibility threshold [e.g. 70% or higher])) x \$1.94 (combined free and reduced price reimbursement rate for severe need schools) x Average number of school days in one school year in the state = Additional federal funds the state could see through proposed breakfast legislation.

below sample language includes an example of the members of Maine's working group, but it is not necessary for you to structure it in this exact way.

Sample language:

RESOLVED, That the [NAME OF TASK FORCE], referred to in this resolve as "the task force," is established; and be it further

RESOLVED, That the task force consists of [NUMBER] members as follows:

- 1. [NUMBER] members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;*
- 2. [NUMBER] members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;*
- 3. [NUMBER] members of the public with expertise in the fields of school food service, child health, child development or child hunger or related fields, including [NUMBER] members whose children used or are using school food programs. Three members must be appointed by the President of the Senate and 3 members must be appointed by the Speaker of the House;*
- 4. [NUMBER] members of the public appointed by the Governor;*
- 5. The [Secretary of Education] or the [secretary's] designee; and*
- 6. The [Secretary of Health and Human Services] or the [secretary's] designee; and be it further*

RESOLVED, That the task force shall meet [NUMBER] times. The task force shall study issues associated with the creation of a public-private partnership to provide expertise to school administrative units throughout the State in adopting best practices and maximizing available federal funds for addressing student hunger by using The National School Lunch Program, School Breakfast Program, the Child and Adult Care Food Program At-Risk Afterschool Component, and the Summer Food Service Program. The task force shall draft a 3- to 5-year plan outlining a ramp-up of school food programs throughout the State; and be it further

RESOLVED, That, no later than [DATE], the task force shall submit a report that includes its findings and recommendations, including suggested legislation, as well as actions that can be taken immediately, for presentation to the First Regular Session of the [NUMBER] Legislature.

Commissioning a Report or Acquiring Data

If an appropriate working group or task force already exists within the state, the Resolution can focus on just authorizing that group to commission a study or collect data. The Resolution should call for collecting information that will be most helpful to future Breakfast After the Bell expansion and legislation efforts. This could include commissioning a report to demonstrate the participation and financial impact of implementing Breakfast After the Bell statewide or requiring the public release of school-level breakfast participation data.

Sample Language:

WHEREAS, regarding the connection between student nutrition and academic performance, there is a need for more data that would enhance our understanding of the true positive impact of school breakfast participation on student health, behavioral and academic success; therefore, be it

RESOLVED, That we urge the [NAME OF TASK FORCE] to provide the General Assembly with a report showing the school breakfast participation and financial impact of providing Breakfast After the Bell models at all schools with an emphasis on schools that have [PERCENTAGE] or higher free or reduced-price eligibility by [DATE]; and be it further

RESOLVED, That the [State Department of Education] shall provide [NAME OF TASK FORCE] the school and district level data required for this report and shall make this data publicly available on a quarterly basis on the agency's website; and be it further

RESOLVED, That the [State Department of Education] shall annually collect information about Breakfast After the Bell delivery models implemented at each school and make the information publicly available; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the [NAME OF TASK FORCE].