

Best Practices for Adopting State Legislation to Increase School Breakfast Participation

NOVEMBER 2016

SCOPE | State PROGRAM | School Breakfast Program

PRACTICE | States can dramatically increase participation in the School Breakfast Program through legislation that requires certain schools — typically high-poverty schools — to serve free breakfast in the classroom to everyone.

WHY | Increasing school breakfast participation decreases hunger and food insecurity, and it has been linked to improved:

- ✓ child nutrition and health;
- ✓ school attendance;
- ✓ classroom behavior; and
- ✓ standardized test scores.

To capitalize on these benefits, while drawing in federal funding, many schools are prioritizing efforts to increase the number of students eating school breakfast, especially those from low-income households. Advocates can build on this support by pushing for legislation and policies aimed at increasing school breakfast participation dramatically.

KEY STEPS | Conceptualizing and passing state breakfast legislation includes the following steps:

Learn from other states: By familiarizing yourself with current state breakfast legislation and policies in other states, you can better tailor legislation to reflect the political realities in your state.

Identify core supporters: State legislation supporting school breakfast expansion is often a team effort, pushed forward

by state and local advocates working with state legislators and the state department of education or another agency administering the school meals programs. Anti-hunger, public health, education, and children's organizations, as well as other potential allies, such as agricultural groups, can be energized to take action around a common goal of increasing student access to nutritious breakfasts.

Coordinate an advocacy campaign: Planning an advocacy campaign is essential to building support for legislation among state legislators. Look at opportunities to draw in a wide range of supporters by developing breakfast messaging targeted to their priorities.

TIPS | Visit FRAC's [School Meals State Legislation and Funding Table](#) (pdf) for details on current breakfast legislation.

BREAKFAST LEGISLATION MODELS

| States have passed a wide range of legislation related to school breakfast. States that have seen the most dramatic increases in participation have passed legislation with two features:

- *Schools serve breakfast through alternative delivery models, such as breakfast in the classroom.* That is because traditional cafeteria-based breakfast, served before the bell, misses too many children. Buses and parents' schedules, kids' desire to socialize on the playground, delays in school security lines, and other factors mean that too many children miss breakfast at

home and at school. As a result, students go hungry all morning and are not ready to learn. Aside from breakfast in the classroom, alternative delivery models also include second chance breakfast and “grab and go.”

- *Schools offer free breakfast for everyone.* That is because the traditional means-tested school breakfast, in which the meal is free or the child pays (depending on family income), creates a sense among children that the program is “just for poor kids,” deterring participation by children from all income groups, including low-income children who most desperately need the school meal. This is especially a problem in middle school and high school as awareness grows.

Other states also have experienced growth through legislation that:

- requires all schools, or all schools with more than a certain percentage of low-income students, to participate in the School Breakfast Program;
- requires high-poverty schools (e.g., schools with 80 percent or more free/reduced-price meal eligibility) to offer *free* breakfast;
- provides funding to eliminate the reduced-price fee for breakfast;
- allocates additional reimbursements for breakfast meals served, sometimes with accompanying enhanced nutrition standards;
- provides funds for start-up costs associated with implementing alternative breakfast models; and
- counts time spent eating breakfast as instructional time.

SPOTLIGHT | In 2013, the Colorado General Assembly passed a law requiring schools with 80 percent free and reduced-price eligible children to offer free breakfast after the bell starting in the 2014–2015 school year. The mandate then expanded to all schools with 70 percent free and reduced-price certified students in the 2015–2016 school year. The mandate is working. In the 2014–2015 school year, almost 10 percent more low-income children participated in school breakfast than in the previous school year.

CHALLENGE | When pushing for any type of legislation to increase breakfast participation, advocates have encountered some resistance to blanket mandates (e.g., requiring all schools to offer breakfast, all high-poverty schools to offer breakfast free to all students, or breakfast in the classroom).

LESSONS |

- Building a broad coalition of stakeholders, including the education community, early on in the process can help to create buy in, address any concerns regarding instructional time or cost to schools, and work through any opposition that may arise.
- Resistance to these mandates has been overcome by including a waiver process, allowing some schools to opt out or delay implementation if necessary. The waiver process should be public and transparent in order to protect low-income families and children who rely on school meals.
- Incremental mandates are also a viable strategy for expanding the number of schools offering the School Breakfast Program in lieu of a full mandate.

EXAMPLES |

Waiver process: In Vermont, the commissioner of education may grant a waiver to the mandate requiring all schools to offer both breakfast and lunch; however, the exemptions are for only one year and must be approved annually at a public school board meeting for the school district seeking a waiver. Citizens must be given an opportunity to participate at the school board hearing.

Incremental mandates: Advocates in Indiana were able to increase the number of participating schools when they successfully lobbied legislators to amend an earlier law and instead require school breakfast in all public schools where 15 percent or more students are eligible to receive free or reduced-price meals. This was an improvement from the original bill, which only required schools to offer breakfast if 25 percent or more of the students received free or reduced-price meals.

OTHER EXAMPLES | The states with the best participation rates among low-income children in school breakfast — the District of Columbia, New Mexico, and West Virginia — have successfully used legislation requiring alternative service models to increase breakfast participation, coupled with measures to offer free breakfast to all students. The District of Columbia and New Mexico require free breakfast served through alternative service models in all schools that have a certain percentage of students eligible for free and reduced-price meals. The state with the most low-income children participating in school breakfast, West Virginia, is the only state to require all schools to adopt alternative delivery systems to ensure all students receive an adequate opportunity to eat breakfast.

In 2010, the District of Columbia became the first “state” to legislate breakfast in the classroom, the result of a successful advocacy campaign led by D.C. Hunger Solutions. The D.C. Healthy Schools Act requires all D.C. public and public charter schools to offer free breakfast to all students. Elementary schools with more than 40 percent of the students qualifying for free or reduced-price meals must serve it in the classroom.

In addition to traditional breakfast served in the cafeteria before the start of school, middle and high schools must serve breakfast through an alternative model like breakfast in the classroom, “grab and go” carts, or second chance breakfast. For schools required to use alternative service models, the act provided \$7 per student for equipment outlays in the first year. The act also provides ongoing local funding of an extra 10 cents per breakfast for schools meeting enhanced nutrition requirements. In the first year of the implementation of the D.C. Healthy Schools Act, school breakfast participation for low-income students increased by 32 percent, catapulting D.C. from 20th to first in the nation among states for reaching low-income students with school breakfast.

In New Mexico, advocacy efforts mounted by New Mexico Appleseed resulted in groundbreaking legislation mandating breakfast after the bell in high-poverty schools across the state. The successful campaign to require breakfast in the classroom began with targeted pilot projects proving the effectiveness of the program.

During the 2005–2006 school year, New Mexico increased breakfast participation statewide by 10.4 percent through an initiative to provide breakfast in the classroom in targeted elementary schools. The state appropriated \$475,000 for the initiative in that year’s budget, allowing 80 schools (including those identified as failing to make adequate yearly progress under the standards of No Child Left Behind) to offer breakfast in the classroom at no charge to all students for the second half of the school year.

Based on the success of the program, the initiative was expanded during the 2006–2007 school year, with a total state appropriation of \$1.8 million. In 2011, the state passed legislation requiring all elementary schools with 85 percent or more of enrolled students eligible for free or reduced-price meals during the prior school year to establish a breakfast after the bell program.

MORE RESOURCES

- FRAC’s [School Breakfast webpage](#)
- FRAC’s [Breakfast in the Classroom Resources](#)
- FRAC’s [Breakfast for Learning](#)
- FRAC’s [Breakfast for Health](#)
- D.C. Hunger Solutions – [School Breakfast Program page](#)
- Hunger Free Colorado – [Breakfast After the Bell](#)

Sample Legislation: FRAC’s Table: [School Meals Legislation and Funding by State](#) provides guidance on where to access breakfast legislation for relevant states.

For technical assistance, contact:

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For more on ending hunger, read FRAC’s [A Plan of Action to End Hunger in America](#).

ENDNOTES

¹Hunger Free Colorado. (n.d.). *Breakfast After the Bell* webpage. Available at: <http://www.hungerfreecolorado.org/policy-and-advocacy/breakfast-after-the-bell-bill/>. Accessed on March 10, 2016.