

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 852

FINAL

REGULATORY IMPLEMENTING ORDER

852 Child Nutrition

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Secretary of Education intends to repeal 14 **DE Admin. Code** 852 Child Nutrition. This regulation is being repealed as it is outdated and determined to be no longer needed. Districts and charter schools participating in these child nutrition programs are required to follow federal law governing these programs (Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. § 1751, et seq.). This federal law creates a high standard for program requirements that exceed the current regulation.

Notice of the proposed regulation repeal was published in the *News Journal* and the *Delaware State News* on December 1, 2016, in the form hereto attached as Exhibit "A". No comments were received.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to repeal 14 **DE Admin. Code** 852 Child Nutrition as it is outdated and determined to be no longer needed.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to repeal 14 **DE Admin. Code** 852 Child Nutrition. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 852 Child Nutrition attached hereto as Exhibit "B" is hereby repealed.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 852 Child Nutrition in the form attached hereto as Exhibit "B" is hereby repealed.

V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on January 19, 2017. The effective date of this Order shall be ten (10) days from the date this Order is published in the Delaware *Register of Regulations*.

IT IS SO ORDERED the 19th day of January 2017.

Department of Education

Steven H. Godowsky, Secretary of Education

Approved this 19th day of January 2017

852 Child Nutrition

4.0 Required Policy

~~Each school district shall have a Child Nutrition Policy which at a minimum shall provide that:~~

- ~~1.1 Meals served to children are nutritious and well balanced as defined by USDA 7CFR Part 210.10 Nutrition Standards for Lunches and Menu Planning Methods and USDA 7CFR Part 220.8 Nutrition Standards for Breakfast and Menu Planning Alternatives.~~
- ~~1.2 The foods sold in addition to meals be selected to promote healthful eating habits and exclude those foods of minimal nutritional value as defined by the Food and Nutrition Service, USDA 7 CFR Part 210, Appendix B.~~

- 1.3 ~~Purchasing practices ensure the use of quality products.~~
- 1.4 ~~Students have adequate time to eat breakfast and lunch.~~
- 1.5 ~~Nutrition education be an integral part of the curriculum from preschool to twelfth grade.~~
- 1.6 ~~Food service personnel use training and resource materials developed by the Department of Education and the United States Department of Agriculture to motivate children in selecting healthy diets.~~

(11/15/16) *Note: Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. § 1751, et seq. governs these programs.

3 DE Reg. 524 (10/01/99)

8 DE Reg. 540 (10/01/04)

20 DE Reg. 635 (02/01/17) (Final)