

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY
Statutory Authority: 14 Delaware Code, Section 122(d) (14 Del.C. §122(d))
14 DE Admin. Code 852

PROPOSED

Education Impact Analysis Pursuant To 14 Del.C. Section 122(d)

852 Child Nutrition

A. Type of Regulatory Action Required
Repeal

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education intends to repeal 14 DE Admin. Code 852 Child Nutrition. The rationale for repealing this regulation is as follows: 1) all districts and schools that participate in the U.S. Department of Agriculture food programs follow the federal requirements of those programs and are monitored based those regulations; and 2) all schools and districts are required to follow any state laws related to the procurement and offering of foods and beverages. The Department provides technical assistance and training to schools and districts on the federal and state requirements as needed and/or as requested.

The Department is cognizant that any mandates above what is required by federal and state law may have a fiscal cost that would need to be absorbed by the district or charter school or the parents of students. A district or charter school may require additional limitations to the foods and beverages provided to its students, staff or the public. Currently all nineteen of our school districts have voluntarily imposed higher nutritional standards in the foods served under the school breakfast and school lunch programs.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before February 3, 2012 to Susan Haberstroh, Education Associate, Regulation Review, Department of Education, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation is available from the above address or may be viewed at the Department of Education business office.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The repeal of the regulation should not affect student achievement as measured against state achievement standards because schools and districts are required to follow state and federal laws related to nutritional programs.

2. Will the amended regulation help ensure that all students receive an equitable education? The repeal of the regulation should not affect all students receiving an equitable education because schools and districts are required to follow state and federal laws related to nutritional programs.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? Federal and state laws are in place that support all students' health related to nutritional programs for these students.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The repeal of the regulation should not affect students' legal rights because schools and districts are required to follow state and federal laws related to nutritional programs.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation will preserve the necessary authority and flexibility of decision making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The repeal of the regulation will not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated will remain in the same entity.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The repeal of the regulation should not be an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is no less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no additional cost to the State and to the local school boards of compliance with the regulation.

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.~~

3 DE Reg. 524 (10/1/99)

8 DE Reg. 540 (10/1/04)

15 DE Reg. 958 (01/01/12) (Prop.)