

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

PROPOSED

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

852 Child Nutrition

A. Type of Regulatory Action Required

Amendment to Existing Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education intends to amend 14 DE Admin. Code 852 Child Nutrition to add a provision that the district or charter school must provide a copy of its child nutrition policy electronically to the Department. This regulation has been reviewed as part of the regular 5 year review cycle.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before October 2, 2009 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 regulation and the amendments address child nutrition and to the extent child nutrition supports achievement, this regulation supports improvement of student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses student nutrition and not necessarily equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation contributes to student health.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses child nutrition and the legal rights as required under the federal law related to child nutrition for districts and charter schools participating in these federal 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 amended 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 amended regulation will 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.

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

1.0 Required Policy

- 1.1 Each school district shall have a Child Nutrition Policy which at a minimum shall provide that:
 - 1.1.1 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.
 - 1.1.2 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.
 - 1.1.3 Purchasing practices ensure the use of quality products.
 - 1.1.4 Students have adequate time to eat breakfast and lunch.
 - 1.1.5 Nutrition education be an integral part of the curriculum from preschool to twelfth grade.
 - 1.1.6 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.

2.0 Reporting Requirements and Timelines

- 2.1 Each local school district and charter school shall have an electronic copy of its current Child Nutrition Policy on file with the Department of Education.
- 2.2 When a local school district or charter school revises its Child Nutrition Policy, it shall provide an electronic copy of the revised policy to the Department within thirty (30) days of the revision, even if the revision was made because of changes in Federal, state or local law, regulations, guidance or policies.

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

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

13 DE Reg. 353 (09/01/09) (Prop.)