

**DEPARTMENT OF EDUCATION  
14 DE Admin. Code 852**

**REGULATORY IMPLEMENTING ORDER**

**FINAL**

**852 Child Nutrition**

**I. Summary of the Evidence and Information Submitted**

The Secretary of Education intends to amend 14 **DE Admin. Code** 852 Child Nutrition in order to add the appropriate references to the federal legislation concerning nutrition standards and to correct the grammar.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on July 26, 2004, in the form hereto attached as *Exhibit "A"*. Comments were received from the Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities. In response to the Councils' concern that the regulation did not include charter schools, the Department does not believe that it has the authority to include charter schools within this regulation.

In response to the Councils' concern about the sale of soft drinks in schools, the regulation is designed to reinforce Federal regulation 7CFR Ch.11§ 210.11(2)(b) Competitive Food Service which prohibits the sale of foods of minimal value in the food service areas during the lunch period.

**II. Findings of Facts**

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 852 in order to add the appropriate references to the federal legislation concerning nutrition standards and to correct the grammar.

**III. Decision to Amend the Regulation**

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 852. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 852 attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 852 hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

**IV. Text and Citation**

The text of 14 **DE Admin. Code** 852 amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** in the *Administrative Code of Regulations* for the Department of Education.

**V. Effective Date of Order**

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on September 16, 2004. 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 16th day of September 2004.

DEPARTMENT OF EDUCATION  
Valerie A. Woodruff, Secretary of Education

**852 Child Nutrition**

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

1.1 Meals served to children ~~will be~~ 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~~ are 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~~ is 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.

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