

Bill Would Create New Universal Breakfast Program

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A bill pending action in the State House of Representatives seeks to create a new universal breakfast program in the First State.

House Bill 401 would establish the Delaware Universal Breakfast Fund. The fund would be administered jointly by the Office of Management and Budget and the Department of Education “to ensure access to breakfast to every child regardless of income.”

Patricia D. Beebe, President/CEO of the Food Bank of Delaware, said these funds would be used in conjunction with the potential reimbursement the school districts receive from USDA for free and reduced breakfasts. “Based on extensive research conducted by Nemours Foundation, the state would need \$3 million to \$4 million dollars to institute a universal breakfast program,” she said.

State Rep. Bill Oberle (R-Beecher’s Lot), one of the bill’s prime sponsors, says he knows where to find the financing, without the need to raise taxes or divert the money from other worthy programs.

Currently, selected beverage containers sold in Delaware carry a five-cent deposit. Upon returning the empty containers, consumers can reclaim their deposit, but only a fraction of deposit containers are returned. Approximately \$3 million in uncollected container deposit revenue is unclaimed annually and is kept by beverage distributors.

“This money is ‘escheat’ or abandoned property,” Rep. Oberle said. “Instead of letting it remain in the hands of beverage distributors, it should be reverting to the state, as is the case with other abandoned property. I can think of no better use for these funds than to ensure that the children in our public schools start their day with a nutritious breakfast.”

Under the recently-passed universal recycling bill (SB 234, as amended), the beverage container deposit will be repealed on December 1st. However, Rep. Oberle said he believes that legislation will be struck down.

The universal recycling legislation faces three potential legal challenges. The most significant of these issues is a state constitutional requirement that any state appropriation of funds to municipalities or corporations – something the law will do by issuing grants and low-interest loans via the Delaware Recycling Fund – be approved by a three-quarters vote of both chambers of the General Assembly. The bill fell five votes short of that super-majority in its passage through the House. “In my mind, there is no question that the law will be found unconstitutional,” Rep. Oberle said. “I’m offering my school breakfast bill in anticipation of that eventuality.”

The bill is also sponsored by State House Minority Leader Richard Cathcart (R-Middletown) and State House Minority Whip Dan Short (D-Seaford).

“There is ample research that shows that eating breakfast has a positive impact on students’ academic performance,” Rep. Short said. “Additionally, a universal breakfast program would ensure that thousands of children would have regular access to what may be their best meal of the day.”

Ms Beebe said the Food Bank of Delaware supports the legislation and is urging the General Assembly to move forward with it.

House Bill 401 is currently pending action in the House Education Committee.

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