

[EXT] Comments to proposed rule NMAC 6.12.9 (breakfast program)

Meghan Mead <mmead@nmappleseed.org>

Mon 11/25/2019 3:09 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Cc:Jennifer Ramo <jramo@nmappleseed.org>;

 1 attachment

Comments to Rulemaking BATB.pdf;

Hello,

Attached please find our comments to NMAC 6.12.9.

If you have any questions about our comments please do not hesitate to contact me!

Warm regards,

Meghan Mead
Staff Attorney
New Mexico Appleseed
(860) 671-0342
mmead@nmappleseed.org

November 25, 2019

John Sena
Policy Division, New Mexico Public Education Department
300 Don Gaspar Avenue
Santa Fe, New Mexico 87501

Dear Mr. Sena:

Thank you for this opportunity to provide comments on the proposed rulemaking for 6.12.9 NMAC, Breakfast Program. I work for New Mexico Appleseed, a small nonprofit organization dedicated to ending hunger and poverty in New Mexico. As part of our work, we have seen the tremendous positive impact that Breakfast After the Bell has on children every day.

To ensure the continued success of the program, I offer the following comments and proposed revision in advance of the December 16th hearing:

1. Delete “serving eligible students” from the definition of “eligible school” for improved clarity.
2. Based on the definition of “eligible school” and the language in Section 6.12.9.8, it seems the intent is to expand the breakfast requirement to all middle and high schools. As such, we recommend deleting “serving students in pre-kindergarten, preschool, kindergarten through six” to make it clear that this requirement applies to all schools.
3. Lastly, the language in Section 6.12.9.8(D)(1) has generated a lot of confusion in the past, with schools choosing to serve breakfast before the bell and ignoring the part about it still being required after the bell. We think it behooves PED to tighten up this language and make it clear that breakfast after the bell is mandatory for all eligible schools.

Thank you for your consideration of these comments.

Warm regards,

Meghan Mead
Staff Attorney, New Mexico Appleseed

[EXT] Public Comments to 6.12.9 NMAC, Breakfast Program

Diane Girouard <DGirouard@frac.org>

Mon 12/16/2019 7:54 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

 1 attachment

FRAC Comments_6.12.9 NMAC_School Breakfast Program Requirements.docx;

Good morning,

Thank you for this opportunity to submit written comments. Attached, please find the Food Research & Action Center's written comments to rule 6.12.9, Breakfast Program. If you have any questions, please do not hesitate to reach out.

Thank you,

Diane

Diane Girouard

Child Nutrition Policy Analyst

Food Research & Action Center (FRAC)

202-986-2200 ext 3966

FRAC 1200 18th Street, NW | Suite 400
Washington, DC 20036
Food Research & Action Center 202-986-2200
frac.org



[Register today](#) for the 2020 National Anti-Hunger Policy Conference, March 1-3, in Washington, DC! Visit www.antihungerpolicyconference.org for more information. #hungerpc20

December 16, 2019

John Sena
Policy Division, New Mexico Public Education Department
300 Don Gaspar Avenue
Sante Fe, New Mexico 87501

Dear Mr. Sena:

Thank you for the opportunity for the Food Research & Action Center (FRAC) to provide comments on the proposed rulemaking for 6.12.9 of New Mexico Administrative Code (NMAC). FRAC is the leading national nonprofit organization working to eradicate poverty-related hunger and undernutrition in the United States and has worked to expand the federal School Breakfast Program through federal and state legislation and regulations. FRAC supports changes to the existing rule to provide further clarification to schools on the requirements for New Mexico's School Breakfast Program.

The School Breakfast Program is a critical tool to combat childhood hunger and boost academic success, as school breakfast participation is linked to numerous health and educational benefits. Over the last decade, New Mexico has become a national leader on increasing the reach of its school breakfast program. It was the first state to enact legislation requiring schools with a high percentage of free and reduced-price students to implement a breakfast after the bell program. As a result, New Mexico has consistently ranked in the top two states in FRAC's [annual School Breakfast Scorecard](#), which measures free and reduced-price school breakfast participation on an average school day to determine how many low-income students the program is reaching, using the ratio to free and reduced-price school lunch participation as a benchmark.

In school year 2016-2017, however, the number of New Mexico students certified for free and reduced-price meals participating in school breakfast began dropping. Over five school years, the number of low-income students participating in school breakfast decreased by 12,863 students, or 9.5 percent. Given the recent continual decreases in participation among low-income students, it is critical to clarify and strengthen the regulations around the program so students do not miss out on the educational and healthy benefits linked with eating school breakfast. To support these efforts, FRAC recommends the following changes to 6.12.9 NMAC be made:

1. In Section 6.12.9.7 (D) make a technical change by deleting "serving eligible students" from the definition of "Eligible School" to improve clarity.
2. In Section 6.12.9.8 (A) delete "serving students in pre-kindergarten, preschool, kindergarten through six" to make clear that the requirement to establish a breakfast program applies to all eligible schools and grade levels, unless a waiver is granted to the school by the department.
3. In Section 6.12.9.8 (D)(1) explicitly state that eligible schools *must* serve breakfast after the beginning of the instructional day. This provides clarity to eligible schools that they

must offer a breakfast after the bell program, which will improve low-income children's access to healthy school breakfast.

FRAC strongly supports these clarifications to 6.12.9 NMAC so more children have the opportunity to eat a healthy breakfast at schools. Thank you for your consideration of these comments.

Sincerely,

Diane Girouard
Child Nutrition Policy Analyst