



SPONSOR: Rep. S. Moore & Rep. Shupe & Rep. Dorsey Walker &
Rep. Bush & Sen. Lockman
Rep. Osienski

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 2
FOR
HOUSE BILL NO. 125

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO FREE SCHOOL MEALS.

1 WHEREAS, access to school meals should not cause stigma or stress for any student seeking an education; and

2 WHEREAS, during the COVID-19 pandemic, the United States Department of Agriculture eased program
3 restrictions to allow free meals to continue to be available to all students universally, ensuring that all students facing
4 hunger had access to food while in school; and

5 WHEREAS, now that strategies exist to prevent hunger for students during the school day, it is imperative that the
6 State embrace strategies to move forward with the goal of ending child hunger; and

7 WHEREAS, the General Assembly finds that it is in the best interests of many students and their families in
8 Delaware to enact a program to provide free meals for school students who qualify, under federal guidelines, for a reduced-
9 price meal.

10 NOW, THEREFORE:

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

12 Section 1. Amend Chapter 41, Title 14 of the Delaware Code by making deletions as shown by strike through and
13 insertions as shown by underline as follows:

14 § 4137A. Free School Meals Program.

15 (a) Definitions.

16 As used in this section:

17 (1) "Department" means the Department of Education.

18 (2) "National School Lunch Program" means the federal Richard B. Russell National School Lunch Act
19 created in 42 U.S.C. §1751 et seq.

20 (3) "Program" means the Free School Meals Program created under this section.

21 (4) “Reduced-price meal” means a meal a child is entitled to receive under the School Breakfast Program or
22 National School Lunch Program when the family’s income is between 130% and 185% of the federal poverty
23 threshold, as published annually in the Federal Register, and as required under § 9 of the Richard B. Russell National
24 School Lunch Act, 42 U.S.C. §1758.

25 (5) “School Breakfast Program” means the federal School Breakfast Program created in 42 U.S.C. §1773 et
26 seq.

27 (b) All public schools that participate in the School Breakfast Program and National School Lunch Program must
28 provide a breakfast meal and a lunch meal free of charge to any student who qualifies for a reduced-price meal with a
29 maximum of 1 free meal for each meal service period. The meals provided free of charge under this Program must meet the
30 meal pattern requirements under the School Breakfast Program and National School Lunch Program.

31 (c) The Department shall reimburse all public schools participating in the Program. The amount of reimbursement,
32 by the Department to each participating public school for each budget year, will be equal to the federal free reimbursement
33 rate multiplied by the total number of eligible meals that the participating public school serves during the applicable budget
34 year minus the total amount of reimbursement for eligible meals served during the applicable budget year that the
35 participating public school receives under the School Breakfast Program and National School Lunch Program.

36 (d) The Department may promulgate rules and regulations as necessary to implement this Program, including rules
37 to maximize the amount of federal funding available to implement and operate this Program.

38 Section 2. This Act takes effect beginning the school year following its enactment.

SYNOPSIS

 This House Substitute bill eliminates any reference to § 4137 in Title 11 since it will remain as a separate section in the Delaware Code. This House Substitute requires all public schools to offer only students who qualify for a reduced-price meal, under the federal School Breakfast Program and National School Lunch Program, a free breakfast and lunch every school day. This House Substitute also eliminates a requirement that all schools and local education agencies, who qualify, must participate in the federal Community Eligibility Provision, under 42 U.S.C. §1759a (a)(1)(F) since there is no such federal mandate. This Act also removes the requirement that a parent or guardian for each student complete a household income form since that requirement is already set forth in this title. This Substitute bill also removes the delayed effective date. This Act will take effect beginning the school year following its enactment.