



SPONSOR: Rep. K. Williams & Sen. Walsh & Sen. Lockman
Reps. Ross Levin, Hensley, Michael Smith, Chukwuocha;
Sens. Cruce, Brown, Paradee, Poore, Pinkney,
Richardson, Sturgeon, Townsend

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 91

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

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

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

3 § 4137C. Free school breakfasts.

4 (a) For purposes of this section:

5 (1) "Breakfast" means as defined in 7 C.F.R. § 220.2.

6 (2) "Community Eligibility Provision" means the special assistance certification and reimbursement
7 alternative under 7 C.F.R. § 245.9(f).

8 (3) "Department" means the Department of Education.

9 (4) "Provision 1" means the special assistance certification and reimbursement alternative under 7 C.F.R. §
10 245.9(a).

11 (5) "Provision 2" means the special assistance certification and reimbursement alternative under 7 C.F.R. §
12 245.9(b).

13 (6) "Provision 3" means the special assistance certification and reimbursement alternative under 7 C.F.R. §
14 245.9(d).

15 (7) "School Breakfast Program" means the federal School Breakfast Program, 42 U.S.C. § 1773 et seq.

16 (b) A public school that participates in the School Breakfast Program shall make available a breakfast free of
17 charge to any attending student regardless of household income.

18 (c) (1) The Department shall reimburse a public school providing a free school breakfast under this section.

19 (2) The Department may not reimburse a public school for more than 1 free breakfast per student per breakfast
20 meal service.

(3) Reimbursements must be made for each budget year.

(4) Subject to paragraph (c)(2) of this section, reimbursements must be equal to the federal free reimbursement rate multiplied by the total number of breakfasts that the participating public school serves during the applicable budget year minus the total amount of reimbursement for breakfasts served during the applicable budget year that the participating public school receives under the School Breakfast Program.

(d) This section does not apply to a school participating in any of the following:

(1) Community Eligibility Provision.

(2) Provision 1.

(3) Provision 2.

(4) Provision 3.

Section 2. This Act takes effect immediately and is to be implemented beginning July 1, 2026.

SYNOPSIS

This Substitute to HB 91 differs from HB 91 in that it further expands free breakfasts in schools participating in the federal School Breakfast Program by making them available to all students, regardless of household income, but does not expand free lunch income eligibility.

The Department of Education shall reimburse a public school providing free breakfasts. The reimbursement must be equal to the federal free reimbursement rate multiplied by the total number of breakfasts that the participating public school serves during the applicable budget year minus the total amount of reimbursement for breakfasts served during the applicable budget year that the participating public school receives under the School Breakfast Program.

This Act does not apply to schools participating in the federal Community Eligibility Provision, Provision 1, Provision 2, or Provision 3 special assistance certification and reimbursement alternatives.

This Act takes effect immediately and is to be implemented beginning July 1, 2026.