



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney,  
Governor

John McNeal, Director  
SCPD

## MEMORANDUM

DATE: May 30, 2023

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Mr. Benjamin Shrader, Chairperson   
State Council for Persons with Disabilities

RE: HB 125 (Proposed Amendment to § 4137 of Title 14 of the Delaware  
Code Relating to Free School Meals)

The State Council for Persons with Disabilities (SCPD) has reviewed HB 125 which seeks to amend § 4137 of the Delaware Code, requiring all Delaware schools to offer students free breakfast and lunch every school day.

SCPD has the following observations:

- The amendment strikes through much of what was previously included in § 4137. It then titles the section “Free School Meals Program.”
- The amendment then states that “[a]ll schools that participate in the School Breakfast Program and National School Lunch Program must provide a breakfast meal and a lunch meal free of charge to any pupil who requests a meal without consideration of the pupil’s eligibility for a federally free funded or reduced-price meal, with a maximum of one free meal for each meal service period.”

- All schools that participate in the “community eligibility provision,” a provision which allows schools and local education agencies with high poverty rates to receive federal assistance payments for school meals in exchange for providing meals free of charge to all students, are required to offer breakfast through an alternative service model in addition to their traditional breakfast meal service.
- The amendment also states that the Department of Education will pay for all free meals minus the meals already provided through other programs.
- Moreover, if the U.S. Department of Agriculture creates a statewide option for schools to participate in the Community Eligibility Provision, the Department of Education will participate in the option and work with local education agencies to collect data and implement the Provision statewide. Schools that do not participate in the Community Eligibility Provision must request parents or guardians of each student to determine a family’s eligibility for federal and state food assistance programs unless the school is able to obtain equivalent information through other means.

Feeding America cites one in seven children in Delaware face hunger – 30,040 children. Removing the stress of mealtime in a school setting will help tackle this steep number. **SCPD endorses this amendment as it takes seriously the issue of child hunger and does not require a student to meet any eligibility requirements in order to receive two free meals at school every day.**

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

HB 125 Free School Meals 5-30-23