

VIRGINIA ACTS OF ASSEMBLY -- 2020 SPECIAL SESSION I

CHAPTER 2

An Act to amend the Code of Virginia by adding a section numbered 22.1-207.4:1, relating to certain school boards; student meals; participation in the Community Eligibility Provision.

[H 5113]

Approved October 13, 2020

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-207.4:1 as follows:

§ 22.1-207.4:1. Participation in the Community Eligibility Provision.

A. As used in this section:

"Identified student" means any student who is directly certified for free meals through means other than the use of an individual household application.

"Identified student" includes (i) any student who is directly certified for free meals based on the student's participation in the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF) or based on Medicaid income data and (ii) any homeless, runaway, migrant, or Head Start student, or any foster child, who is approved as categorically eligible for free meals by means other than a meal application.

"Identified student percentage" means the fraction, expressed as a percentage, that results from dividing the number of identified students enrolled in a public elementary or secondary school by the total number of students enrolled in such school.

B. Each school board that governs a local school division that contains any public elementary or secondary school that has a minimum identified student percentage of 40 percent in the prior school year and is consequently eligible to participate in the Community Eligibility Provision (CEP) administered by the U.S. Department of Agriculture Food and Nutrition Service (FNS) shall apply to FNS to participate in CEP for each such school, pursuant to FNS guidelines, by submitting (i) identified student data to FNS by April 1, unless an extension is in effect and (ii) its completed application to FNS by June 30, unless an extension is in effect.

C. Nothing in this section shall be construed to prohibit any school board from grouping elementary or secondary schools in the local school division and applying to FNS to participate in CEP for such group of schools.

D. The Superintendent for Public Instruction shall issue a waiver to the requirement set forth in subsection B in the sole circumstance that an evaluation of a school or group of schools that is eligible to participate in CEP determines that participation in CEP is not financially viable to such school or group of schools. The Department of Education shall develop a process and criteria for considering such waivers, including a process and criteria for conducting such CEP evaluations.