

23102774D

**HOUSE BILL NO. 1967**

Offered January 11, 2023

Prefiled January 10, 2023

*A BILL to amend and reenact §§ 22.1-79.7:1 and 22.1-207.4:1 of the Code of Virginia and to repeal §§ 22.1-79.7 and 22.1-207.3 of the Code of Virginia, relating to school meals; availability at no cost to students.*

Patrons—Mullin, Roem, Anderson, Bennett-Parker, Delaney, Gooditis, Shin, Simonds and VanValkenburg

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-79.7:1 and 22.1-207.4:1 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-79.7:1. School meals; availability to students at no cost.**

~~A. Each school board shall require each public elementary and secondary school in the local school division to participate in the federal National School Lunch Program and the federal School Breakfast Program administered by the U.S. Department of Agriculture or in the Community Eligibility Provision as provided in § 22.1-207.4:1, if applicable, and to make lunch and breakfast available pursuant to such programs to any student who requests such a meal, regardless of whether such student has the money to pay for the meal or owes money for meals previously provided at no cost to the student, unless the student's parent has provided written permission to the school board to withhold such a meal from the student.~~

~~B. Nothing in this section shall be construed to limit the ability of a school board to collect payment for meals provided pursuant to subsection A, provided, however, that no such school board shall utilize a nongovernmental third-party debt collector to collect on such debt.~~

**§ 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.~~

**2. That §§ 22.1-79.7 and 22.1-207.3 of the Code of Virginia are repealed.**

INTRODUCED

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