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HOUSE BILL NO. 150**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Health and Human Services
on January 23, 2024)

(Patron Prior to Substitute—Delegate Helmer)

A BILL to amend and reenact §§ 22.1-79 and 63.2-801 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.7, relating to Supplemental Nutrition Assistance Program; Special Supplemental Nutrition Program for Women, Infants, and Children; applications.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-79 and 63.2-801 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.7 as follows:

§ 22.1-79. Powers and duties.

Each school board shall:

1. See that the school laws are properly explained, enforced, and observed;
2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
3. Care for, manage, and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
5. Insofar as not inconsistent with state statutes and regulations of the Board, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching, and the government to be employed in the schools;
6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board's procedures for adjusting grievances. Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board pursuant to § 22.1-308 shall apply to all full-time employees of a school board, except supervisory employees;
7. Perform such other duties as shall be prescribed by the Board or as are imposed by law;
8. Obtain public comment through a public hearing not less than seven days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting, or pupil assignment plan that is to be implemented after the effective date of this provision, an additional public hearing shall not be required;
9. (Expires July 1, 2028) At least annually, survey the school division to identify critical shortages of (i) teachers and administrative personnel by subject matter, (ii) specialized student support positions as that term is described in subsection O of § 22.1-253.13:2, and (iii) school bus drivers and report such critical shortages to the Superintendent and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System;
10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration, reregistration, or

60 verification of registration information of any person required to register with the Sex Offender and
61 Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within that school
62 division pursuant to § 9.1-914;

63 11. Ensure that at any back to school night event in the local school division to which the parents of
64 enrolled students are invited, any such parent in attendance receives prominent notification of and
65 access, in paper or electronic form, or both, to information about application and eligibility for free or
66 reduced price meals for students and a fillable free or reduced price meals application that may be
67 completed and submitted on site;

68 12. Ensure that the information sheet on the SNAP benefits program developed and provided by the
69 Department of Social Services pursuant to subsection ~~D~~ E of § 63.2-801 is sent home with each student
70 enrolled in a public elementary or secondary school in the local school division at the beginning of each
71 school year or, in the case of any student who enrolls after the beginning of the school year, as soon as
72 practicable after enrollment; and

73 13. Ensure that a fillable free or reduced price meals application is sent home with each student
74 enrolled in a public elementary or secondary school in the local school division at the beginning of each
75 school year or, in the case of any student who enrolls after the beginning of the school year, as soon as
76 practicable after enrollment.

77 **§ 32.1-23.7. Special Supplemental Nutrition Program for Women, Infants, and Children.**

78 *The Department is authorized, in accordance with the federal Child Nutrition Act of 1966 (42 U.S.C.*
79 *§ 1771 et seq.), to implement a Special Supplemental Nutrition Program for Women, Infants, and*
80 *Children (WIC Program) to provide supplemental foods and nutrition education to (i) low-income*
81 *pregnant, postpartum, and breastfeeding women, (ii) infants, and (iii) young children. All localities in*
82 *the Commonwealth shall participate in the WIC Program.*

83 **§ 63.2-801. SNAP benefits program.**

84 A. The Board is authorized, in accordance with the federal Food Stamp Act, to implement a SNAP
85 benefits program in which each political subdivision in the Commonwealth shall participate. Such
86 program shall include participation in the Restaurant Meals Program and shall be administered in
87 conformity with the Board regulations.

88 B. To the extent authorized by federal law and regulations, the Board shall (i) establish broad-based
89 categorical eligibility for SNAP benefits in accordance with 7 C.F.R. § 273.2(j)(2), (ii) set the gross
90 income eligibility standard for SNAP benefits at 200 percent of the federal poverty guidelines, and (iii)
91 not impose an asset limit for eligibility for SNAP benefits.

92 C. *Except as otherwise provided in federal law or regulations, the Department may not require*
93 *persons who are applying to participate or renewing their participation in the SNAP benefits program*
94 *to appear in person as a condition of participation.*

95 ~~C.~~ D. The Board shall increase opportunities for self-sufficiency through postsecondary education by
96 allowing SNAP benefits program participants, to the greatest extent allowed by federal law and
97 regulations, to satisfy applicable employment and training requirements through enrollment in an
98 accredited public institution of higher education or other postsecondary school licensed or certified by
99 the Board of Education or the State Council of Higher Education for Virginia. The Board shall (i)
100 identify postsecondary education opportunities in the Commonwealth that meet the definition of
101 "employment and training program" as set forth in 7 C.F.R. § 271.2 and the definition of "career and
102 technical education" as set forth in 20 U.S.C. § 2302; (ii) average a SNAP benefits program participant's
103 classroom and study hours on a monthly basis to determine whether the SNAP benefits program
104 participant has met applicable education hour requirements; (iii) deem a SNAP benefits program
105 participant who is approved for a federal or state work study position but who has not yet been placed
106 in a work study position to have satisfied applicable employment and training requirements, as permitted
107 under federal law; (iv) create a standardized form and process for SNAP benefits program participants to
108 verify compliance with education requirements; (v) allow accredited public institutions of higher
109 education or other postsecondary schools licensed or certified by the Board of Education or the State
110 Council of Higher Education for Virginia to apply for SNAP ET third party reimbursement designation
111 through the established procurement process; and (vi) establish and make available to SNAP benefits
112 program participants materials that provide clear guidance regarding satisfaction of employment and
113 training requirements through postsecondary education.

114 ~~D.~~ E. The Department shall develop, annually update, and provide to each school board in advance
115 of the start of each school year an information sheet on the SNAP benefits program that sets forth the
116 application process and such other information as the Department deems necessary or appropriate in
117 order to properly inform the parents of students enrolled in public elementary and secondary schools of
118 such program and encourage application by those who are eligible.