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SENATE BILL NO. 283
Offered January 10, 2024
Prefiled January 9, 2024

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.

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Patrons—Roem, Subramanyam and Perry

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Referred to Committee on Education and Health

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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.~~ *The Department shall reimburse each public elementary and secondary school for each school breakfast and lunch served to a student, with a maximum of one breakfast and one lunch per student per school day. The state reimbursement amount shall be the difference between the amount paid by the U.S. Department of Agriculture and the free rate as set annually by the U.S. Secretary of Agriculture under 42 U.S.C. § 1759a for each school.*
    C. The Department may promulgate such rules as deemed necessary for the implementation of this section.
    § 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~~ *25* 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.~~ *Each school board shall*

59 *maximize access to federal funds available for the cost of participation in school breakfast and lunch*
60 *programs by adopting the U.S. Department of Agriculture's CEP or any other federal provision that, in*
61 *the opinion of the Department, results in the greatest possible federal funding for meals served through*
62 *such programs. Each school board shall also implement policies requiring parents to provide any such*
63 *household income information required for establishing eligibility for participation in a free or reduced*
64 *cost meal program in a manner prescribed by the Department to maximize determinations of student*
65 *eligibility for federal free or reduced cost meal reimbursement rates and participation in CEP.*
66 **2. That the Secretary of Education, in coordination with the Secretary of Finance, shall convene a**
67 **stakeholder work group to study the potential impact of offering statewide free school breakfasts**
68 **and lunches on other state-funded programs and to make recommendations on potential actions**
69 **for avoiding or mitigating such impacts. The work group shall be chaired by the Secretary of**
70 **Education and the Secretary of Finance and shall include relevant stakeholders, including**
71 **representatives of local school divisions and individuals with expertise in state-funded education**
72 **programs. The work group shall submit by January 15, 2025, a report on its findings and**
73 **recommendations to the Senate Committee on Education and Health and the House Committee on**
74 **Education.**
75 **3. That §§ 22.1-79.7 and 22.1-207.3 of the Code of Virginia are repealed.**