

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

## **House Bill 3263**

By Delegates Young, Steele, and Cannon

[Introduced February 03, 2023; Referred to the  
Committee on Education then Finance]

1 A BILL to amend and reenact §18-5D-3 of the Code of West Virginia, 1931, as amended, relating  
2 to statewide expansion of Healthy School Meals for All through maximizing participation in  
3 the Community Eligibility Provision (CEP) or other universal meal options by requiring all  
4 schools that qualify for CEP to apply for this funding.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5D. WEST VIRGINIA FEED TO ACHEIVE ACT**

**§18-5D-3. School nutrition programs.**

1 (a) Each county board of education shall establish and operate school nutrition programs  
2 under which, at a minimum, a nutritious breakfast and lunch are made effectively available to all  
3 students enrolled in the schools of the county in accordance with the State Board of Education  
4 standards. The standards shall include guidelines for determining the eligibility of students for  
5 paid, free and reduced meals. The standards shall also establish procedures and guidelines for  
6 the Feed to Achieve initiative to allow for the provision of healthy, nutritious meals to all elementary  
7 school students, without cost to students, where schools find it practical to do so.

8 (b) The Feed to Achieve initiative will be phased in for all elementary schools as sufficient  
9 funds become available, through donations, contributions and payments made by individuals,  
10 communities, businesses, organizations and parents or guardians on behalf of students. Nothing  
11 in this article prohibits any school from providing free meals to all of its students.

12 (c) Each county board of education shall:

13 (1) Require all schools to adopt a delivery system approved by the state Office of Child  
14 Nutrition, no later than the 2015 school year, that ensures all students are given an adequate  
15 opportunity to eat breakfast. These approved systems shall include, but are not limited to, Grab-  
16 And-Go Breakfasts, Breakfast in the Classroom or Breakfast After First Period; and

17 (2) Collaborate with the state Office of Child Nutrition to develop strategies and methods to  
18 increase the percentage of children participating in the school breakfast and lunch nutrition  
19 programs.

20 (d) In addition to other statistics, the county boards of education, in consultation with the  
21 state Office of Child Nutrition, shall determine the number of children in each school who are  
22 participating in each meal offered by the school; the number of children who are not eating each  
23 meal offered by the school; and the total daily attendance.

24 (e) The state Office of Child Nutrition shall report to the Joint Committee on Government  
25 and Finance, the Select Committee on Children and Poverty and the Legislative Oversight  
26 Commission on Education Accountability on or before December 31, 2015, and each year  
27 thereafter, on the impacts of the Feed to Achieve Act and any recommendations for legislation.

28 (f) County boards of education may utilize the nonprofit funds or foundations established in  
29 section four of this article or other available funds to offset the costs of providing free meals, after  
30 school and summer nutrition programs to elementary students.

31 (g) If at any time federal financial appropriations to this state for school nutrition programs  
32 are terminated, county boards of education are hereby authorized, but not required, to continue  
33 the programs at their own expense.

34 (h) Classroom teachers may not be required to participate in the operation of the school  
35 breakfast program as part of their regular duties.

36 (i) Schools that serve breakfast or lunch and are eligible for the Community Eligibility  
37 Provision (CEP) or other universal meal programs must participate in these programs.

38 (1) Schools and school districts shall maximize all federal funding for the cost of school  
39 breakfast and lunches to be provided to students at no cost to the students.

NOTE: The purpose of this bill is to support statewide expansion of Healthy School Meals for All through maximizing participation in the Community Eligibility Provision or other universal meal options or by prioritizing expansion at the local level for under-resourced school districts with the greatest need.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.