

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4641

By Delegates Worrell, Burkhammer, and Hite

[Originating from the Committee on Health and

Human Resources; Reported on February 2, 2026]

A BILL to amend and reenact §18-5D-3 of the Code of West Virginia, 1931, as amended, relating to updating the school nutrition programs; and reflecting federal guidelines.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5D. WEST VIRGINIA FEED TO ACHIEVE ACT.

§18-5D-3. School nutrition programs.

(a) For purposes of this section, the following definitions apply:

(1) "Nutritionally adequate breakfast" means a breakfast under the most current meal pattern for the federal School Breakfast Program, as defined in Section 220.8 of Title 7 of the Code of Federal Regulations.

(2) "Nutritionally adequate lunch" means a lunch under the most current meal pattern for the federal National School Lunch Program, as defined in Section 210.10 of Title 7 of the Code of Federal Regulations.

(b) Each county board of education shall establish and operate school nutrition programs under which, at a minimum, a nutritious nutritionally adequate breakfast and lunch are made effectively available to all students enrolled in the schools of the county in accordance with the State Board of Education standards, as well as the standards outlined by the United States Department of Agriculture ("USDA") in Title 7 of the Code of Federal Regulations. A nutritionally adequate breakfast or lunch shall not consist of more added sugar than the amount allowed by the federal School Breakfast program and the federal National School Lunch program, respectively.

The standards shall include guidelines for determining the eligibility of students for paid, free and reduced meals. The standards shall also establish procedures and guidelines for the Feed to Achieve initiative to allow for the provision of healthy, nutritious meals to all elementary school students, without cost to students, where schools find it practical to do so.

(c) If the federal School Breakfast Program and federal National School Lunch program allow more added sugar or sodium than is recommended by the most recent Dietary Guidelines for Americans, established by the USDA and the United States Department of Health and Human

Services, the State Department of Education shall convene representatives from the Office of Child Nutrition and cafeteria workers, or their representatives, to work in partnership to provide the following:

(1) Maximum daily added sugar intake recommendations for each grade level commensurate with the American Academy of Pediatrics' standards for children two years of age and older.

(2) Maximum daily added sodium intake recommendations for each grade level commensurate with recommendations for children and adolescents in the Dietary Guidelines for Americans.

(3) Recommendations pursuant to this subsection shall encourage the prioritization of foods with higher nutritional density when there is added sugar or sodium in the food.

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

~~(c)~~(e) Each county board of education shall:

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

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

~~(d)~~(f) In addition to other statistics, the county boards of education, in consultation with the state Office of Child Nutrition, shall determine the number of children in each school who are participating in each meal offered by the school; the number of children who are not eating each

meal offered by the school; and the total daily attendance.

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

~~(f)(h)~~ County boards of education may utilize the nonprofit funds or foundations established in ~~section four of this article~~ §18-5D-4 of this code, or other available funds to offset the costs of providing free meals, after school and summer nutrition programs to elementary students. Schools that serves breakfast or lunch and are eligible for the Community Eligibility Provision (CEP) or other meal programs shall participate in these programs. County boards of education shall maximize all federal funding for the cost of school lunches to be provided to students at no costs to the students.

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

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

NOTE: The purpose of this bill is to codify the guidelines for nutritionally adequate school breakfasts and lunches within Title 7 of the Code of Federal Regulations, as well as the Dietary Guidelines for Americans.

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