

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 3073**

BY DELEGATES WORRELL, LOVEJOY, ROWAN,  
ROHRBACH, ROWE, HANSEN, BROWN, YOUNG, WAMSLEY,  
HANNA AND KESSINGER

[Introduced March 11, 2021; Referred to the  
Committee on Education then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §18-5D-6, relating to establishing the West Virginia Emergency School Food  
3 Act; providing findings; directing a county-by-county assessment of noninstructional or  
4 nontraditional remote learning day and public virtual school student feeding initiative; food  
5 insecurities; empowering county school boards to develop initiatives and programs for  
6 feeding students in need during summer and other noninstructional or nontraditional  
7 remote or virtual learning day time periods; providing county board reporting requirements  
8 to the Office of Child Nutrition; and directing the Office of Child Nutrition to collect and  
9 distribute information regarding available food resources and to create a crisis  
10 management and prevention plan that includes an assessment and plan to feed students.

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

## **ARTICLE 5D. WEST VIRGINIA FEED TO ACHIEVE ACT.**

### **§18-5D-6. West Virginia Emergency School Food Act.**

1 (a) The Legislature finds and declares that:  
2 (1) The Feed to Achieve initiative has successfully improved the availability and  
3 awareness for the need to provide nutritious food to state students and the Shared Table Initiative  
4 has facilitated a spirit of innovation and consciousness in our counties to find alternative ways to  
5 feed children in need;  
6 (2) A periodic assessment of the needs for county students and availability of county  
7 resources is necessary to determine what type of resources are available and needed to reduce  
8 food insecurity for students when they are not in school;  
9 (3) That expansion of the Shared Table Initiative to include a program to encourage county  
10 schools to locate, participate in, and initiate programs to provide meals during summers and non-  
11 school-day times when some children may not have access to healthy meals could assist in  
12 reducing food insecurity for thousands of children in this state, and therefore, creating a  
13 mechanism that is not a directive from the Legislature upon county school boards, but rather an

14 authorization to use school resources to find innovative ways, within the means of the county  
15 school systems, to assist the communities they serve, will provide a public benefit.

16 (b) Every county public school system shall conduct an annual countywide survey of  
17 public-school students to determine their noninstructional or nontraditional remote learning and  
18 virtual school day eating patterns and the availability of nutritious food to them when schools are  
19 closed. The West Virginia Office of Child Nutrition will assist and facilitate with this survey to  
20 determine the needs for supplemental food services in every county.

21 (c) Each county board shall also collect and compile information regarding the availability  
22 of food resources in the county during noninstructional or nontraditional remote learning days as  
23 well as include a plan that includes virtual school students and distribute this information to all  
24 students. These resources may include any public, private, religious group, or charity that will  
25 provide food to children with food insecurity.

26 (d) Each county school board may investigate and implement any program that may  
27 facilitate this initiative including, but not limited to, entrepreneurship programs to foster innovation  
28 in providing assistance, utilizing participation in programs as a positive discipline option, and  
29 creating mentorship programs or other opportunities to participate in the feeding program.

30 (e) Each county school board shall provide, at a minimum, an annual countywide or a  
31 coordinated regional training opportunity, with assistance from the West Virginia Office of Child  
32 Nutrition, that ensures that any entity that potentially qualifies as a summer feeding site or  
33 according to the county survey, is afforded the opportunity to receive training on operation of a  
34 feeding site.

35 (f) Each county board shall provide its survey, a summary of its activities, and any findings  
36 or recommendations the county school board has related thereto, to the West Virginia Office of  
37 Child Nutrition at a date determined each year by that office.

38 (g) Each Local School Improvement Council in each West Virginia public school shall be  
39 mandated as per §18-9F-9 of this code to create a crisis management & prevention plan that

40 includes an assessment and plan to feed students during noninstructional or nontraditional remote  
41 learning days and public virtual school students that includes emergency situations that may  
42 require innovative ways to deliver food to student homes. Community support and resources  
43 should be utilized when creating this plan.

44 (h) The West Virginia Office of Child Nutrition shall monitor these activities and share  
45 between counties information about innovative and successful program initiatives around the  
46 state to promote and facilitate the West Virginia Emergency School Food Act.

NOTE: The purpose of this bill is to establish the West Virginia Emergency School Food Act that will encourage county school systems to look for innovative ways to provide assistance to students in need to access nutritious foods during summer break and other times when school is not in session. The bill requires each county school board to conduct an assessment of the availability of food to students to determine what food insecurities exist in the student population. The bill directs each county school board to compile and distribute a list of existing food providers in the community that will provide nutritious food to children with food insecurities on noninstructional or nontraditional remote learning days and include public virtual school students. The bill directs the Office of Child Nutrition to help facilitate county school boards to coordinate and develop the public policy initiative of Feed to Achieve.

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