

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time _____

No: 182

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

—•—
ENROLLED

SENATE BILL NO. 182

(By Mr. Galpin)

—•—
PASSED April 11, 1981

In Effect ninety days from Passage

OFFICE
SECY. OF STATE

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ENROLLED
Senate Bill No. 182

(By MR. GALPERIN)

[Passed April 11, 1981; in effect ninety days from passage.]

AN ACT to amend article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-seven, relating to required school breakfast programs for pupils to be provided by county boards of education, where federal funds provided, except when waiver obtained; basis for waiver application, notice and hearing thereon; permissive school breakfast program after termination of federal funding; annual report to Legislature on exemptions granted; participation in school breakfast program by classroom teachers to be voluntary and not a part of their regular duties; and specifying effective date.

Be it enacted by the Legislature of West Virginia:

That article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirty-seven, to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-37. School breakfast programs.

1 Beginning the school year one thousand nine hundred
2 eighty-one—eighty-two and continuing thereafter, each
3 county board of education shall establish and operate a
4 school breakfast program under which a nutritious breakfast
5 shall be made available to all pupils enrolled in the schools of
6 the county in accord with standards of the state department
7 of education. Such standards shall include guidelines for
8 determining the eligibility of pupils for paid breakfasts, free
9 breakfasts and reduced price breakfasts: *Provided*, That

10 nothing herein contained shall prohibit any school from
11 providing free breakfasts to all its pupils if revenues received
12 from such programs exceed the costs of such programs:
13 *Provided, however,* That a particular school which because of
14 compelling circumstances is not able to provide a satisfactory
15 school breakfast program may apply to the state
16 superintendent of schools for a waiver. Upon application the
17 state superintendent of schools shall give notice and the
18 opportunity to be heard to the parents and school and shall
19 review the specific reasons for the waiver request and if the
20 state superintendent determines that a particular school is
21 because of compelling circumstances not able to provide a
22 satisfactory school breakfast program, it may be granted a
23 waiver not to exceed two years except upon reapplication:
24 *Provided further,* That if at any time federal financial
25 appropriations to this state for school breakfast programs are
26 terminated, county boards of education are hereby
27 authorized but not required to continue such programs at
28 their own expense.

29 The state superintendent of schools shall annually report to
30 the Legislature on the first day of the regular session the
31 schools exempted for that school term under the provisions
32 of this section and shall state the reasons for such
33 exemptions: *And provided further,* That classroom teachers
34 shall not be required to participate in the operation of the
35 school breakfast program as part of their regular duties.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Baylor
Chairman Senate Committee

Tommy E. Whetlow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Todd C. Willis
Clerk of the Senate

V. B. Blankenship
Clerk of the House of Delegates

Waverly P. ...
President of the Senate

Walter M. Reed, Jr.
Speaker House of Delegates

The within *is approved* this the *29*

day of *April*, 1981.

Paul D. ...
Governor

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