WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
SENATE BILL NO. 182

(By Mr. [Signature])

PASSED April 11, 1981
In Effect ninety days from Passage

SECRETARY OF STATE
OFFICE

RECEIVED [Signature]
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 eighty-one—eighty-two and continuing thereafter, each county board of education shall establish and operate a school breakfast program under which a nutritious breakfast shall be made available to all pupils enrolled in the schools of the county in accord with standards of the state department of education. Such standards shall include guidelines for determining the eligibility of pupils for paid breakfasts, free breakfasts and reduced price breakfasts: Provided, That
nothing herein contained shall prohibit any school from providing free breakfasts to all its pupils if revenues received from such programs exceed the costs of such programs: Provided, however, That a particular school which because of compelling circumstances is not able to provide a satisfactory school breakfast program may apply to the state superintendent of schools for a waiver. Upon application the state superintendent of schools shall give notice and the opportunity to be heard to the parents and school and shall review the specific reasons for the waiver request and if the state superintendent determines that a particular school is because of compelling circumstances not able to provide a satisfactory school breakfast program, it may be granted a waiver not to exceed two years except upon reapplication: Provided further, That if at any time federal financial appropriations to this state for school breakfast programs are terminated, county boards of education are hereby authorized but not required to continue such programs at their own expense. The state superintendent of schools shall annually report to the Legislature on the first day of the regular session the schools exempted for that school term under the provisions of this section and shall state the reasons for such exemptions: And provided further, That classroom teachers shall not be required to participate in the operation of the 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. Bayles  
Chairman Senate Committee

Tony E. Whetlow  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Judd C. Wells  
Clerk of the Senate

V. K. Blazekenship  
Clerk of the House of Delegates

Warren R. Henry  
President of the Senate

James M. Sasser, Jr.  
Speaker House of Delegates

The within is approved this the 29th day of April, 1981.

James Dwyer  
Governor