

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

### ENROLLED

### House Bill 3073

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2022 MAR 28 P 4: 33

FILED

BY DELEGATES WORRELL, LOVEJOY, ROWAN,

ROHRBACH, ROWE, HANSEN, BROWN, YOUNG, WAMSLEY,

HANNA AND KESSINGER

[Passed March 12, 2022; in effect ninety days from passage.]

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1 AN ACT 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; allowing an annual countywide survey of public school students to  
4 determine certain eating patterns and the availability of nutritious food to certain students  
5 when schools are closed; allowing the collection and compilation of information regarding  
6 the availability of food resources in the county on certain days including a plan that  
7 includes virtual school students and distribute the information to all students; allowing a  
8 county board to investigate and implement any program that may facilitate this initiative;  
9 allowing a county board to provide an annual county wide or a coordinated regional  
10 training opportunity for an entity that potentially qualifies as a summer feeding site;  
11 allowing a county board to provide its survey, a summary of its activities, and any findings  
12 or recommendations the county board has thereto, to the West Virginia Office of Child  
13 Nutrition; allowing a public school to include in its crisis response plan an assessment and  
14 plan to feed students during certain remote learning days and to public virtual school  
15 students; and allowing the West Virginia Office of Child Nutrition to monitor certain  
16 activities and share between counties information about innovative and successful  
17 program initiatives.

*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 would be helpful in determining what type of resources are available and needed to  
8 reduce 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) Any county public school system may conduct an annual countywide survey of public-  
17 school students to determine their noninstructional or nontraditional remote learning and virtual  
18 school day eating patterns and the availability of nutritious food to them when schools are closed.  
19 The West Virginia Office of Child Nutrition may assist and facilitate with this survey to determine  
20 the needs for supplemental food services in every county.

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

26           (d) Any 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) Any county school board may provide an annual countywide or a coordinated regional  
31 training opportunity, with assistance from the West Virginia Office of Child Nutrition, that ensures

32 that any entity that potentially qualifies as a summer feeding site according to the county survey,  
33 is afforded the opportunity to receive training on operation of a feeding site.

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

37 (g) Each West Virginia public school may include in its crisis response plan, created  
38 pursuant to §18-9F-9, an assessment and plan to feed students during noninstructional or  
39 nontraditional remote learning days and public virtual school students that includes emergency  
40 situations that may require innovative ways to deliver food to student homes. Community support  
41 and resources should be utilized when creating this plan.

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

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

*[Signature]*  
.....  
Chairman, House Committee

*[Signature]*  
.....  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Speaker of the House of Delegates

*[Signature]*  
.....  
President of the Senate

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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FILED

The within *is approved* this the *28th*  
*March*  
day of ....., 2022.

*[Signature]*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 24 2022

Time 10:01am