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HOUSE BILL NO. 96

Offered January 14, 2026

A BILL to amend and reenact § 22.1-79.7:1 of the Code of Virginia and to repeal § 22.1-207.3 of the Code of Virginia, relating to school breakfast; availability at no cost to students.

Patrons—Bennett-Parker, Cohen, Price, Shin, Simonds, Anderson, Bulova, Callsen, Carnegie, Carroll, Clark, Convirs-Fowler, Cousins, Downey, Feggans, Franklin, L.V., Franklin, M.A., Gardner, Glass, Henson, Keys-Gamarra, Laufer, LeVere Bolling, Maldonado, Martinez, McClure, McGuire, Mehta, Nivar, Reaser, Sullivan, Thomas, Thornton, Tran and Watts

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-79.7:1 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-79.7:1. School meals; availability of school breakfast to students at no cost.**

A. Each school board shall require each public elementary and secondary school in the local school division to participate in the federal National School Lunch Program and the federal School Breakfast Program administered by the U.S. Department of Agriculture and to make (i) lunch ~~and breakfast~~ available pursuant to ~~such programs~~ the federal National School Lunch Program to any student who requests such a meal school lunch, regardless of whether such student has the money to pay for the meal lunch or owes money for meals previously provided and (ii) breakfast available pursuant to the federal School Breakfast Program to any student who requests a school breakfast at no cost to the student, unless the student's parent has provided written permission to the school board to withhold such a meal from the student. *Nothing in this subsection shall be construed as to create a financial disincentive to a school or local school division for participating in the federal Community Eligibility Provision program under 42 U.S.C. § 1759a.*

B. School boards shall seek to achieve the highest practicable level of student participation in the school breakfast program by implementing breakfast service models designed to maximize access, which may include any or all of the following: (i) serving breakfast after the start of the instructional day, (ii) providing grab-and-go breakfast options, (iii) serving and permitting the consumption of breakfast in classrooms, and (iv) providing multiple points of access for school breakfast.

C. Nothing in this section shall be construed to limit the ability of a school board to collect payment for meals provided pursuant to subsection A, provided, however, that no such school board shall utilize a nongovernmental third-party debt collector to collect on such debt. *The Department shall reimburse each public elementary and secondary school for each eligible school breakfast served to a student, with a maximum of one reimbursable breakfast per student per school day. The state reimbursement amount for each school shall be the difference between the amount paid by the U.S. Department of Agriculture and the free rate as set annually by the U.S. Secretary of Agriculture under 42 U.S.C. § 1759a.*

D. The Department may promulgate such rules as deemed necessary for the implementation of this section.

2. That § 22.1-207.3 of the Code of Virginia is repealed.

INTRODUCED

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