



#102-22

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #102-22**

DATE: May 13, 2022
TO: Division Superintendents
FROM: Jillian Balow, Superintendent of Public Instruction
SUBJECT: **Required Participation in the National School Breakfast and National School Lunch Programs**

The *Code of Virginia* [§ 22.1-79.7:1](#) was amended effective July 1, 2021, to enact HB 1426, in which local school boards must require each public school in the school division to participate in the National School Lunch and School Breakfast Programs and to make lunch and breakfast available on school days when attendance is taken and instruction is provided. Meals must be made available to any student who requests meals, regardless of the student's eligibility for free or reduced-priced meals, their ability to pay for meals, or if the student owes money for meals previously provided. A student's guardian, through written permission to the school board, may authorize a school to withhold meals.

Federal guidelines restrict the use of the nonprofit school food service account for student meal debt accrued, as detailed in USDA FNS policy memo SP47-2016. Therefore, the school division must use another funding source to cover the cost of unpaid meal debt incurred from meals provided to students not eligible for free and reduced-priced meals.

Strategies to address unpaid meal debt can be found in the [Overcoming the Unpaid Meal Challenge-Proven Strategies from Our Nation's Schools](#) resource.

Additionally, meals at schools participating in the Community Eligibility Provision (CEP) may be offered at no charge and are eligible for federal reimbursement. Refer to the previous superintendent's memo on CEP for additional details.

Coronavirus Aid, Relief, and Economic Security (CARES) Act funds, Elementary and Secondary School Emergency Relief (ESSER) funds, and Governor's Emergency Education Relief (GEER) funds can be used during the public health emergency to support the nonprofit school food service program account, if such use has been approved by the Virginia Department of Education via local application.

For more information

Please contact the School Nutrition Programs specialist assigned to your region for more information or with any questions.

JB/SCC/CEJ/cc