



#273-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #273-21**

DATE: September 24, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **School Division Participation in the At-Risk Afterschool Meals Portion of the Child and Adult Care Food Program**

The purpose of this memorandum is to notify school divisions of the passage of [House Bill 2135 \(HB2135\)](#) during the 2021 session of the Virginia General Assembly. This legislation amends § 22.1-207.4:2 of the *Code of Virginia* to require participation in the At-Risk Afterschool Meals portion (At-Risk) of the Child and Adult Care Food Program (CACFP) if a school or school division meets the program's eligibility requirements. HB2135 specifies that the Superintendent of Public Instruction may issue a waiver to the requirement in the sole circumstance that an evaluation determines program participation is not financially viable for a school or group of schools. The Virginia Department of Education, Office of School Nutrition Programs (VDOE-SNP) will develop the process and criteria for considering such waivers. HB2135 will go into effect **July 1, 2022**.

The At-Risk portion of the CACFP was established through the Healthy Meals for Healthy Americans Act of 1994 and was expanded to all states through the passage of the Healthy, Hunger-Free Kids Act of 2010. The At-Risk program provides reimbursement to program sponsors for serving nutritious meals or snacks to children 0-18 participating in eligible afterschool care centers. Eligible programs must offer structured, supervised afterschool care, an education or enrichment activity, and be located in the attendance zone of a school where 50 percent or more of the children are eligible for free or reduced-priced meals.

HB2135 requires that a local school division with an elementary or secondary school with 50 percent or more children who qualify for free or reduced-priced meals that simultaneously offers an education or enrichment activity apply for participation in the At-Risk program. The legislation specifies that schools may partner with agencies or organizations that participate in the program to sponsor school or community sites to satisfy the participation requirement set forth in the legislation.

The bill includes waiver authority for the Superintendent of Public Instruction in the event that an evaluation determines that participation in the At-Risk program would not be financially viable.

For more information

The VDOE-SNP will provide additional guidance as the waiver procedure is developed. Please contact your assigned regional school nutrition program or child nutrition program specialist with questions about school eligibility or the legislation.

JFL/SCC/cej