



#054-22

Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #054-22

DATE: March 4, 2022
TO: Division Superintendents
FROM: Jillian Balow, Superintendent of Public Instruction
SUBJECT: **Child and Adult Care Food Program School Year 2022-2023 Participation Requirement**

The purpose of this memorandum is to remind school divisions of the passage of [House Bill 2135](#) (HB 2135) during the 2021 General Assembly session and to provide guidance on the legislation's requirements. This legislation amended § 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 meets the program's eligibility requirements. Participation in the At-Risk program is required for eligible schools beginning on July 1, 2022, or at the start of a school division's 2022-2023 academic school year.

School Eligibility

Eligible schools are located in attendance zones where 50 percent or more of the children are eligible for free or reduced-price meals. In addition, the schools are offering a structured, afterschool enrichment or academic activity. Activities can range in complexity from an established after school program, such as band and theater practice, to tutoring. While students participating in an athletics program may receive afterschool meals through the At-Risk program, athletics do not qualify as the sole enrichment or academic activity. *Schools located in attendance zones where 50 percent or more of the children are eligible for free or*

reduced-price meals, but are not offering after-school enrichment or academic activities, are not required to participate in the At-Risk program.

Waiver Process

This legislation includes waiver authority for the Superintendent of Public Instruction in the event that an evaluation determines participation in the At-Risk program would not be financially viable. School divisions with eligible schools seeking to waive the requirement to participate in the At-Risk program in school year 2022-2023 based on financial viability may submit a waiver request to the Virginia Department of Education, Office of School Nutrition Programs (VDOE-SNP). The *School Year 2022-2023 At-Risk Program Waiver* is available on request and is also located in the *Download Forms* section of SNPWeb, the VDOE-SNP's online application and claiming system. Submit all waiver requests via email to the SNP Policy mailbox at snppolicy@doe.virginia.gov.

Informational Webinar

The VDOE-SNP will host a webinar on **April 28, 2022, at 2:00 p.m.** to review HB 2135, school eligibility, the waiver process, benefits of participating in the At-Risk program, and the school year 2022-2023 application.

Register in advance for the webinar. After registering, you will receive a confirmation email containing information about joining the webinar.

For more information

Please contact your assigned regional school nutrition programs specialist with questions about school eligibility or the legislation.

JB/SCC/mvp