

# VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

## CHAPTER 292

*An Act to amend the Code of Virginia by adding a section numbered 22.1-207.4:2, relating to certain school boards; student meals; participation in the Afterschool Meal Program.*

[H 2135]

Approved March 18, 2021

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 22.1-207.4:2 as follows:**

**§ 22.1-207.4:2. Participation in the Afterschool Meal Program.**

*A. As used in this section:*

*"At-risk afterschool care center" includes locations that offer educational or enrichment activities to children or teenagers, including schools, community centers, and libraries, approved by the Department to operate the Program.*

*"Program" means the Afterschool Meal Program administered by the U.S. Department of Agriculture Food and Nutrition Service (FNS) Child and Adult Care Food Program (CACFP).*

*B. Each school board that governs a local school division that contains any public elementary or secondary school that has a student population that qualifies for free and reduced-price meals at a minimum percentage of 50 percent in the prior school year and simultaneously offers educational or enrichment activities and is consequently eligible to participate in the Program shall apply to the Department to participate in the Program for each such school to subsequently and simultaneously serve federally reimbursable meals and offer an afterschool education or enrichment program, pursuant to FNS guidelines and state health and safety standards. The Department shall administer the Program on behalf of the U.S. Department of Agriculture and shall conduct the processes for application to the Program, approval for participation in the Program, and monitoring of schools participating in the Program.*

*C. Nothing in this section shall be construed to prohibit any school in the local school division from applying to the Department to participate in the Program if that school offers afterschool programs that:*

*1. Provide organized and regularly scheduled afterschool activities for children after school or on the weekends, holidays, or breaks during the regular school year;*

*2. Include educational or enrichment activities such as arts and crafts, computer lessons, or homework assistance; and*

*3. Are located in an area that meets eligibility requirements for participation in the Program, pursuant to FNS guidelines.*

*D. Nothing in this section shall be construed to prohibit any school in the local school division from partnering with agencies or organizations that participate in the Program, which partnership may include sponsoring at-risk afterschool care centers that operate at the school or at a location outside of the school and that already participate in the Program, to satisfy the requirements set forth in subsection B.*

*E. Any school may contact the Department for assistance in determining if a school or an afterschool program meets the requirements for eligibility to participate in the Program.*

*F. The Superintendent of Public Instruction shall issue a waiver to the requirement set forth in subsection B in the sole circumstance that an evaluation of a school or group of schools that is eligible to participate in the Program determines that participation in the program is not financially viable to such school or group of schools. The Department shall develop a process and criteria for considering such waivers, including a process and criteria for conducting such Program evaluations.*

**2. That the provisions of this act shall become effective on July 1, 2022.**