




DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

MEMORANDUM

To: School Food Authorities

From: 
Elizabeth Leach
School Programs Manager

Date: June 18, 2019

Re: Community Eligibility Provision (CEP) Guidance – New schools

State Agency Memo
NSLP #2-19

The intent of this memo is to provide guidance to School Food Authorities (SFAs) in determining their community eligibility provision (CEP) elections, specifically those adding new schools to their local education agency (LEA) in the upcoming school year. The information included is not new, but rather is a consolidation of current guidance specific to SFAs that will have a change in how they group schools for CEP purposes.

CEP is a non-pricing meal service option for schools and LEAs that allows breakfast and lunch to be served at no cost to students without collecting household applications for free and reduced price meals. Schools that adopt CEP are reimbursed using a formula based on the percentage of students directly certified¹ for free meals based on their participation in other specific means-tested programs. Schools and LEAs are eligible for CEP if at least one school in the LEA has at least 40 percent of students identified as directly certified in the prior school year.

Data, including the percent of directly certified students, are pulled from [OSSE's Statewide Longitudinal Education Data \(SLED\)](#) by April 1 annually to determine LEA and school level eligibility for CEP. Newly opened schools, schools that have joined a new or different LEA, and schools new to the National School Lunch Program (NSLP) may not have direct

¹ Direct certification is a process conducted by the States and by LEAs to certify eligible children for free meals without the need for household applications. Students are identified as directly certified if they are enrolled in SNAP, TANF, or are identified as homeless or in foster care.

certification data as of April 1, and in that case would not have data to establish eligibility to participate in CEP. In some scenarios, OSSE may be able to capture direct certification data before the start of the new school year and allow the new school² to participate in CEP.

If the number of identified students and total enrollment data is available before the start of the school year, when counting and claiming of meals begins, and OSSE has confirmed that the new school meets the eligibility requirements (either individually or as part of a group), then the LEA may elect CEP following the steps below. If the number of identified students and enrollment are not available before the start of the school year, the new school must collect and process individual applications from families for free and reduced priced meals until the numbers of identified students and total enrollment are available, OSSE has confirmed eligibility for CEP, and the LEA has elected CEP following the steps below.

Participation in CEP for new schools is not guaranteed. When LEAs distribute *information letters* to households about the availability of free and reduced price meals, OSSE strongly recommends that LEAs also distribute and encourage submission of the *application* for free and reduced-price meals. Submission and processing of applications will ensure that students who qualify for free and/or reduced-priced meals have access to meals if CEP is not in place.

In order for new schools to participate in CEP, LEAs must:

1. Work within the LEA to ensure the student information system (SIS) is sending data to SLED and includes enrollment data for the new school(s) as soon as possible prior to the start of the school year (when counting and claiming of meals begins).
2. Contact your program specialist as soon as your LEA's SIS is sending data to SLED and enrollment for each participating school is representative of anticipated enrollment for the upcoming school year. Note that SLED operates in the upcoming school year as of July 15. At this time, OSSE will determine CEP eligibility for each new school. Eligibility information will be emailed to the LEA with a deadline by which to elect if and how the new school will participate in CEP. LEAs may have the option for the new school to participate in CEP as a single site or as part of a group of CEP sites.
3. Submit the LEA's new CEP elections by the deadline provided by OSSE.

Please be reminded, LEAs must submit CEP elections for schools currently participating in the NSLP no later than June 15 annually. Additional information specific to grouping schools and frequently asked questions are included below.

² For the purposes of this memo, where OSSE refers to a "new school" it is referring to both a newly opened school, a school new to an LEA, and a school new to the NSLP.

Grouping

An LEA may participate in CEP for all schools in the LEA, or elect CEP in only a certain group of schools, commonly referred to as grouping. LEAs have discretion in how to group schools to optimize CEP benefits and administrative ease. Grouping (or multiple schools participating as a single CEP group) could allow some schools with an identified student percentage (ISP)³ below 40 percent to participate as long as the group ISP is at least 40 percent.

Multiple Schools Participating as a Group

When a school or schools (and the attending students) are added to or removed from a CEP group, the ISP must be recalculated. The distinction in this requirement is intentional, because grouping is a flexible strategy that LEAs may choose to use. As such, USDA has a strong interest in making sure that school groups are electing CEP using data that accurately reflects overall poverty and enrollment. Requiring a recalculation when a school is added or removed from a CEP group, or a grade level is added or removed from a school in a CEP group, helps to safeguard the grouping mechanism, preserves the integrity of the grouping strategy, and helps to ensure grouping will continue to be an option for districts in the future.

If students are moved or reorganized among schools within a CEP group (e.g., a grade moves from one CEP school to another and both schools are in the same CEP group), an ISP recalculation is not required because the group's total identified student and total enrollment numbers are the same. This logic applies to all CEP group changes, including school closings, schools merging, and one school splitting into two schools.

Individual Schools Participating

Similar to LEAs participating district-wide, for a school participating as an individual site, the ISP must be recalculated only if the school's attendance area changes. If the composition of grades in the school changes, but the school's overall attendance area does not change, an ISP recalculation is not required. For example, if a school adds or removes a grade, but the overall attendance area remains the same, the school is not required to recalculate the ISP.

When there is a change in the student population between school years that impacts the number of identified students or total enrollment, the LEA, group of schools, or school participating in CEP may need to recalculate the ISP.

³ Identified Student Percentage (ISP) is the percent of students certified for free meals without the use of household applications (for example those directly certified through SNAP or TANF, or identified as homeless or in foster care).

Frequently Asked Questions

What number should be used as the total enrollment for determining the percentage of identified students?

For purposes of calculating the ISP, “enrolled students” include students who are enrolled in and attending schools participating in CEP and who have access to at least one meal service (NSLP or School Breakfast Program) daily, regardless of whether the students participate in the meal service. The definition of enrolled students is codified in Federal regulation at 7 CFR 245.9(f)(1)(i). According to 7 CFR 245.9(f)(3)(i), the ISP must be representative of the number of identified students and the student enrollment as of April 1 of the prior year.

When does the ISP have to be drawn in order to be reflective of April 1?

According to section 11(a)(1)(F)(iii) of the NSLA, the ISP must be established using the number of identified students and the number of total enrolled students as of April 1 of the prior year. Due to variations in the point in time for monthly updates in state and direct certification local systems, updates to the ISP could be made before or after April 1 to account for differences in operational procedures, but the ISP data must be representative of this date.

Since regulations regarding direct certification at 245.6(b)(3)(ii) require direct certification matches with SNAP to be run three times each year at schools operating standard counting and claiming, the timing of one of these matches can easily be planned to represent April 1. If more recent data more accurately reflects the number of identified students and/or enrollment in an LEA or school, USDA Food and Nutrition Services may grant authorization to use direct certification data from a different date (i.e., not as of April 1) to determine an ISP.

May LEAs use direct certification information available from months after April to determine the ISP, especially for new schools?

It depends. For existing schools, the direct certification data used to establish CEP eligibility must be as of April 1. New schools may not have direct certification data, and are allowed to use direct certification numbers from a later month to establish CEP eligibility. If more recent data better reflects the number of identified students and/or enrollment in an LEA or school, FNS may grant authorization to use direct certification data from a different date (i.e., not as of April 1) to determine the ISP.

Other questions?

Please reach out to your OSSE school nutrition program specialist with any further questions.

Resources:

[Community Eligibility Provision \(CEP\) Planning & Implementation Guidance](#)

[Community Eligibility Provision: Guidance and Updated Q&As](#)

[SP17-2019 Community Eligibility Provision: Statutory Annual Notification and Publication Requirements and SY 2019-20 Election Deadline](#)