



Food and
Nutrition
Service

Park Office
Center

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DATE: March 15, 2018

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SUBJECT: Community Eligibility Provision: Statutory Annual Notification and Publication Requirements

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

This memorandum details guidance on the annual Community Eligibility Provision (CEP) notification and publication requirements and provides information on the USDA-developed reporting template. This memorandum also reminds State agencies of the statutory June 30 election deadline for local educational agencies (LEAs) to elect CEP.

Regulations at 7 CFR 245.9(f)(6)(i) requires State agencies to annually notify LEAs of district-wide eligibility for CEP. Similarly, LEAs must annually submit school-level eligibility data to the State agency [7 CFR 245.9(f)(5)(i)-(iii)]. By May 1 of each year, State agencies must publish lists of eligible and near-eligible LEAs and schools on their State agency websites. State agencies also submit these lists to the Food and Nutrition Service (FNS) for publication on FNS' CEP website. The remainder of this memorandum provides detailed information to help State agencies fulfill the CEP notification and publication requirements.

April 15 Notification and Data Collection

Two levels of data are required to complete the notification process: (1) district-level eligibility data provided to LEAs by State agencies; and (2) school-level eligibility data provided to State agencies by LEAs. Data used to prepare the notification lists must be from the current school year.

State agencies and LEAs may use proxy data comprised of existing identified student and enrollment data from the FNS-742, *SFA Verification Summary Report*, and FNS-834, *State Agency (NSLP/SNAP) Direct Certification Rate Data Element Report* to fulfill notification and publication requirements. Proxy data may only be used to notify LEAs of possible eligibility; proxy data may not be used to calculate the identified student percentage (ISP) for eligibility or reimbursement purposes. If proxy data is used, the notification must include a note that the data provided is a proxy for actual

eligibility. LEAs interested in electing CEP must provide actual school-level identified student and enrollment data as of April 1 to participate.

LEA Level Data

No later than April 15, State agencies must notify each LEA of the LEA's district-wide eligibility for CEP in the following categories and provide guidance to LEAs eligible for a grace year:

- LEAs with a district-wide ISP of at least 40 percent;
- LEAs with a district-wide ISP greater than or equal to 30 percent but less than 40 percent;
- LEAs currently participating in CEP; and
- LEAs in the fourth year of CEP participation with a district-wide ISP greater than or equal to 30 percent but less than 40 percent (eligible for grace year).

State agencies may obtain the number of identified students to determine the district-wide CEP eligibility status from the *SFA Verification Summary Report* (FNS-742). The sum of the data elements in Section 3 of the FNS-742 provides the number of identified students, and Section 1 of the FNS-742 provides enrollment information for State agencies to calculate the district-wide ISP. In LEAs operating CEP or another special provision in a non-base year, the number of identified students is available from the *State Agency (NSLP/SNAP) Direct Certification Rate Data Element Report* (FNS-834) Data Element #3.

School Level Data

No later than April 15, LEAs must submit to their State agency lists of schools that:

- Have an ISP of at least 40 percent;
- Have an ISP greater than or equal to 30 percent but less than 40 percent;
- Are currently participating in CEP; and
- Are currently in the fourth year of CEP participation with an ISP greater than or equal to 30 percent but less than 40 percent (eligible for grace year).

State agencies with access to school-level data may exempt LEAs from school-level notification requirements. The percentage of enrolled students directly certified with the Supplemental Nutrition Assistance Program (SNAP) may be used as a proxy for the school-level ISP. Proxy data may only be used to notify schools of possible eligibility; proxy data may not be used to calculate the ISP for eligibility or reimbursement purposes. If proxy data is used, the notification must include a note that the data provided is a proxy for actual eligibility. LEAs interested in electing CEP must provide actual school-level identified student and enrollment data as of April 1 to participate.

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May 1 District and School-level Publication

No later than May 1, State agencies must post to their public websites lists of LEAs and schools in the categories described above and provide FNS with a single link to these lists. State agencies should email the link to their notification lists to FNS at cepnotification@fns.usda.gov.

When completing the notification lists, FNS strongly encourages State agencies to adopt the USDA-developed reporting template, which can be found at <https://www.fns.usda.gov/school-meals/community-eligibility-provision-annual-notification-and-publication-requirements>. The template is intended to help States streamline notification and publication activities. This template is the same USDA-developed template that most States used to complete last year's notification and publication process.

June 30 Election Deadline

Per Program regulations found at 7 CFR 245.9(f)(4), an LEA that intends to elect CEP for the following school year must do the following by June 30:

1. Notify their State agency of their intent to elect CEP, and
2. Submit documentation showing the counts of identified and enrolled students (for schools electing CEP) as of April 1.

State agencies are reminded to distribute this memorandum and attachment to program operators immediately. LEAs and other program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Original Signed

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