



**United States
Department of
Agriculture**

Food and
Nutrition
Service

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Alexandria, VA
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DATE: April 27, 2015

MEMO CODE: SP 35-2015

SUBJECT: Community Eligibility Provision: Revised Department of Education
Title I Guidance

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

One important goal of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) is to ensure that children have access to the nutrition they need to grow into healthy adults. The Community Eligibility Provision (CEP), as authorized by amendments made in HHFKA Section 11(a)(1)(F), of the Richard B. Russell National School Lunch Act, 42 USC 1759a(a)(1)(F), is a powerful tool to ensure children in low income communities have access to healthy school meals. CEP allows participating schools to offer healthy, free breakfasts and lunches to all students without requiring their families to complete individual applications. First rolled out in pilot states beginning in School Year (SY) 2011-2012, CEP became available for nationwide implementation this school year. As a result, in SY 2014-2015, approximately 14,000 schools in more than 2,000 local educational agencies (LEAs) serving more than 6.4 million children elected to participate in CEP for its ability to both reduce administrative burden and increase access to school meals for children in low income communities. While Food and Nutrition Service (FNS) is encouraged by the significant response, we know more children can benefit from CEP.

Participation in CEP is a local decision and one that requires careful consideration of many factors by LEAs. For some LEAs, the decision process whether to elect CEP takes into account CEP's potential impact on the implementation of their Title I program, including the distribution of Title I funds to schools within an LEA. To support LEAs in their decision making with respect to CEP, the U.S. Department of Education (ED) published guidance in January 2014 titled "The Community Eligibility Provision and Selected Requirements Under Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended." The guidance's purpose is to show how LEAs can successfully implement Title I requirements using National School Lunch Program (NSLP) data that incorporate CEP, just as they have prior to CEP's becoming part of the NSLP.

Regional Directors

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As CEP moves into its second year of nationwide implementation and school districts are deciding whether they are going to participate, we are pleased to share that ED updated the guidance in March 2015, replacing the January 2014 guidance. The following questions have been added or substantively modified since ED issued the January 2014 guidance: 18, 23, 23a, 24, 28, 29, 29a, 31, 34, and 35. A few of the updates we want to highlight include:

- Adding an additional approach to within-district Title I allocations where an LEA has CEP and non-CEP schools (Question 18);
- Information on when an LEA may use Title I funds to conduct a local survey to identify students from low-income families (Question 23a);
- Technical updates to clarify equitable services (Questions 28, 29, and 29a); and
- Information on the use of CEP data for State Education Agencies that have ED's approval to use alternative poverty data to calculate final Title I allocations to LEAs with under 20,000 total population (Question 31).

This guidance provides information that will assist as schools and LEAs are considering whether to elect CEP for the 2015-2016 school year.

State agencies are reminded to distribute this memorandum and attachment to program operators immediately. School food authorities 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

Angela Kline
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Child Nutrition Programs

Attachment