



Food and
Nutrition
Service

Park Office
Center

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SUBJECT: Community Eligibility Provision: 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.

The National School Lunch Act requires State agencies to annually notify local educational agencies (LEAs) of district-wide eligibility for CEP [42 U.S.C. 1759a(a)(1)(F)(x)(II)]. Similarly, LEAs must annually submit school-level eligibility data to the State agency [42 U.S.C. 1759a(a)(1)(F)(x)(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 assist State agencies with fulfilling the CEP notification and publication requirements.

April 15 Notification and Data Collection

There are two levels of data 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.

FNS encourages State agencies and LEAs to use 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. LEAs interested in electing CEP for some or all schools must submit updated identified student and enrollment data as of April 1 to determine eligibility and participate in CEP.

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 identified student percentage (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 provides the number of identified students, and Section 1 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. This proxy data may only be used for notification purposes, not actual election purposes. If proxy data is used, the notification must include a note that the data provided is a proxy for actual eligibility and interested LEAs will be expected to provide full school-level identified student data as of April 1 to participate in CEP.

May 1 District and School-level Publication

No later than May 1, State agencies must post to their public websites the 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 cenotification@fns.usda.gov.

Regional Directors

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When completing the notification lists, FNS strongly encourages State agencies to adopt the USDA-developed reporting template, which is attached to this memorandum. 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.

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.

A handwritten signature in dark ink, appearing to read "Angela Kline". The signature is written in a cursive, flowing style.

Angela Kline

Director

Policy and Program Development Division

Child Nutrition Programs

Attachment