

## Community Eligibility Program Guidelines (CEP)

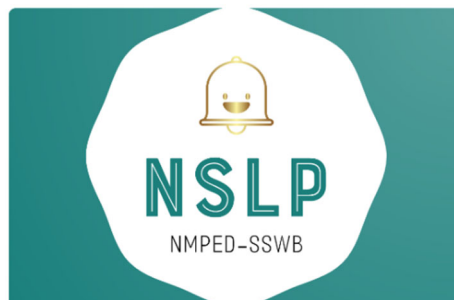
Eligibility Cycle for:

SY25: (July 1, 2024-June 30, 2025)

SY26: (July 1, 2025-June 30, 2026)

SY27: (July 1, 2026-June 30, 2027)

SY28: (July 1, 2027-June 30, 2028)



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## CEP Guidelines Packet Due by Recommended Deadline of May 31, 2024

### COMMUNITY ELIGIBILITY PROVISION INFORMATION



### NEW MEXICO PUBLIC EDUCATION DEPARTMENT

#### General Guidance

The Healthy, Hunger-Free Kids Act of 2010 provides an alternative method in order to qualify students for the National School Lunch and School Breakfast Programs. The intent of the Community Eligibility Provision (CEP) is to improve access to free school meals in eligible high-poverty Local Educational Agencies (SFAs) and schools and to eliminate the administrative burden of collecting household applications.

SFAs and schools participating in the Community Eligibility Provision (CEP) must serve both National School Lunch Program (NSLP) and School Breakfast Program (SBP) meals to all participating children at no charge for up to four consecutive years. SFAs (District Wide), Schools or School Groupings **must have an Identified Student Percentage (ISP) of at SFA at 25%** to participate in CEP.

The Identified Students are students certified for free meals through means other than individual household applications; this primarily includes students who are directly certified for free meals on the basis of their participation in the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and the Food Distribution Program on Indian Reservations (FDPIR). It also includes homeless, runaway, HeadStart, Even Start, and migrant youth. It does not include students who are categorically eligible based on submission of a free and reduced-price application (e.g., applications with a SNAP application number).

The SFA must inform the Public Education Department (PED) Student Success and Wellness Bureau (SSWB) by completing NMPED CEP Guidelines Packet (*detailed below*) of their notice to elect CEP for the upcoming school year by the recommended deadline of **May 31, 2024** but no later than **June 30, 2024**.

#### **NMPED CEP Guidelines Packet:**

- MPED CEP Guidelines (this packet), signed completely and correctly;
- [ISP Data for CEP for SY25-28](#) excel file, completed correctly and completely;

SFAs electing to participate for SY25-28 CEP are required to use the ISP data provided by PED SSWB in the [ISP Data for CEP for SY25-28](#) excel file.

- The [ISP Data for CEP for SY25-28](#) excel file is provided by PED SSWB and compiles the required parameters for CEP:
  - [March 2024](#) Snapshot Data, (*this reports data as of April 1, 2024 at 12:01am, per USDA regulations, [42 U.S.C. 1759a(a)(1)(F)(x)(III)]*) and includes the required additions/changes submitted by the SFA's to the SSWB Data Coordinator, as submitted by [April 15, 2024](#) per USDA regulations, [42 U.S.C. 1759a(a)(1)(F)(x)(III)].
  - State Agency's requirement to publish by [May 1, 2024](#) the District and School-level ISP percentages per USDA regulations, [42 U.S.C. 1759a(a)(1)(F)(x)(II)] as provided to the Southwest Regional office of the USDA FNS.

While participating in CEP, the SFA or school participating in CEP must comply with the following during the CEP four year cycle:

- On a yearly basis, notify the public, School Food Authorities' Website Notice or Media Release for Free Meals Notification to Public of Free Meals for Community Eligibility Provision, as to the availability of school meals at no charge.
- On a yearly basis, provide notifications to households, as to the availability of school meals at no charge.
- Eliminate distribution of Free and Reduced Applications to households.
- Count meals at the point of service (or approved alternate) and enter in claim meal counts accurately and correctly.

A completed and signed 1) NMPED CEP Guidelines; 2) *ISP Data for CEP for SY24-27* excel file; must be returned to NMPED SSWB Data Coordinator ([kate.ullrich2@ped.nm.gov](mailto:kate.ullrich2@ped.nm.gov)) by the recommended deadline of **May 31, 2024**, but no later than **June 30, 2024**. **Please cc your assigned Health Educator.**

Please see the following resources for CEP Notification Templates, CEP guidance and additional information:

- Google Drive for Templates:  
<https://drive.google.com/drive/folders/1wt0lypJTh2Uo5F36azdUoMyBw6n2SEoM?usp=sharing>
- USDA's CEP Resource Center:  
<https://www.fns.usda.gov/nsfp/community-eligibility-provision-resource-center>

Please contact your assigned Health Educator if you have any questions.



## NEW MEXICO PUBLIC EDUCATION DEPARTMENT

The \_\_\_\_\_ School Food Authority agrees to participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and accepts responsibility for schools under its jurisdiction that agree to provide all children meals at no charge while following requirements for operating the Community Eligibility Provision (CEP) set forth in 7 CFR Sec. 245.

The School Food Authority (SFA) assures the Public Education Department (PED) SSWB, the SFA has reviewed the federal regulation National School Lunch Program and School Breakfast Program: Eliminating Applications through Community Eligibility as required by the Healthy, Hunger-Free Kids Act of 2010 and will uniformly implement the following policy in fulfilling its responsibilities. The SFA certifies that each of the schools listed meets the USDA requirements for participation in CEP.

### Requirements:

SFAs, schools and/or school groupings must meet a minimum level (25%) of identified students per snapshot data as of [April 1, 2024](#) as provided by SSWB via excel file [ISP Data for CEP for SY25-28](#).

Any changes to the [ISP Data for CEP for SY25-28](#) excel file must be submitted, completely and correctly (*including all required supporting documentation*) as detailed in the SSWB Guidance: "[Procedures for SFAs - DC Changes to ISP Percentages Checklist due April 15](#)" by [April 15, 2024](#) to the PED SSWB Data Coordinator, [kate.ullrich@ped.nm.gov](mailto:kate.ullrich@ped.nm.gov). (*SSWB Guidance can be found in Google Drive, linked above*). *Please cc your assigned Health Educator.*

Eliminate the distribution and collection of Free and Reduced Applications from households in participating CEP schools.

Offer reimbursable breakfast *and* lunches at no charge to all students, regardless of the children's eligibility status.

Notify the public and households of the availability of school meals at no charge on a yearly basis.

SFA's are **not** to conduct eligibility verification efforts for those schools participating in the CEP.

During the CEP four-year cycle: The opening of a new school, change of district, school-level attendance boundaries, regrouping of schools, or any change to the grade structure of an existing school requires the SFA to reestablish CEP for affected schools. The SFA is required to complete the NMPED CEP Guidelines Packet by the recommended deadline of [May 31, 2024](#), but no later than [June 30, 2024](#).

### Recordkeeping:

The School District shall maintain records for the entire period that the school operates under CEP **plus** five federal fiscal years, or longer if there are audit findings, and until resolution of the findings, as per 7 CFR Secs. 210.15(b), 220.7(e), 245.9(g) and 1 CCR 2254-R-8.00.

Required records include:

- Countersigned [NMPED CEP Guidelines SY25-28](#)
- If applicable, supporting source documentation for student eligibility status changes submitted on April 15.
- Total daily meal counts of reimbursable meals by meal type
- Daily edit check and on-site review documentation

**Required Supporting Documentation / Source Data include:**

(As detailed in the SSWB Guidance: "Procedures for SFAs - DC Changes to ISP Percentages Checklist due April 15". Guidance can be found in the Google drive, linked above).

Supplemental Nutrition Assistance Program (SNAP)	<ul style="list-style-type: none"><li>• <i>ISP Data for CEP for SY25-28</i> excel file. (This excel file uses the data extracted from the <i>Direct Certification Match List</i> report.)</li><li>• As applicable, false negatives list as submitted as of <b>April 15, 2024</b>. (Must use the <i>DC MONTHLY ZIP CODE - Manual Matches Template</i> excel file.)</li><li>• As applicable, extended eligibility list as submitted as of <b>April 15, 2024</b>. (Must use <i>Direct Cert Match List Detail Snapshot</i> from <b>2024-03-01 – 120D Snapshot</b> date excel file).</li></ul>
Food Distribution Program on Indian Reservations (FDPIR)	<ul style="list-style-type: none"><li>• As submitted as of <b>April 15, 2024</b>, names of children (or any household member) currently certified to receive FDPIR benefits;</li><li>• Statement certifying that each child is a member of a household where someone receives FDPIR benefits;</li><li>• From SFA, one form of identifying information matching each FDPIR-eligible child with a child attending a particular school;</li><li>• The date; and</li><li>• The FDPIR official's signature</li></ul>
Head Start or Early Head Start participant	<ul style="list-style-type: none"><li>• As submitted as of <b>April 15, 2024</b>, a list of children enrolled in Head Start or an identical State-funded pre-kindergarten (STARS) from current School Year.</li></ul>
Migrant child	<ul style="list-style-type: none"><li>• As submitted as of <b>April 15, 2024</b>, a dated list with each child's name and an electronic match directly indicating the status of the child as a migrant child without further application (MIS2000), from current School year.</li></ul>
Homeless child	<ul style="list-style-type: none"><li>• As submitted as of <b>April 15, 2024</b>, documentation verifying the child participates in a program under the Runaway and Homeless Youth Act, including:<ul style="list-style-type: none"><li>○ Child's name or a list of names of participating children;</li><li>○ Effective dates; and</li><li>○ Signature of the school district's homeless liaison or other designated officials.</li></ul></li><li>OR</li><li>• As submitted as of <b>April 15, 2024</b>, documentation from the local education agency homeless liaison or an official of the homeless shelter where the child resides, including:<ul style="list-style-type: none"><li>○ Child's name or a list of names of residents;</li><li>○ Effective dates; and</li><li>○ Signature of the local education agency liaison or official of the homeless shelter.</li></ul></li></ul>
Foster child	<ul style="list-style-type: none"><li>• As submitted as of <b>April 15, 2024</b>, a dated list with each child's name and an electronic match directly indicating the status of the child as a FOSTER child without further application (FACTS).</li></ul>

**Renewal or Extension:**

At the end of this four-year cycle (**June 30, 2028**), the SFAs should contact the PED SSWB and notify the PED SSWB whether it wishes to revert to standard meal counting and claiming procedures, Provision 2 status or begin another four-year cycle of CEP (*by completing the NMPED CEP Guidelines Packet*). Regardless of the option chosen, the SFA should inform PED in writing of the planned activity at the end of this CEP cycle by **May 31, 2028**, but must inform PED no later than **June 30, 2028**.

**Reestablishing CEP Mid-Cycle:**

Prior to the end of this four-year cycle (*June 30, 2028*), SFAs can voluntarily elect to reestablish CEP groupings and/or CEP percentages. Per USDA [SP 54-2016](#) if a site listed in *ISP Data for CEP for SY25-28* is removed from operation in the NSLP Annual Application prior to the end of this four-year cycle, the SFA must reestablish CEP grouping percentages for the impacted grouping composition. Regardless if reestablishing CEP is voluntary or compulsory, the SFA must notify the PED SSWB by completing and submitting that applicable school year’s *NMPED CEP Guidelines Packet* and *ISP Data for CEP*, by the recommended deadline of May 31, but no later than June 30 (prior to the start of the impacted school year).

**NMPED Guidelines:**

Submit to the PED SSWB the signed and completed NMPED Guidelines indicating which schools will participate in CEP. CEP provides the option of participating by individual school sites, a group of schools or the entire school district. The completed NM PED Guidelines CEP Packet should be submitted by the recommended deadline of **May 31, 2024**, but no later than **June 30, 2024**.

*By signing below, I understand false statements, claims or documentation made in connection with federal funds may result in fines, imprisonment, debarment from participating in federal grants or contracts, and/or any other remedy available by law. By signing below I agree that the above requirements are being followed, and I confirm the School Food Authority listed above will be implementing this provision as dictated by federal or state regulations. By signing below, I certify that the assurances provided are true and accurate to the best of my knowledge.*

\_\_\_\_\_  
School Food Authority Authorizing Official Name      Signature      Date

\_\_\_\_\_  
PED SSWB Director Name      Signature      Date

**SCHOOL FOOD AUTHORITY CIVIL RIGHTS ASSURANCES**



**NEW MEXICO PUBLIC EDUCATION DEPARTMENT**

The \_\_\_\_\_ School Food Authority hereby agrees that it will comply with:

- a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);
- b. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.);
- c. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
- d. Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);
- e. Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189);
- f. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency. (August 11, 2000);
- g. All provisions required by the implementing regulations of the Department of Agriculture (USDA) (7 CFR Part 15 et seq.);
- h. Department of Justice Enforcement Guidelines (28 CFR Parts 35, 42 and 50.3);
- i. Food and Nutrition Service (FNS) Directives and Guidelines: To the effect that, no person shall, on the grounds of race, color national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity for which the Program applicant receives Federal financial assistance from USDA; and hereby gives assurance that it will immediately take measures necessary to effectuate this Agreement.
- j. The USDA non-discrimination statement that in accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs).

This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants, and loans of Federal funds, reimbursable expenditures, grant, or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use Federal property or interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Program applicant by USDA. This includes any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of cash assistance for the purchase of food, and cash assistance for purchase or rental of food service equipment or any other financial assistance extended in reliance on the representations and agreements made in this assurance.

By accepting this assurance, the School Food Authority agrees to compile data, maintain records, and submit records and reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review and copy such records, books, and accounts, access such facilities and interview such personnel as needed to ascertain compliance with the nondiscrimination laws.

The School Food Authority agrees to comply with USDA Instructions, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities as found in [FNS Instruction 113-1](#). FNS Instruction 113-1 is applicable to all programs and activities of a



recipient of Federal financial assistance, whether those programs and activities are federally funded in whole or not. Sometimes programs or certain parts of programs are established to assist a certain group such as children, the elderly, pregnant or lactating mothers, etc. Whenever Congressional legislation specifies or sets restrictions on program eligibility, those provisions take precedence over certain protected bases. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the State agency, its successors, transferees and assignees as long as it receives assistance or retains possession of any assistance from USDA. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the State agency

\_\_\_\_\_  
School Food Authority Authorizing Official Name      Signature      Date

\_\_\_\_\_  
PED SSWB Director Name      Signature      Date

**Non-discrimination Statement:**

*In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.*

*Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.*

*To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation.*

*The completed AD-3027 form or letter must be submitted to USDA by:*

*mail:*

*U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or*

*fax:*

*(833) 256-1665 or (202) 690-7442; or*

*email:*

[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

SCHOOL FOOD AUTHORITY CERTIFICATIONS



NEW MEXICO PUBLIC EDUCATION DEPARTMENT

School Food Authority: \_\_\_\_\_ SFA Number: \_\_\_\_\_

National School Lunch Program (NSLP) and School Breakfast Program (SBP): Eliminating Applications through Community Eligibility as Required by the Healthy, Hunger-Free Kids Act of 2010, amends the eligibility regulations for Free and Reduced-Price meals under the National School Lunch Program and School Breakfast Program to codify the statutory provision that establishes the Community Eligibility Provision (CEP). This provision is a reimbursement option for eligible local educational agencies (SFAs) and schools that wish to offer free school meals to all children in high-poverty schools without collecting household applications.

The SFA may implement this provision by district, group of schools, or for individual schools. If the SFA chooses to implement this provision, the schools selected must serve free lunches and breakfasts to all students. Claiming percentages derived from the identified student percentage (ISP 1.6 multiplier) will be used to claim free and paid student meals.

School Food Authority Authorizing Official, please initial below:

I certify that I have read and understand the above information related to the CEP. I certify that I am aware of federal requirements for participation in the CEP and will abide by all state and federal requirements for participation, such as 7 CFR 245 and 7 CFR 210.

\_\_\_\_\_  
Initials

As applicable, I certify that I have submitted accurate ISP data with data reflective of enrollment of participating CEP Schools as of April 1, 2024 by April 15, 2024 to [kate.ullrich2@ped.nm.gov](mailto:kate.ullrich2@ped.nm.gov), or used the SSWB provided source documentation and did not tamper or change individual school ISP numbers or percentages as detailed in *ISP Data for CEP for SY25-28*.

\_\_\_\_\_  
Initials

I certify the source records and supporting documentation used to confirm the ISP (*documents submitted on April 15, 2024*) will be maintained the entire time any of the schools listed operate CEP during SY25-28, plus five federal fiscal years or *September 30, 2033*.

\_\_\_\_\_  
Initials

I certify sites listed in *ISP Data for CEP for SY25-28* will be listed as sites on the SY24-27 Annual NSLP Application, and will be actively claimed during SY25-28.

\_\_\_\_\_  
Initials

I certify and understand additions or omissions to the sites on SY24-27 Annual NSLP Applications that impact the grouping composition of the sites listed in *ISP Data for CEP for SY25-28* will require my School Food Authority to reestablish CEP and recalculate percentages for the impacted sites and grouping compositions. I agree and understand changes will be submitted in writing to SSWB via the *NMPED CEP Guidelines* and *ISP Data for CEP* by May 31, but no later than June 30, prior to the start of the impacted school year (July 1).

\_\_\_\_\_  
Initials

I understand and certify schools listed in *ISP Data for CEP for SY25-28* will make meals available to all students at no cost, while the School(s) are participating in CEP.

\_\_\_\_\_  
Initials

I certify that I will adhere to the **yearly** CEP Notification requirements:

- Notice to Public
- Notice to Households to all students enrolled in schools listed under *ISP Data for CEP for SY24-27*

\_\_\_\_\_  
Initials

In choosing to implement this provision, I certify that I understand that it must be implemented for breakfast and lunch meal service.

\_\_\_\_\_  
Initials

I certify the Recordkeeping Requirements according to 7 CFR 245.9(h)(3), and listed under the Policy Statement will be maintained for five federal fiscal years after submission of the final Claim for Reimbursement for the last federal fiscal year of CEP. If a school chooses to return to standard counting and claiming, I certify that I will maintain the supporting/source documentation for five federal fiscal years after submission of the final Claim for Reimbursement for the last federal fiscal year of CEP.

\_\_\_\_\_  
Initials

I certify that I am the person authorized to make this determination.

\_\_\_\_\_  
Initials

*By signing below, I understand false statements or claims made in connection with federal funds may result in fines, imprisonment, debarment from participating in federal grants or contracts, and/or any other remedy available by law. By signing below I agree that the above requirements are being followed, and I confirm the School Food Authority listed above will be implementing this provision as dictated by federal or state regulations. By signing below, I certify that the assurances provided are true and accurate to the best of my knowledge.*

School Food Authority Authorizing Official Name	Signature	Date

PED SSWB Director Name	Signature	Approval Date

Submit the 1) NMPED CEP Guidelines SY24-27 **AND** 2) the completed *ISP Data for CEP for SY24-27* excel spreadsheet; to the New Mexico Public Education Department, SSWB Data Coordinator, via electronic mail at: [kate.ullrich2@ped.nm.gov](mailto:kate.ullrich2@ped.nm.gov) by the recommended deadline of **May 31, 2024**, but no later than **June 30, 2024**. **Please cc your assigned Health Educator.**

## CEP SCHOOL AND ISP LIST INSTRUCTIONS



### NEW MEXICO PUBLIC EDUCATION DEPARTMENT

#### *CEP School and ISP List Instructions*

- The completed NMPED CEP Guidelines Packet should be submitted by **May 31, 2024**, to allow for editing and revisions. Historically, only 1% of SFAs submit their packet completely and correctly on the first attempt. SFAs should maintain proper time management skills and submit the completed packet by **May 31, 2024** to ensure adequate time for revisions in order to meet the final deadline of **June 30, 2024**.
- The Identified Student Percentage (ISP) is calculated and multiplied by a factor of 1.6 to arrive at the free claiming percentage.
- Groupings may include one school up to all schools in the District.
  - There is no maximum amount of schools per grouping.
  - The minimum number is one school per grouping.
- The District may establish as many groupings as needed, there is no maximum amount of groupings.
- The District may determine the grouping composition, as needed.
- The CEP data uses the **March 2024** Snapshot data, as this covers **April 1, 2024** data, per USDA regulations.
- Districts **must use** the excel file *ISP Data for CEP for SY25-28* to establish groupings and percentages, and can be found on the Google Drive, linked here:  
<https://drive.google.com/drive/folders/1rfvuxrJaNrpet2En5Y2heQTiaMvkYalr?usp=sharing>
  - Please save the excel file with the name of the school district in the name.
  - Please email the **completed** *ISP Data for CEP for SY25-28* excel spreadsheet **AND** the completed NMPED CEP Guidelines by the recommended deadline of **May 31, 2024**, but no later than **June 30, 2024**.
    - Submissions failing to include the required excel file (*ISP Data for CEP for SY25-28*), incomplete signatures, or incomplete submissions will not be accepted.
  - Districts **must use** the excel file: *ISP Data for CEP for SY25-28* to submit ISP Lists and percentages. (Hand-written documents, word documents, pdf's of DC reports, will not be accepted).

The completed NMPED CEP Guidelines packet is due to the Public Education Department, Student Success and Wellness Bureau by the recommended deadline of **May 31, 2024**, but no later than **June 30, 2024**.

#### **Please email to:**

Kate Ullrich, Data Coordinator: [kate.ullrich2@ped.nm.gov](mailto:kate.ullrich2@ped.nm.gov)

Please cc your assigned Health Educator.