

*NEVADA DEPARTMENT OF EDUCATION
GUIDANCE DOCUMENT FOR
Title I, Part A*



Community Eligibility Provision

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Community Eligibility Provision (CEP)

1. Overview of the Community Eligibility Provision (CEP)

The Community Eligibility Provision (CEP) is a non-pricing meal service option for schools and school districts in low-income areas. CEP allows the nation's highest poverty schools and districts to serve breakfast and lunch at no cost to all enrolled students without collecting household applications. Instead, schools that adopt CEP are reimbursed using a formula based on the percentage of students categorically eligible for free meals based on their participation in other specific means-tested programs, such as the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF). Although the U.S. Department of Agriculture (USDA), and not the U.S. Department of Education (ED), administers the Federal school meal programs, including the National School Lunch Program (NSLP), there is a connection between CEP and programs operated under Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), because State educational agencies (SEAs) and local educational agencies (LEAs) often use NSLP data to carry out certain Title I requirements.

2. Local Education Agencies and School

School districts and individual schools may participate. Eligibility is based on the percentage of identified students enrolled in SNAP, TANF, FDPIR; or Homeless, runaway, migrant, or foster children programs. The identified student percentage must be at least 40% for the entity to participate. All LEAs operating a special Provision school must conduct data matching between SNAP and student enrollment records at least once annually, although more frequent matches are encouraged (7 CFR 245.6(b)(1)(v)). CEP schools only use eligibility data that are not obtained through the use of an application, such as data from the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF) program, to determine the Federal cash reimbursement for school meals provided by USDA. They do not rely on annual household applications that are generally used to determine eligibility for free and reduced-price meals. A school may elect for CEP if at least 40 percent of its students are "directly certified," or otherwise identified for free meals through means other than household applications (for example, students directly certified through SNAP). To account for low-income families not reflected in the direct certification data, USDA sets meal reimbursement levels for CEP schools by multiplying the percentage of students identified through the direct certification data by a multiplier established in the Act. (Initially, the multiplier is 1.6.) Under CEP, schools must renew their direct certification numbers once every four years to maintain eligibility. However, schools may update their direct certification numbers annually to capture more current information. If the most current data show an increase in the percentage of enrolled students who are directly certified, the school may use that percentage for determining USDA reimbursement; if the data show a decrease, the school may continue to use the original percentage for the remainder of the four-year eligibility period. LEAs provide school-level CEP eligibility information to States.

Local Education Agencies and School (Continued)

The notification must include: Eligible Schools (ISP > 40 percent); Near-Eligible Schools (40 percent > ISP > 30 percent); Schools Eligible for a “Grace Year” (40 percent >ISP > 30 percent in the fourth year of the CEP cycle); and Currently Participating Schools (7 CFR 245.9(f)(5)).

New ESEA Provides Explicit Authority to Use Feeder Patterns to Determine the Poverty Percentages of Secondary Schools:

- For determining the number of children from low-income families in a secondary school, an LEA may estimate that number by applying the average percentage of students from low-income families in the elementary school attendance areas that feed into the secondary school to the number of students enrolled in the secondary school.
- Before an LEA may use feeder patterns to determine the poverty percentage of secondary schools —
 - The LEA must notify its secondary schools to inform them of the option.
 - A majority of its secondary schools must approve the use of feeder patterns.

(ESEA sections 1113(a)(5)(B) and (C).)

A “secondary school” means a “nonprofit institutional day or residential school (including a public secondary charter school) that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.”

Depending on State law, a secondary school might include middle schools as well as high schools (ESEA section 8101(45).) For examples of how to use feeder patterns to establish a poverty percentage for secondary schools, see Question 10 on pages 12-15 in the Department’s 2003 Title I within-district allocation guidance [US Department of Education Title I Within-District Allocations, 2003](#). Additional information can be found [Non-Regulatory Guidance: Fiscal Changes and Equitable Service Requirements under ESEA, as amended by ESSA](#) with Section II, Title I Within-District Allocations.

An LEA with one or more CEP schools may conduct its own survey to collect the equivalent of NSLP data from the CEP schools for Title I within-district allocations. Please see the 2015 Title I CEP guidance: [CEP And Selected Requirements Under Title I, Part A](#). However, the US Department of Education urges an LEA to give careful consideration to this decision. As noted, one of the purposes of the Community Eligibility Provision is to reduce burden. Conducting a survey just for Title I would add burden that may not be necessary because, in the case of an LEA that has one or more CEP schools, the LEA by definition already has poverty data for one of the permitted sources under section 1113(a)(5) of the ESEA (NSLP data). Should an LEA decide to carry out such a survey, the LEA may use the results for Title I within-district allocations as long as it is confident that the survey data are accurate and used consistently with the ranking and serving criteria in section 1113 of the ESEA, including the income cutoff for one or more of the programs listed in section 1113(a)(5). If an LEA carries out this type of survey, the LEA must ensure that it does not in any way indicate that the survey is required by the US Department of Education or the US Department of Agriculture. In addition, if an LEA uses such a survey, for purposes of allocating funds to provide equitable services to eligible private school students it should consult with private school officials to determine whether to use the same or similar survey

to determine the number of private school children from low-income families who reside in a participating public school attendance area. Additional guidance is located at: [LEA Identification and Selection of School Attendance Areas and Schools and Allocations of Title I Funds](#).

3. Resources

USDE CEP Guidance 2015

[CEP and Selected Requirements Under Title I, Part A of ESEA as Amended](#)

CEP Resource Center:

[US Dept of Agriculture Resources](#)

School Programs Policy:

[US Dept of Agriculture Policies for School Programs: CEP](#)

Questions:

[US Department of Agriculture CEP Questions and Answers](#)

Nevada Department of Agriculture Annual CEP Notification

[Nevada Dept of Agriculture CEP Annual Notification Spreadsheet](#)

Nevada Community Eligibility Provision Data and Reports

[Nevada Dept of Agriculture CEP Reports](#)

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Appendix

Appendix A: USDE Fact Sheet: The Community Eligibility Provision (CEP) What Does It Mean For Your School or Local Educational Agency?

What does it do?

- Allows schools and local educational agencies (LEAs) located in low-income areas to provide free breakfast and lunch to all students
- Eliminates the burden of collecting household applications to determine eligibility for school meal programs

Who benefits? Everyone!

- Students: Access to free nutritious meals for all students, no stigma, and less time spent in cashier lines and more time to eat nutritious meals
- Parents: No household application means less paperwork and no worries about lunch accounts
- School staff: Streamlined meal service operation and more time for students to consume their food
- Administrators: Reduced paperwork and administrative costs, no need to track unpaid meal charges, improved program integrity, and more nourished students ready to learn and grow

Who can participate?

- Schools and LEAs with a minimum Identified Student Percentage (≥ 40 percent) in the prior school year
- Identified students = those certified for free meals without the use of household applications (for example those directly certified through SNAP).
- Available to:
 - All schools in an LEA
 - A group of schools in an LEA
 - An individual school in an LEA

Background

- Authorized by Congress as a part of the Healthy, Hunger-Free Kids Act of 2010.
- Phased in over a period of 3 years, starting with D.C., Illinois, Kentucky, Michigan, New York, Ohio, West Virginia, Florida, Georgia, Maryland, and Massachusetts.
- Available nationwide beginning July 1, 2014 (School Year 2014-15).

What must interested schools and LEAs do?

- Meet eligibility requirements.
- Serve free breakfasts and lunches to all students during the 4-year cycle.
- Count total breakfasts and total lunches served to students daily.
- Agree not to collect household applications for school meal programs.
- Determine if non-Federal funds are needed to cover costs above USDA reimbursement.

What do interested schools and LEAs do next?

- Determine if CEP is right for you.
- Contact your State Department of Agriculture for more information:
- If eligible, submit required documentation to your State Agency.