



COMMONWEALTH of VIRGINIA  
Department of Education

March 21, 2014

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

**SUBJECT: Community Eligibility Provision (CEP): Guidance and Procedures for School Year 2014-2015**

The Healthy, Hunger-Free Kids Act of 2010 amended the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) to provide an alternative to household applications for free and reduced price meals in high poverty local educational agencies (LEAs) and schools. This alternative is referred to as the Community Eligibility Provision (CEP). The Community Eligibility Provision for the National School Lunch Program (NSLP) and School Breakfast Program (SBP) gives eligible LEAs and schools with high percentages of low-income children the option to offer free school meals to all children in those schools without collecting applications.

Under this provision, eligible LEAs and schools elect to provide meals to all students at no charge (free) and are reimbursed for both breakfast and lunch by the federal government through a formula using the percentage of "*identified students*" multiplied by a factor of 1.6. This percentage is then applied to the total school breakfast and lunch meal counts to determine the number of meals reimbursed at the free USDA reimbursement rates.

The remaining meals are reimbursed at the paid rate. The claiming percentages established for a school in the initial year may be used for four school years and may be increased if the identified student percentages rise for the LEA and/or school.

*Identified Students* are defined as 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) and Temporary Assistance for Needy Families (TANF). It also includes homeless, runaways, migrant youth, Head Start, Even Start and foster children approved by means other than a meal application. Students who are categorically eligible based on information, such as a case number, submitted through a free and reduced price application are NOT included.

**CEP Eligibility Requirements - To be eligible to participate in CEP:**

- The LEA and/or schools must have forty percent or greater of *identified students* eligible for free meals as of April 1, 2014. The 40 percent threshold may be determined school-by-school, by a group of schools within the LEA, or in the aggregate for an entire LEA. This does allow for some schools to be below the 40 percent threshold as long as the aggregate of the group of schools meets the threshold.
- Agree to accurately determine 1) an *identified student* percentage of at least 40 percent and 2) an *identified student* percentage greater than 30 percent but less than 40 percent for the LEA or each eligible school or group(s) of schools as of April 1, 2014, for the upcoming school year.
- Agree to cover with nonfederal funds any costs of providing free meals to all students above amounts provided in federal assistance.

By **April 15, 2014**, LEAs must submit to the Virginia Department of Education (VDOE), Office of School Nutrition Programs, Attachment D - CEP Preliminary Data Collection Worksheet electronically via [SNPWEBDOC@doe.virginia.gov](mailto:SNPWEBDOC@doe.virginia.gov) a list of schools with:

- An *identified student* percentage of at least 40 percent
- An *identified student* percentage greater than 30 percent but less than 40 percent

The data collected by the local school nutrition programs by site for the Verification Report can be the preliminary source data to determine the identified student populations; however, the list must be updated to reflect any additional students that were directly certified or categorically eligible by means other than meal application as of April 1, 2014.

School divisions may elect the CEP provision for all schools in the division, a group of schools, or an individual school depending on the eligibility and financial considerations based on the anticipated level of federal reimbursement and other nonfederal support that may be available.

The Virginia Department of Education must review documentation submitted by the LEA to ensure the LEA/school meets the minimum identified student percentage, participates in both the NSLP and SBP, and has a record of administering the meal programs in accordance with program regulations, and must approve the request for the school division to participate in CEP.

Individual student eligibility data for free or reduced price meals will not be available under the CEP. This may have an impact on other state programs that use this information for funding formulas such as Title I funds, Special Education, E-Rate program, or any other state funding formulas. The U. S. Department of Education published guidance about the Community Eligibility Provision and requirements under Title I, Part A of the *Elementary and Secondary Education Act of 1965* (Attachment C). For other programs, a method to collect socio-economic data that applies to these programs may need to be considered.

Training will be conducted for school divisions determined to be eligible to participate in the CEP. Further information is provided on the attachments.

Questions regarding the Community Eligibility Provision may be directed to the school nutrition program specialist assigned to your division or the Office of School Nutrition Programs' staff at (804) 225-2074.

PIW/CDG/idl

Attachments:

- a. [USDA Questions and Answers Regarding the Community Eligibility Provision](#) (Word)
- b. [CEP Calculator to Assess and Project the Monthly Federal Reimbursement](#) (Excel)
- c. [U. S. Department of Education Guidance - The Community Eligibility Provision and Selected Requirements under Title I, Part A of the \*Elementary and Secondary Education Act of 1965\*, as amended.](#) (PDF)
- d. [CEP Preliminary Data Collection Worksheet](#) (Excel)