



#130-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #130-21**

DATE: May 14, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **Community Eligibility Provision in the 2021-2022 School Year (Required)**

This memorandum provides guidance to local education agencies (LEAs) for the Community Eligibility Provision (CEP) in the 2021-2022 school year (SY). The CEP in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) allows schools with a high percentage of students determined free eligible by direct certification to provide meals at no charge to all students. LEAs that meet the eligibility criteria may participate in CEP for one or more schools, groups of schools, or divisionwide. Despite school nutrition programs operating under the Seamless Summer Option (SSO) alternative for SY 2021-2022, providing for all students to be served breakfast and lunch at no charge, the CEP application process is still required.

CEP Alternative for the 2021-2022 SY

School nutrition programs in Virginia have been operating alternatives to the NSLP under waivers during the COVID-19 public health emergency declaration. The U.S. Department of Agriculture (USDA) recently announced the extension of certain waivers through the 2021-2022 SY. The SSO waiver will allow LEAs to provide meals at no charge to all students, receive the free reimbursement rate for all meals served to students, and earn higher SSO rates of reimbursement authorized for the upcoming SY. The SSO waiver is advantageous to LEAs and

households. All LEAs should apply for the waiver instead of operating the NSLP and CEP in the 2021-2022 SY. More information will be provided in an upcoming Superintendent's Memo.

New State Legislation Requiring Eligible Schools to Apply for CEP

Effective March 1, 2021, the [Code of Virginia, §22.1-207.4:1, Participation in the Community Eligibility Provision](#), requires all schools with an identified student percentage (ISP) of 40 percent or more, as reported in the annual April 1, ISP Report, to apply to participate in CEP for the following SY. While CEP operation will be suspended due to the continuation of USDA waivers in the 2021-2022 SY, LEAs are required to submit a CEP application for any eligible school that is not currently approved to participate. Refer to the April 1, 2021, [Virginia CEP Report](#) for the list of schools eligible, near eligible, and currently participating in CEP. The legislation allows the Superintendent of Public Instruction to grant a waiver to the CEP requirement for an eligible school under the condition it would not be financially viable. This waiver process will not be implemented for the 2021-2022 SY because schools will not claim reimbursement for meals through CEP.

Eligible schools applying for the first time during the 2021-2022 SY will use the validated ISP and claiming percentage for a four-year cycle that will expire in June 2025, unless the ISP increases in a subsequent year and the school reapplies. All students enrolled in CEP schools in the 2021-2022 SY will also be eligible for Pandemic EBT (P-EBT) benefits, regardless of their individual eligibility, if they are learning remotely due to the public health emergency. For more information about CEP, the [USDA Community Eligibility Provision: Planning and Implementation Guidance Manual](#) consolidates guidance and best practices in one document.

CEP Application Process

To begin the CEP application process, the school division must submit the CEP Schedule in the 2021-2022 SNPWeb Application Packet for a school, group of schools, or the entire division. Details of additional required components of the CEP application and procedures are in **Attachments A and B** to this memo. The deadline to submit the complete CEP application package is June 30, annually. Early submission is encouraged.

The CEP Schedule and application packet will be reviewed by VDOE staff to ensure the school/group/division meets the minimum ISP, participates in both the NSLP and SBP, and has

a record of administering USDA school nutrition programs in accordance with federal and state regulations, including maintaining an appropriate and timely financial reporting system.

Evaluating CEP for Currently Approved Schools and Groups

The number of directly certified students has increased in 2021 due to the updated VDOE direct certification software and economic changes related to the COVID-19 pandemic. LEAs should evaluate all currently approved CEP schools and groups to determine if the ISP increased in the April 1, 2021, report. When the LEA adds the 2021-2022 school year in SNPWeb, the CEP Schedule for previously approved schools will display the ISP for the upcoming school year. A currently approved CEP school or group with a higher ISP will have a new *Data Year* of 2020-2021 in the new CEP Schedule and a new *Cycle Year* of 2021-2022. If the *Data Year* displays as 2019-2020 or earlier, the ISP did not increase and the school or group will continue with the current four-year cycle of CEP.

- Approved CEP schools and groups with a higher ISP in 2021-2022 must submit a new CEP application by June 30, 2021, to take advantage of the higher ISP and begin a new four-year CEP cycle through the 2024-2025 SY.
 - If a new CEP application is not submitted, the LEA is required to revert to the previous lower ISP and continue in the current four-year CEP cycle.
- Approved CEP schools with a four-year CEP cycle that expires at the end of the 2020-2021 SY must submit a new CEP application by June 30, 2021, to continue CEP participation and meet the state requirement. See [Superintendent's Memo 076-21](#), **Attachment B**, for a list of LEAs with expiring CEP cycles.

Economically Disadvantaged Status for Students Enrolled in CEP Schools

To provide required economically disadvantaged status data for individual students, CEP participating LEAs must continue to conduct direct certification for all enrolled eligible students, including those attending CEP schools, on a monthly basis. Schools approved for CEP are prohibited from distributing and collecting free and reduced-price meal applications to determine individual student eligibility. A new direct certification determination is required each SY for students enrolled in CEP schools to be determined economically disadvantaged. However, the school nutrition program will not use this direct certification status to claim

meals for students in CEP schools. [Superintendent's Memo 104-14](#) addresses the topic of economically disadvantaged student identification for accountability purposes in schools participating in CEP.

For more information

If you have questions or need additional information, please contact Lynne Fellin, SNP Technical Assistance Specialist, by email at Lynne.Fellin@doe.virginia.gov or by telephone at (804) 225-2717.

JFL/SCC/LAF/cc

- A. Attachment: [CEP Application Requirements](#) (DOCX)
- B. Attachment: [Instructions for the CEP Schedule in SNPWeb 2021-2022](#) (DOCX)