



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE  
STATE OF NEW YORK / ALBANY, NY 12234**

Office of P-20 Education Policy

Child Nutrition Program Administration

89 Washington Avenue, Room 375 EBA, Albany, NY 12234

Phone: (518) 473-8781 Fax: (518) 473-0018

**To:** Superintendents, School Business Officials, Executive Directors, School Food Service Directors/Managers  
**From:** Child Nutrition Program Administration

**Date:** Monday, April 4, 2022

**Subject:**

2022-2023 Community Eligibility Provision (CEP) Application and Instructions

**CEP Application Deadline:**

**June 30, 2022**

The New York State Education Department (SED) is now accepting applications from School Food Authorities (SFAs) that want to participate in the Community Eligibility Provision (CEP) for the 2022-23 school year. For SFAs considering the CEP for some/all of its Recipient Agencies (RAs), the RA(s) must be participating in both the School Breakfast and National School Lunch Programs to be considered for approval in the CEP. The CEP enables SFAs/RAs to serve all children breakfast and lunch at no charge for four successive school years, plus a qualifying grace year (if applicable). Residential Child Care Institutions (RCCIs) may not participate in the CEP as they are not included in the purpose of the legislation.

The CEP is a wonderful opportunity that an eligible SFA, group of RAs, or individual RA (SFA/Group/Individual) should consider as it reduces administrative paperwork and costs, while making it easier for children in low-income communities to receive meals at no charge in the National School Lunch and School Breakfast Programs. It also increases program integrity by relying on data from other means-tested certifications (i.e., SNAP, Medicaid). Those SFAs whose RA(s) qualify to participate agree to cover any excess costs for serving breakfast and lunch at no charge to all students with funds from other sources if they cannot sustain operations on the CEP reimbursements received. If the reimbursement received from the CEP covers the cost of serving all meals to all students, while ensuring the quality of the reimbursable meal, no transfer of funds is needed.

The CEP is a viable and valuable alternative for SFAs/RAs in high poverty areas. It results in simplified processes and procedures for claiming reimbursable meals and eliminates the need to conduct verification in participating schools, although direct certification must be conducted at least once annually in order to report data for the FNS-834 Direct Certification Rate Data Element Report.

[Below](#) are all the supporting documents necessary for the CEP application; including application instructions, application form, instructions for submitting reimbursement claims, CEP Questions and Answers, CEP estimator tool, USDOE Title 1/CEP Guidance, and lists of SFAs/RAs who should evaluate whether CEP would be beneficial.

**Application Submission**

A 2-step submission process is in place to ensure that data is securely transferred using a private and safe data stream. The CEP Application, including the Affirmation, must be e-mailed to [childnutceo@nysed.gov](mailto:childnutceo@nysed.gov) and the enrollment records/master list must be uploaded to a secure NYSED GoAnywhere SFTP account, which your SFA will be provided access once your application has been submitted. **Further details can be found in the [CEP Application Instructions](#).**

Applications for the 2022-23 school year **must be submitted by June 30, 2022** and be based on **enrollment data as of April 1, 2022** and 2021-22 direct certification data. Since the CEP requires significant changes to the counting and claiming process and continues to require the SFA to collect eligibility information for other federal, State and local reporting purposes, a signed CEP Affirmation from the Superintendent or Chief Executive Officer agreeing to the terms must accompany the application. This can now be found as a tab within the CEP Application. Only complete applications will be considered; therefore, ensure you have addressed all requirements prior to submission.

If your SFA/Group/Individual is approved to operate CEP, you will receive an approval e-mail from CN which will include a link to the sample Household Income Form and notification letters for you to notify your school community of your CEP participation and to collect income information to provide data for other federal, State and local funding that use child nutrition data as a proxy for poverty (i.e., BEDS reporting, Title 1 apportionment, e-rate, etc.).

## Eligibility

For school year 2022-23, eligibility is based on the Identified Student Percentage (ISP) certified for free meals by a means other than a household application, compared to the total enrollment of that SFA/Group/Individual as of **April 1, 2022**. The intent is to identify students directly data matched by one of the methods below based on enrollment data as of **April 1, 2022** and 2021-22 direct certification data.

The ISP includes:

- SNAP recipients identified through the electronic direct certification matching process (DCMP)
- Medicaid recipients identified through electronic DCMP
- Extension of eligibility to siblings or household members of SNAP or Medicaid
- Homeless children identified by the Homeless Liaison
- Head Start/Evenstart
- Migrant Youth
- Runaways
- Foster Children certified directly by the State or local foster agency

\*Students who are eligible for free meals based on submission of an application are not included in the ISP, even if the application includes a SNAP/TANF/FDPIR number. We encourage you to check the DCMP database to directly match these numbers to electronic data in an effort to increase the ISP. It should be noted that if you cannot find the electronic match for an application that includes a SNAP number, the application cannot be included in the ISP.

An eligible SFA/Group/Individual must have an ISP of 40 percent or more of the student enrollment eligible for free meals by a means other than a self-reported household application. No SFA/Group/Individual with a total ISP of less than 40 percent is eligible to be included. SFAs are encouraged to combine a group of RAs or the entire SFA to meet the minimum ISP of 40 percent. You may include an RA whose ISP is less than 40 percent in your SFA or group of RAs as long as the entire SFA or group of RAs' ISP is at least 40 percent.

## Claiming

Meal program claims are based on the percentage of identified students multiplied by the current factor of 1.6 for the 2022-23 school year. An SFA/Group/Individual that attains an ISP of 62.5 percent of enrolled students (based on the 1.6 multiplier) will receive 100 percent free reimbursement for all breakfasts and lunches served to all students. An SFA or RA cannot receive more than 100 percent free reimbursement.

The claiming percentages established for the SFA/Group/Individual from the information noted above are guaranteed for a period of four school years. It may be increased if the ISP rises for the SFA/Group/Individual based on subsequent April 1 data. The SFA/Group/Individual may also choose to begin a new four-year CEP cycle with the increased ISP.

The SFA/Group/Individual must provide to SED their ISP for each April 1 in the four-year CEP cycle if, at initiation of the cycle, they were not at an ISP that would yield 100 percent free reimbursement (using the 1.6 multiplier, this percentage is 62.5). If the SFA/Group/Individual provides an ISP that is greater than the year one ISP, they may choose to increase the ISP in the current CEP cycle or begin a new four-year cycle. If the SFA/Group/Individual provides an ISP that is less than the year one ISP, the year one ISP will remain in effect through the remainder of the CEP cycle or until a subsequent percentage increase is reported.

Reimbursement to SFA/Group/Individual is based on the percent of eligible students (ISP) times the current multiplier of 1.6. For example, if 40 percent of the students in the SFA/Group/Individual were identified using the aforementioned methods of certification, you would multiply 40 percent x 1.6, which equals 64. You would then receive 64 percent of your reimbursement in the free category and the remaining 36 percent in the paid category. If 55 percent of your students were identified using the aforementioned methods of certification, you would receive 88 percent of your reimbursement in the free category and the remaining 12 percent in the paid category.

*% of free eligible	Claiming Percentages
40% x 1.6 =	64% free    36% paid
50% x 1.6 =	80% free    20% paid
62.5% x 1.6 =	100% free    0% paid

\*These percentages are for illustration purposes. Any percent 40 or above may be used to initiate CEP.

Since monies are not being collected from any student, you must either ensure that the CEP reimbursement covers all meal costs or cover those costs from another source. General fund, donations or some other non-federal funding would be needed if your cost of implementing the CEP is higher than the reimbursement received for the CEP. Assurance must be provided that the nutritional quality of the breakfast and lunch meals is maintained at all times during participation in the CEP.

Rather than take a meal count by category for each breakfast and lunch each day, participating schools will take a total count of reimbursable meals, by meal (count breakfast discretely from lunch). The closer the school is to attaining an ISP of 62.5 percent, the more attractive the CEP participation becomes.

## Data Matching

If you have not completed the electronic DCMP with SNAP and Medicaid data during the 2021-22 school year, it's not too late to log into the SED Business Portal website and conduct the match for the purpose of establishing eligibility for CEP. Check all family applications with SNAP numbers against the DCMP file to validate potential eligibility and include in the ISP. For further information regarding DCMP please refer to the [State-Wide Direct Certification Matching Process and Mandatory Reporting of SNAP/Medicaid Eligible Students](#) memo.

Please understand that if you choose to participate in the CEP for the 2022-23 school year, in addition to conducting direct certification required for the establishment of the ISP, you will also be required to conduct at least one direct certification data match in the 2022-23 school year and to report the number of SNAP and Medicaid matched eligibles, by RA, to SED by November 30 for federal reporting purposes on the FNS 834 Direct Certification Rate Data Element Report. Failure to conduct and report this match may result in Child Nutrition funding being withheld.

We encourage SFAs to conduct DCMP monthly to provide data for other federal, State and local funding that use child nutrition data as a proxy for poverty (i.e., BEDS reporting, Title 1 apportionment, e-rate, etc.).

## Collection of Income Information from Families for Other Federal, State and Local Funding/Reporting

The DCMP should always be used as the first step in establishing student economic need. Students not found in the DCMP can be provided the CEP and P2 Household Income Form (provided to SFAs after they are approved for the CEP). Since Income data is used as a proxy for many education and other purposes in New York State, a sample prototype is provided for this purpose. Schools can choose to collect this information using a different process as collection of this information is not required for Child Nutrition Program purposes.

DCMP efforts may be charged to the Child Nutrition Programs as the DCMP is required in all years of CEP participation for reporting on the FNS-834 Direct Certification Rate Data Element Report. The collection and certification of the CEP and P2 Household Income Form or other SFA created form, is not a chargeable activity as the data collected from these forms is not being used for Child Nutrition Program purposes. Certification activities other than the DCMP must be supported/funded by the General Fund or other alternative non-federal funding.

Please note that the CEP and P2 Household Income Form cannot be used to provide free or reduced-price meals to students, should the students move from a participating building within the SFA to a non-participating CEP building, or to another SFA that is not participating in the CEP. Should a student move within or outside of the SFA to a non-participating building, they must either be directly certified using the DCMP, or provide a Free and Reduced-Price Eligibility Application to receive Program benefits. The Application must include all the appropriate confidentiality and non-discrimination statements.

## Partial CEP Districts

Districts may opt to use the *Application for Free and Reduced-Price School Meals/Milk* to collect household income information from students in both CEP and non-CEP schools to streamline information collection. A school using a single form must ensure that all information required for non-CEP schools is contained on the form. The following details the requirements for Partial CEP Districts using a single form.

Single forms developed for this purpose must:

- Contain all information required on the school meals application;
- Include a clear, concise, and prominent disclaimer to indicate that, in CEP schools, receipt of school meals does not depend on households returning the form; and

SFA's opting to use a single form must be able to:

- Distinguish between forms from students in CEP vs. non-CEP households so the SFA can comply with Program requirements related to household applications (e.g., only non-CEP applications are used for selecting the verification sample, conducting an independent review of applications, and the Certification and Benefit Issuance portion of the Administrative Review); and
- Cost-allocate expenses for form processing, costs for form processing for students in CEP schools may not be paid from the nonprofit school food service account.

## Transfer from a CEP to a non-CEP School

A household income form or socioeconomic survey that is not a dual-purpose application cannot be used in the National School Lunch Program/School Breakfast Program (NSLP/SBP) to determine individual student eligibility. If a student transfers from a CEP to a non-CEP school, the new school must process a valid free and reduced-price application or otherwise determine the student eligible for free meals (e.g., DCMP, homeless, migrant lists).

SFAs must provide free reimbursable meals for 30 operating days or until a new eligibility determination is made for a child who transfers from a CEP school to a non-CEP school.

## Grace Year

An SFA/Group/Individual in year four of their CEP cycle with an ISP of at least 30 percent but less than 40 percent are permitted to continue to use the CEP for an additional fifth year, called the grace year. The grace year eligibility must be based on the ISP enrollment of year four. The reimbursements provided in the grace year will be generated by the year four ISP. The grace year is optional and is a local decision.

An SFA/Group/Individual that has a year four ISP at least 40 percent or greater is not entitled to a grace year but may begin a new four-year CEP cycle in the following school year by completing the CEP application process.

## Switch from Provision 2 to CEP

Eligible SFAs/RAs currently implementing Provision 2 and intending to elect CEP for the 2022-23 school year must be able to establish an eligible current ISP based on enrollment data as of April 1, 2022. Provision 2 participants may elect the CEP during base or non-base years, if a current eligible ISP is available and the SFA/RA(s) has applied by the CEP deadlines.

## Option to End Participation in CEP

An SFA/Group/Individual may elect to stop the CEP for the next year by notifying the SED Child Nutrition office no later than **June 30** of the current school year. Although it is an option to end participation in CEP at any time during the school year, it is not recommended as adequate communication with families and collection of certifying eligibility data must occur prior to moving to standard counting and claiming procedures.

If you have any questions regarding this memo, please contact your Child Nutrition Representative at 518-473-8781.

## Attachments:

[CEP Application](#)

[CEP Application Instructions](#)

[CEP Reimbursement Estimator](#)

[CEP Q & A](#)

[CEP Planning and Implementation Guidance](#)

[Submitting a Claim](#)

[Updated E-Rate Guidance for Schools Electing Community Eligibility Provision](#)

[USDOE CEP/ Title 1 Guidance](#)

[List of SFAs Whose CEP is Expiring in June 2022](#)

[FNS CEP Resource Center](#)