

Community Eligibility Provision (CEP)

Applications Due December 15, 2023

The New York State Education Department, Office of Child Nutrition, will host a [webinar](#) on October 16, 2023 from 1pm to 2pm to discuss the expansion of the Community Eligibility Provision.

General Information

The Community Eligibility Provision (CEP) is a meal service option for School Food Authorities (SFA) and schools to serve breakfast and lunch at no cost to all enrolled students without the burden of collecting household applications. By eliminating the household application process and streamlining meal counting and claiming procedures, CEP may substantially reduce administrative burden related to operating the National School Lunch Program and School Breakfast Program. Additionally, CEP may increase student participation, creating more opportunities for students to receive nutrition necessary to optimize academic performance. CEP may be implemented in individual schools, groups of schools, or entire school districts.

Eligibility

CEP 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 of recipient agencies (RAs)/Individual RA on April 1, 2023. For 2023-2024 mid-year CEP elections, SFAs that do not have access to April 1, 2023 enrollment data can use October 6, 2023 enrollment data.

The ISP includes:

- Students identified through the electronic [direct certification matching process \(DCMP\)](#):
 - Supplemental Nutrition Assistance Program (SNAP) recipients
 - Medicaid recipients
- 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.

To be eligible for CEP, a SFA/group of RAs/individual RA must have an ISP of 25 percent or more. SFAs are encouraged to combine a group of RAs or the entire SFA to meet the minimum ISP of 25 percent. RAs with an ISP less than 25 percent can be included in the SFA or group of RAs as long as the entire SFA or group of RAs' ISP is at least 25 percent.

CEP schools must participate in both the School Breakfast and National School Lunch Programs.

Please note that Residential Child Care Institutions are not eligible to participate in the CEP.

Application

To participate in CEP, SFAs must apply and be approved by the New York State Education Department prior to implementation.

Duration

The SFA/group of RAs/individual RA elects CEP in 4-year cycles. The approved ISP is valid for four years. However, SFAs can reapply during the annual application period in any year during the 4-year cycle to operate at a higher ISP and begin a new 4-year cycle.

When SFAs reach the end of the 4-year cycle, they may continue to participate in CEP for one grace year (a fifth year) if the SFA/group of RAs/individual RA has an ISP of at least 15 percent but less than 25 percent, as of April 1.

Reimbursement for schools in a grace year is based on the ISP as of April 1 in year 4. For example, the claiming percentages for participating schools in a grace year would be calculated based on the year 4 ISP.

An SFA/group of RAs/individual RA that has a year 4 ISP at least 25 percent or greater is not entitled to a grace year but may begin a new 4-year CEP cycle in the following school year by completing the CEP application process.

Reimbursement

Funding for CEP meals is provided through both federal and state funds.

Federal Funding

The amount of federal funding is based on the SFA/group of RAs/individual RA ISP multiplied by 1.6.

$ISP \times 1.6 =$ percentage of meals reimbursed at the federal free rate, not exceeding 100 percent. The remaining meals are reimbursed at the federal paid rate.

State Funding

For all meals reimbursed at the federal free rate, the state free reimbursement amount for breakfast and lunch is the same rates applied to standard counting and claiming meals.

Beginning with school year 2023-2024, the State paid reimbursement rate will provide the difference between the federal free and the federal paid rate for CEP meals reimbursed in the paid category. This will ensure that all CEP meals are reimbursed at an amount equal to the total free reimbursement rate. This additional funding will only be provided for

the portion of meals served in schools participating in CEP for which the SFA receives the federal paid rate of reimbursement.

Local Funding

The amount received in federal and state reimbursement is meant to cover the cost of providing meals through CEP. Should meal costs exceed the total federal and state reimbursement amount, SFAs must cover any remaining meal costs from another source. General fund donations or other non-federal funding would be needed if the cost of implementing the CEP is higher than the reimbursement received for CEP meals.

Claiming

Schools participating in CEP must provide access to both breakfast and lunch for all students during each school day. During meal service, schools are required to keep accurate meal counts and maintain a POS system that ensures meals are claimed only once for each student served a reimbursable meal. Schools may not claim reimbursement for additional meals served to students, or for meals that do not meet the meal pattern requirements.

Data Matching

SFAs operating CEP are required to conduct at least one direct certification data match each school year and to report the number of SNAP and Medicaid matched eligibles, by RA, to SED with the September reimbursement claim.

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. 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.

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 CEP and P2 Household Income Form 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.
- 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

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.

Option to End Participation in CEP

An SFA/group of RAs/individual RA may elect to stop the CEP for the following school year by notifying the New York State Education Department 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.