



STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



**TO:** Sponsors of the National School Lunch and Breakfast Programs

**FROM:** John Frassinelli, Chief   
Bureau of Health/Nutrition, Family Services and Adult Education

**DATE:** March 9, 2015

**SUBJECT: Operational Memorandum #14-15**  
Updated E-Rate Guidance for Schools Electing the Community Eligibility Provision (CEP)

This memorandum notifies local program operators of recently updated rules issued by the Federal Communications Commission (FCC) regarding the calculation of discount rates under the E-Rate program for schools electing the Community Eligibility Provision (CEP).

### **Background**

The Universal Service Program for Schools and Libraries (E-Rate) makes telecommunications and information services more affordable for eligible schools and libraries by providing discounted telecommunications, Internet access, internal connections, basic maintenance of internal connections, and managed internal broadband services. Traditionally, school districts have calculated E-Rate discount rates based on each school's percentage of free and reduced price certified students under the school meal programs.

However, individual schools or any combination of schools electing the CEP do not make individual determinations of eligibility for free or reduced price meal benefits. To remedy any confusion regarding schools' eligibility for E-Rate discounts, the FCC published interim guidance on July 31, 2012, directing CEP schools to use data from the most recent funding year (defined as the period from July 1 to June 30 of the following year) that individual free and reduced price certifications were made.

In July 2014, the FCC adopted new rules for the E-rate program, including rules specifying how school districts with CEP schools should calculate their discount rates beginning in School Year 2015-16.

### **No Applicability in School Year 2014-15**

The FCC's updated rules for schools electing the CEP will not go into effect until school year 2015-16 (E-Rate funding year 2015). It is important to note that there is no impact on the current school year 2014-15, for which E-Rate discounts have already been calculated under the FCC's previous interim guidance.

## **Updated Guidance**

On July 23, 2014, the FCC released updated E-Rate rules for calculating E-Rate discounts and included guidance for schools electing the CEP. The FCC's new guidance will supersede the July 2012 interim guidance beginning in school year 2015-16/E-Rate funding year 2015. The new rules require school districts to determine the E-Rate discount for the entire district, rather than for individual schools, by dividing the number of students eligible for free and reduced-price meals in the district by the district's total enrollment. Schools electing the CEP will use their Identified Student Percentage (ISP) multiplied by the CEP multiplier (currently 1.6) for the purposes of determining the number of free and reduced-price eligible students. This is the same formula that schools electing the CEP use to calculate meal claiming percentages. Consistent with the school meal programs, student eligibility may not exceed 100 percent for any purposes related to E-Rate.

E-Rate discounts remain valid for the entire four year CEP cycle. As such, if a school's ISP decreases in subsequent years, the school may continue to use the original percentage for the remainder of the four-year eligibility period. However, if the ISP increases during that same timeframe, the school may choose to apply the higher percentage for E-Rate purposes. Any time a school electing the CEP begins a new four year cycle or chooses to apply a new meal claiming percentage, the school district must also re-calculate its student eligibility for E-Rate and use that data in the next funding year.

## **Adjustments to the CEP Multiplier**

The FCC requires school districts with schools electing the CEP that apply for E-Rate discounts to use the same multiplier employed by the United States Department of Agriculture (USDA) to calculate meal claiming percentages under the CEP. In the event that the Food and Nutrition Service changes the multiplier in the future, the FCC will require schools electing the CEP to use the same multiplier under the E-Rate program for determining their discount percentage as required by the USDA for reimbursement under the CEP. The USDA is permitted to change the CEP multiplier to a number between 1.3 and 1.6, but has no plans to do so at this time. Furthermore, any such change would be communicated in advance of implementation through the *Federal Register*, and would not immediately impact schools in the middle of a four-year cycle.

## **Further Information**

The FCC has published [E-Rate rules and guidance](#) (July 23, 2014) on procedures for schools electing the CEP. For reference, please refer to paragraphs 225-229.

School Food Authorities or local educational agencies with questions concerning this guidance may contact Allison Calhoun-White at 860-807-2008 or [allison.calhoun-white@ct.gov](mailto:allison.calhoun-white@ct.gov).

Operational Memorandum #14-15

March 9, 2015

Page 3

Questions may be directed to:

COUNTY ASSIGNMENTS	CONSULTANT	E-MAIL AND PHONE
Fairfield County	Fionnuala Brown	<a href="mailto:fionnuala.brown@ct.gov">fionnuala.brown@ct.gov</a> 860-807-2129
Hartford County (towns/cities beginning with A-R)	Teri Dandeneau	<a href="mailto:teri.dandeneau@ct.gov">teri.dandeneau@ct.gov</a> 860-807-2079
Hartford County (towns/cities beginning with S-W) Windham County	Susan Alston	<a href="mailto:susan.alston@ct.gov">susan.alston@ct.gov</a> 860-807-2081
Litchfield County	Allison Calhoun-White	<a href="mailto:allison.calhoun-white@ct.gov">allison.calhoun-white@ct.gov</a> 860-807-2008
Middlesex County Tolland County	Andy Paul	<a href="mailto:andrew.paul@ct.gov">andrew.paul@ct.gov</a> 860-807-2048
New Haven County	Jackie Schipke	<a href="mailto:jackie.schipke@ct.gov">jackie.schipke@ct.gov</a> 860-807-2123
New London County	Monica Pacheco	<a href="mailto:monica.pacheco@ct.gov">monica.pacheco@ct.gov</a> 860-807-2073

JF:acc

Important: This is a numbered Connecticut State Department of Education (CSDE) operational memorandum that contains important program information. Please read carefully and retain in a binder for future reference. All CSDE operational memoranda are posted on the CSDE's [Operational Memoranda for School Nutrition Programs](#) Web page.

## Frequently Asked Community Eligibility Provision (CEP) Questions

### Notification and Publication Requirements

#### 1. What are the key dates for the CEP?

Below is the timeline for CEP notification, publication, and decision process.

Date	Requirement
April 15 <sup>th</sup>	<ul style="list-style-type: none"> <li>• State agencies notify local educational agencies (LEAs) of districtwide eligibility status and provide guidance and information.</li> <li>• LEAs submit school level eligibility information to State agency.               <ul style="list-style-type: none"> <li>○ State agencies may exempt LEAs from this requirement if school level data is already available to the State.</li> </ul> </li> </ul>
May 1 <sup>st</sup>	<ul style="list-style-type: none"> <li>• State agencies post the LEA districtwide and school level lists on Web site and send the link to the Food and Nutrition Service.</li> </ul>
June 30 <sup>th</sup>	<ul style="list-style-type: none"> <li>• Interested and eligible LEAs must notify their State agency of their intent to participate under the CEP.</li> <li>• Interested and eligible LEAs must submit identified student and total enrollment data that reflects enrollment on April 1<sup>st</sup> to the State agency to participate in the CEP in the new school year (if such data is not already part of the notification and publication process).</li> <li>• LEAs participating in the CEP must notify their State agency if they intend to drop their participation for the following school year and either:               <ol style="list-style-type: none"> <li>1) Enroll in another Provision.</li> <li>2) Return to normal counting and claiming.</li> </ol> </li> </ul>

#### 2. What data should be used for Notification if data reflective of April 1 is not available?

The data used for the notification and publication requirements does not need to reflect April 1st. However, State agencies and LEAs are encouraged to use the most current data available to prepare both the notification and publication lists. If data collected for October reporting requirements (i.e. FNS-742 data) are the most current data available, this data may

be used to fulfill the notification and publication requirements. Interested LEAs must provide State Agencies identified student and enrollment data reflective of April 1st to participate in the CEP in subsequent school years. If proxy data are used for the notification and publication process, a note must be included to explain that the data provided is a proxy for actual eligibility and interested LEAs must provide full school level identified student data as of April 1st to determine eligibility and participate in the CEP.

### **3. What is the correct protocol for informing the public about the CEP?**

LEAs should use their usual channels of communication (i.e., same communications used for National School Lunch Program [NSLP] and School Breakfast Program [SBP]) with media and households to notify the community that free meals will be available to students. The FNS is developing a mechanism for States to share resources (e.g., letters, press releases) to facilitate the CEP implementation.

Per the CEP Annual Notification and Publication Requirements, SP 32-2014 (available at: <http://www.fns.usda.gov/community-eligibility-provision-annual-notification-and-publication-requirements>), no later than May 1, State agencies must post online lists of LEAs and schools with:

- an Identified Student Percentage (ISP) of at least 40 percent;
- an ISP greater than or equal to 30 percent but less than 40 percent;
- an ISP greater than or equal to 30 percent but less than 40 percent in their 4<sup>th</sup> year of electing; and
- a list of LEAs currently participating districtwide.

These lists must be posted to the State agency Web site and one link providing both the LEA and school lists must be sent to the FNS. The FNS has developed a CEP Web site which links to the lists on the State agency Web sites. State agencies should submit their link via e-mail to [cepnotification@fns.usda.gov](mailto:cepnotification@fns.usda.gov).

## **LEA/School Level Eligibility and Grouping**

### **4. What schools are eligible to participate in the CEP?**

Any school participating in the NSLP and the SBP and meeting the eligibility criteria to elect the CEP may participate.

### **5. Does each individual school need to meet the 40 percent ISP, or may the 40 percent threshold be based on an aggregate of schools in the LEA?**

The 40 percent threshold may be determined by an individual school, 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. The LEA must determine whether they can operate the program given the expected level of Federal reimbursement and other non-Federal resources available to them.

**6. How is the ISP determined for groups of schools electing the CEP?**

The ISP for a group of schools is calculated by taking the sum of the identified students for the entire group of schools divided by the sum of the total student enrollment for the entire group of schools.

$$\text{Group ISP} = \frac{\text{Sum of Identified Students (for all schools in group)}}{\text{Sum of Enrolled Students (for all schools in group)}}$$

**7. Are new schools able to elect the CEP?**

If the number of identified students and total enrollment are available before the counting and claiming of meals begins and the new school meets the eligibility requirements (either individually or as part of a group), then the LEA may elect to have the school participate or be included in a group of schools. If the number of identified students and enrollment are not available, the LEA may not include the new school in the CEP.

**8. If an LEA participating in the CEP districtwide later chooses to drop some schools, can the LEA still participate in the CEP?**

The LEA may be able to participate for individual schools or groups of schools. The 40 percent ISP threshold must be met by the school or group of participating schools. This would be considered a new group; a new ISP would need to be established.

**9. Can LEAs group schools differently in order to maximize their ISP when refiguring their district claiming percentage?**

Yes, LEAs may establish different groups (within the same LEA) to maximize their ISP.

**10. Can schools be randomly grouped together to become eligible for CEP?**

Yes, as long as the schools are in the same LEA.

**11. Are LEAs with schools currently operating Provision 2/3 in a NON BASE year permitted to elect CEP?**

Provision 2 and Provision 3 schools would be required to obtain ISPs reflective of April 1<sup>st</sup> of the prior school year to participate in the CEP. If the LEA determines that the ISP meets eligibility requirements for these schools, they may participate.

**12. Are schools/LEAs participating in CEP allowed to participate in the Demonstration Project to Evaluate Direct Certification with Medicaid?**

Yes, schools/LEAs participating in the CEP can participate in the Demonstration Project to Evaluate Direct Certification with Medicaid. The students identified through Medicaid with

an income meeting the 133 percent threshold in the definition of identified students would be considered part of the ISP.

**13. If a LEA groups four schools in Year 1, then adds four more schools in Year 2, may all eight schools be grouped together?**

Anytime there is a change in student population that impacts the identified students or the enrollment, the school or group of schools participating in the CEP must recalculate the ISP. In the example above, the four schools adopting the CEP in Year 1 would use data from April 1 the preceding year (Year 0) to calculate the ISP. When four additional schools are added in Year 2, the identified student population and enrollment both change and the ISP must be recalculated. The LEA has two options:

- Form two separate groups of four schools. Each group would have its own ISP (calculated using April 1 data from the year *before* CEP implementation) and its own four-year cycle; and
- Form a new group of eight schools and calculate a new ISP based on the identified students and enrollment from all eight schools. The new group would start a new four-year CEP cycle. The ISP would be established using April 1 data from the year *before* the new group of eight schools adopts the CEP.

**14. \*\*\*What is the definition of “school” for the CEP?**

CEP follows parts (a) and (b) of the NSLP definition of “school” at 7 CFR 210.2. By law, “residential child care institutions” are not eligible to elect CEP [42 U.S.C. 1759a(a)(1)(F)(ii)(cc)].

*School* means: (a) An educational unit of high school grade or under, recognized as part of the educational system in the State and operating under public or nonprofit private ownership in a single building or complex of buildings; or (b) any public or nonprofit private classes of preprimary grade when they are conducted in the aforementioned schools.

<b>Direct Certification Data</b>
----------------------------------

**15. What does “direct certification” mean for the purposes of determining the ISP in the CEP? How is it different from State “direct certification” performance measures and benchmarks?**

For the purposes of the CEP, any student certified without an application and, therefore, not subject to verification, is considered “directly certified” and included in the ISP [42 U.S.C. 1759a(a)(1)(F)(i)]. The annual State direct certification performance measures and benchmarks more narrowly focus on direct certification rates for children in households receiving assistance under SNAP.

**16. Can a LEA request direct certification data from the State agency at any time?**

LEAs are required to run direct certification matches at least three times per year. States are also required to notify LEAs of potential district-wide ISP eligibility by April 15 of each year. FNS does not require LEAs to conduct additional direct certification matches to support CEP, but we encourage State agencies and LEAs to work together to ensure that LEAs have the data needed to make sound decisions related to CEP. Over time, FNS expects direct certification systems to improve, which may facilitate more frequent matches.

**17. Can the State SNAP agency provide written documentation to schools for students who are not on the SNAP direct certification list, but are receiving SNAP benefits?**

Yes, LEAs can work with State SNAP agencies to obtain documentation to substantiate including students in the ISP. LEAs may not contact households to obtain SNAP letters so that students can be included in the ISP.

LEAs should work with the State SNAP and NSLP/SBP administering agencies to determine why students receiving SNAP benefits are not on SNAP direct certification lists to ensure there is not a systemic direct certification problem.

<b>Identified Student Percentage (ISP) Determination</b>
--

**18. Who are the identified students?**

The identified students are the number of students approved as eligible for free meals and are not subject to verification. This definition includes students directly certified through SNAP, TANF, and FDPIR participation as well as homeless students on the liaison list, Head Start, pre-K Even Start, migrant youth, runaways, and non-applicants approved by local officials identified through means other than an application. Foster children certified through means other than an application are also included as well as students certified for free meals based on a letter provided by the household from the SNAP agency. Students who are categorically eligible based on information, such as a case number, submitted through a free and reduced price application are NOT included.

**19. What number should be used as the total enrollment for determining the percentage of identified students?**

For purposes of calculating the ISP, *Enrolled students* means students who are enrolled in and attending schools participating in the CEP and who have access to at least one meal service (SBP or NSLP) daily. The ISP must be representative of the number of identified students and the student enrollment as of April 1 of the prior year. Please note that the number of students enrolled should reflect all those students with access to the NSLP or SBP and not just those students participating in the programs.

**20. When does the ISP have to be drawn in relation to April 1<sup>st</sup>?**

The law states that the ISP must be established using the number of identified students and total students enrolled with access to the NSLP or SBP as of April 1 of the prior year. The ISP must therefore be representative of the identified students and the student enrollment on April 1. Due to variations in the point in time for monthly updates in State and local systems, updates could be done before or after April 1 to account for differences in operational procedures, but the data would have to be representative of this date. Since regulations regarding direct certification at 245.6(b)(3)(ii) require direct certification matches with SNAP to be run three times each year the timing of one of these matches can easily be planned to represent April 1.

**21. How should we round when determining the ISP?**

When determining the percentage of identified students you should NOT round. The percentage must be at least 40 percent to be eligible. A percentage of 39.98 percent does NOT meet the threshold.

**22. A school's student population includes a subset of pre-K children that attend school half-day and only eat one meal. Are they included in the ISP?**

Yes, students who have access to at least one meal during their school day must be included in the ISP. The pre-K children must be included in both the numerator (identified students), as applicable, and the denominator (enrollment).

**23. A school's student population includes a subset of pre-K children who attend school only 3 days a week, are they included in the ISP?**

Yes, students who have access to at least one meal service during their school day are included in the ISP. The pre-K children must be included in both the numerator (identified students), as applicable, and the denominator (enrollment).

**24. If we use the October report for other programs, such as area eligibility and the Fresh Fruit and Vegetable Program, would the October data then be the "as of April 1<sup>st</sup>" data for CEP participants?**

No, data to establish the CEP eligibility and the ISP for the following school year must reflect the student population on April 1 of the preceding year, or April 1 of the year before the first year of the 4-year CEP cycle.

**25. Can LEAs use direct certification information available from months after April to determine ISP, especially for new schools?**

For existing schools, the direct certification data used to establish the CEP eligibility must be reflective of April 1. New schools will not have direct certification data, and are allowed to use direct certification numbers from a later month to establish CEP eligibility.

**26. A group of students from a non-CEP school attend classes all day (and eat lunch) at a CEP school in our school district. Should these students be included in the CEP school's ISP?**

The students attend classes and have access to meal service daily at the CEP school, so they should be included in the CEP school's ISP, both in the numerator (identified students), as applicable, and the denominator (enrollment).

**27. If a school is participating in CEP and there is a change to the student population (e.g., grades removed/added, CEP and non-CEP schools merge), is the school required to re-calculate the ISP and re-start the four-year cycle? Or can they continue with the existing four-year cycle and adjust the ISP each year as needed?**

When a school district, group of schools, or school population changes (e.g., grades are removed/added, CEP and non-CEP schools merge), the LEA must re-calculate the ISP. If eligible with the new ISP, the LEA starts a new four-year cycle with the new ISP.

**28. Is the ISP locked in for a four-year cycle, even if it goes down?**

The original ISP (from April 1 data from the year before CEP implementation) is valid for four years, and the LEA is protected against ISP decreases. If the ISP increases over the four-year cycle, the LEA may choose to be reimbursed at the higher claiming percentage. During the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> years, the LEA/school may select the higher of: ISP (reflective of April 1) from the immediately preceding school year for their claiming percentage, or they can select the ISP from the year prior to the first year of CEP implementation (the original ISP). In order to renew participation after the fourth year, the LEA must demonstrate (via identified student data) that they still meet the ISP requirement for the participating school(s).

If the ISP increases during the four-year cycle, the LEA may also choose to restart their cycle to guarantee the higher ISP for four years. LEAs should work with their State agencies to follow procedures for restarting a four-year CEP cycle with a higher ISP.

**29. \*\*\*If an LEA has an agreement to provide food service to school districts or schools outside of the LEA, can they include those students in the ISP?**

Schools grouped together for the purposes of CEP must be participating in the school meal programs under a single State agency agreement. School districts that provide food service to outside schools (e.g., private schools, charter schools) through a vending contract, or similar agreement, may not include the outside schools in the district's ISP, unless the schools are listed as serving sites on the district's State agency agreement. Sites incorporated in this manner are subject to all NSLP/SBP requirements and could be selected for review when the State agency conducts an administrative review of the school district. The CEP LEAs may not include meals vended to outside LEAs/schools in their total meal counts used for claiming. Vended meals must be counted and claimed separately.

**30. \*\*\*If a student is enrolled in a CEP school and has access to breakfast there, but also attends a CEP school (e.g., Career Center) in a separate LEA and has access to lunch there, can each LEA include the student in their ISP?**

Yes, a student may be included in the ISP of the school(s) in which:

- s/he has access to at least one meal;
- s/he is legally enrolled; and
- the student's meals are claimed.

<b>State Agency Evaluation of LEA's CEP Election</b>
--

**31. What documentation does a LEA need to submit to the State agency to support the ISP and elect CEP?**

Many States have developed their own processes, which require specific documentation to be submitted to support a LEA's decision to elect the CEP. At a minimum, a State agency must ensure that the LEA's application shows that a LEA, school, or group of schools:

- has an ISP of at least 40 percent. This could be determined by reviewing documentation to support the ISP (e.g., direct certification lists, homeless lists, migrant lists, total enrollment);
- participates (or plans to participate) in both NSLP and SBP; and
- has a record of administering the Programs in accordance with the regulations.

**32. Do State agencies need FNS approval before accepting elections that are on, or even after, August 31? If so, should they still notify the FNS of late elections and the reasons for it?**

Per SP50-2014, as the CEP is implemented nationwide in School Year (SY) 2014-15, State agencies are encouraged to accept CEP elections received after August 31 where appropriate and feasible to do so. States do not need FNS approval to accept late elections, but should maintain records of late elections and the reasons in case the information is needed during an Administrative Review or a Management Evaluation.

<b>Changes in CEP Election</b>
--------------------------------

**33. When is an LEA permitted to drop CEP?**

An LEA may decide not to elect the CEP or to stop utilizing CEP at any time. Since the new percentage of identified students must be established before April 1<sup>st</sup> of the prior year, LEAs will have time prior to the next school year to decide if continuing CEP will be advantageous. LEAs electing to stop CEP must notify their State agencies and return to standard application and counting and claiming procedures.

**34. For SY 2014-15, the CEP election deadline has been extended to August 31. Since many schools have school years that begin before August 31st, should the cutoff date be earlier to reflect the variability in school start times?**

No, State agencies may not impose earlier deadlines to accommodate varied school start dates. Even though some schools do start earlier, State agencies were required to accept applications from LEAs interested in electing CEP until August 31, 2014, and are further encouraged to accept applications after that date.

**35. Can a school elect to stop CEP in the middle of the school year?**

Yes, although not recommended mid-year, schools may decide to stop the CEP and return to standard counting and claiming procedures at any time. Schools that are considering stopping the CEP in the middle of the school year should consult with their State agency immediately so the State agency can provide technical assistance to prevent the disruption of benefits to students. State agencies have discretion to establish a reasonable timeline (at least 30 days) for the LEA to resume standard counting and claiming procedures. Resumption of standard counting and claiming procedures mid-year would include notifying households of a change in benefits and disseminating/processing household applications.

**36. Must a school stay with the CEP for four years, or can they stop earlier?**

Schools may elect to stop the CEP, and resume standard counting and claiming, at any time during the four-year cycle. LEAs that decide to stop the CEP must work with their State agency to establish a reasonable time frame for transitioning to another counting and claiming procedure. Schools that are *considering* stopping the CEP should consult with their State agency immediately so the State agency can proactively provide technical assistance.

**37. When a school elects to stop the CEP, do students have “free” eligibility status for 30 days?**

When a CEP school decides to stop the CEP and resume standard counting and claiming procedures **between** school years, schools have time over the summer to notify families and prepare for the application process. Because these activities take place when school is not in session, the resumption of standard counting and claiming does not impact student benefits/meal service. At the start of the next school year, the school would disseminate and process applications per usual certification procedures. Individual students do not have eligibility status to carry over into the new school year. Directly certified students, identifiable from the April notification/publication requirements, are eligible for free meals during the 30 day carry over period at the start of the new school year if the school can determine their individual eligibility status from the preceding year.

A reasonable timeline (at least 30 days) is required when a CEP school resumes standard counting and claiming **mid-year** to give the school time to notify families and print/disseminate/collect/process/certify household applications. During the established timeframe to resume standard procedures, students should continue to receive free meals so their meal service routine is not disrupted.

**38. What if a school decides to start the CEP after already taking household applications? Will the school receive retroactive reimbursements?**

If a LEA decides to elect the CEP after taking household income applications, during this transition year (SY 2014-15), the applications may be filed in another office and there will be no retroactive reimbursements. The LEA will use CEP claiming percentages starting the month they elect CEP. For example, a school that elects the CEP in December may start claiming CEP percentages on December 1.

In future years, schools will elect the CEP before processing applications and submitting claims for the school year.

<b>Transfer and Visiting Students</b>
---------------------------------------

**39. When a student at a CEP school transfers to a non-CEP school, is the student “free” all year?**

No, under the CEP, individual students do not have an individual eligibility status. The school, or group of schools, has a “free” eligibility status based on the make-up of their student population. If a student transfers from a CEP to a non-CEP school within the same LEA, and the student is not otherwise eligible for free meals (e.g., SNAP direct certification, homeless, migrant), the new school must process a household income application within 10 days and provide free meals to the student until an eligibility determination is made. If the student transfers to a non-CEP school in a different LEA, the new school must process a household application within 10 days and the FNS encourages the new school to provide free meals to the student until an eligibility determination is made.

**40. A student is at a CEP school that chose to collect socioeconomic survey data to allocate State education funding. Income data reported by the household show that the student is eligible for free meals. If the student transfers to a non-CEP school, can the new school make an eligibility determination based on the socioeconomic survey data?**

No, a socioeconomic survey is not tied to the NSLP/SBP and may not be used to determine individual student eligibility. If a student transfers from a CEP to a non-CEP school, the new school must process a household application or otherwise determine the student eligible for free meals (e.g., SNAP direct certification, homeless, migrant lists).

**41. If a student at a non-CEP school visits a CEP school and eats lunch, does the student receive a free lunch because s/he's at a CEP school?**

Similar to procedures under Provision 2, the CEP school would not take payment from the visiting students and meals served to the visiting students would be included as part of the total count of meals served in the CEP school. This is operationally easier on the CEP school, prevents overt identification, and the CEP school will be reimbursed for meals served.

**42. If a CEP student visits a non-CEP school and eats lunch, must s/he be offered a free meal? If so, how is the meal claimed for reimbursement?**

The FNS strongly encourages non-CEP schools that host visiting students from CEP schools to provide a meal at no cost to the visiting CEP students to avoid any disruption to the students' meal service routine. Such meals should be claimed according to the claiming percentages of the CEP school. For example, 20 students from a CEP school visit a non-CEP school and all eat lunch at no charge. If the CEP school's claiming percentages are 85 percent free and 15 percent paid, these percentages are applied to the visiting student meals. The non-CEP school in this example would claim 17 meals free and three meals paid. If only one CEP student is visiting a non-CEP school, the meal should be claimed free. The school food authority food service account can be used to cover the value of any paid meals of visiting students.

CEP students visiting a non-CEP NSLP school outside of their LEA may be provided meals at no charge. In such cases when meals are offered at no charge to the CEP students, the CEP school should pay the non-CEP school for the value of any student meals claimed at the paid rate.

In either case, the non-CEP school must claim the reimbursable meals for visiting students in its claim for reimbursement according to the appropriate claiming percentages.

<b>Non-Federal Sources of Funding</b>
---------------------------------------

**43. What may be counted as "funding from non-Federal sources"?**

Any funds other than Federal reimbursement available to the nonprofit school food service account may be used. Please note that, similar to Provision 2 and 3, the use of non-Federal funds is only necessary if the total amount of Federal reimbursement through CEP does not cover the costs of serving free meals to all students.

Examples of non-Federal sources include, but are not limited to: any portion of State revenue matching funds that exceeds the minimum requirement established in 7 CFR Part 210.17, profits from a la carte sales, cash donations, and in-kind contribution funds from outside sources such as volunteer services.

**44. When operating the CEP, can schools use a la carte sales to cover costs in excess of the Federal reimbursement?**

Yes. Similar to procedures with other Provisions, CEP schools may use a la carte sales to covers costs in excess of the Federal reimbursement.

**45. When are non-Federal sources necessary when operating the CEP?**

When the level of Federal reimbursement received under the CEP is less than the cost of providing all students free meals. As with standard operating procedures, any time the level of Federal reimbursement is less than the cost of providing meals.

<b>Reimbursements and Claiming</b>
------------------------------------

**46. How are breakfast and lunch reimbursed through the CEP?**

The ISP is used to determine reimbursements for both breakfast and lunch. This percentage multiplied by 1.6 is the free claiming percentage. The free claiming percentage is applied to the total number of breakfasts and the total number of lunches served to determine how many breakfasts and lunches are claimed at the free rate. The remaining meals are reimbursed at the paid rate.

**47. Are schools electing the CEP able to receive the extra two cents lunch reimbursement and severe need breakfast reimbursements?**

Yes. CEP schools will be reimbursed at their usual reimbursement rates, including the two cent lunch differential and severe need breakfast rates, if applicable. Also, if the schools have been certified for the additional 6 cents, they would receive that additional reimbursement.

**48. Will the 1.6 multiplier change?**

The law states that the multiplier is 1.6 through school year (SY) 2013-14 (July 1, 2013 through June 30, 2014). After that time, the FNS is permitted to change the multiplier to a number between 1.3 and 1.6. If the multiplier is changed, schools electing CEP will keep the same multiplier for their entire four-year cycle and do not have to implement changes to the multiplier until their next cycle if CEP is elected again. The FNS will not be making a change to the multiplier for SY 2014-15 or SY 2015-16. Any change to the multiplier would be communicated in advance of implementation, through the *Federal Register*.

**49. How will area eligibility percentages be determined for CEP schools?**

Since the 1.6 multiplier is intended to provide an estimate of the total number of students eligible for free and reduced price meals in eligible schools, the product of the ISP multiplied by 1.6 will be used for area eligibility purposes. Schools in LEAs electing the CEP for the entire LEA or as part of a group of schools electing the CEP with a shared ISP must still use the individual school CEP percentage. These percentages can be used for determining area eligibility in the Summer Food Service Program, Seamless Summer, Child and Adult Care Food Program (CACFP) at-risk afterschool snacks, CACFP tiering, and afterschool snacks through the NSLP.

**50. \*\*\*What are the rounding rules for calculating free and paid claiming percentages under CEP?**

The rounding rules for calculating free and paid claiming percentages under the CEP are:

- Multiply the ISP by 1.6 to get the percentage of meals reimbursed at the free rate.
- Carry the calculation to a minimum of two decimal places before rounding (e.g., 86.15 percent).
- Round the percentages to one decimal place using standard rounding; numbers five and above round to the next higher number, numbers four and below round down (e.g., 86.15 percent = 86.2 percent). The percentages rounded to one decimal place will be used to calculate the Claims for Reimbursement.
- Multiply the percentage of meals reimbursed at the free rate by the total number of reimbursable meals in the claiming period to get the number of meals reimbursed at the free rate. Remaining meals are reimbursed at the paid rate.
- Meal claims must be made in whole numbers. When the free or paid meal calculations result in partial meals, use standard rounding procedures (five and above round up, four and below round down) to get whole numbers of meals.
- If the total percentages for free and paid meals do not equal 100, the paid category must be adjusted to make it 100 percent.
- For example, if 800 reimbursable meals were served and the free claiming percentage is 86.2 percent, the number of meals reimbursed at the free rate is 689.6 [ $800 \times 0.862 = 689.6$ ], which is adjusted to 690 meals. The number of meals reimbursed at the paid rate is 110 [ $800 - 690 = 110$ ].

**51. \*\*\*In SY 2014-15, if a school starts CEP after the election deadline, could the School Food Authority (SFA) retroactively receive free reimbursement for students who were not previously eligible for free meals?**

No. This flexibility is only extended in situations in which a child's categorical eligibility was established individually at sites employing standard counting and claiming procedures, and would not apply to the universal eligibility for free meals conferred to all students

attending CEP schools. As such, a school would not be able to claim eligibility for non-directly certified students retroactively when starting CEP mid-year.

**52. \*\*\*Are CEP schools required to conduct an edit check? If so, and the edit check is exceeded, what type of documentation is required under the CEP?**

Participation in CEP does not change the requirement to conduct edit checks. Similar to non-CEP schools, when an edit check is exceeded, schools must maintain documentation to demonstrate why (e.g., visiting students) or corrective action may be required. Edit check procedures are outlined in Federal regulations, and may be referenced at 7 CFR 210.8(a)(3).

<b>Administrative Review</b>
------------------------------

**53. If a State agency finds errors in the ISP that render a LEA ineligible for the CEP, must the State agency disallow all meals since the CEP was implemented?**

If a State agency finds errors in the ISP, the State agency must determine what the ISP *should* be, then apply the revised claiming percentage retroactively to all claims submitted in the school year during which the administrative review takes place.

If the LEA is determined to be ineligible for the CEP, the State agency should:

- work with the LEA to return to standard counting and claiming (if not eligible for grace year). If there is insufficient time in the current school year to resume standard counting/claiming, the State agency should use the revised claiming percentage for the remainder of the school year;
- provide technical assistance to the LEA to ensure the LEA knows how to calculate their ISP; and
- examine its CEP process to determine why the erroneous ISP was not discovered and corrected when the LEA elected the CEP.

State agencies have discretion to expand fiscal action back beyond the school year in which the erroneous ISP was found (if applicable).

**54. \*\*\*The administrative review guidance instructs State agencies to validate the LEA's ISP. If the LEA has multiple CEP groups and claiming percentages, must the State agency certify each ISP?**

Yes, the State agency must validate:

- a minimum of 10 student names for each ISP used to claim meals in the LEA;
- that appropriate documentation was used to establish each ISP; and
- the accuracy of the free/paid claiming percentages used to claim meals for each CEP group in the LEA.

Please refer to Section IX of the USDA [Administrative Review Manual](#) for detailed information on the administrative review process as it pertains to CEP schools.

**55. \*\*\* If an LEA elects (in SY 2014-15) or drops the CEP in the middle of a school year, what administrative review activities must the State agency complete to assess compliance?**

State agencies should conduct administrative review activities specific to the LEA's status during the review month and on the day of review. For example, if the review month is December, and the LEA was operating under the CEP in December, the State agency must complete certification and benefit issuance review activities required to assess compliance under the CEP. However, if the day of review is in February, and the LEA has resumed standard counting and claiming, the State agency will assess standard meal counting and claiming procedures on the day of review. For additional information, see SP 61-2104, *Administrative Review – Revised Manual, Tools, and Forms*.

<b>Verification</b>
---------------------

**56. Do LEAs and schools electing CEP conduct verification?**

No, since applications are not collected, LEAs are exempt from verification for the schools electing CEP. LEAs with some, but not all schools electing CEP must still conduct verification in the schools not electing CEP.

**57. \*\*\*In SY 2014-15, if an LEA elects CEP after the school year begins, are they required to conduct verification for the household applications collected prior to the CEP election?**

For school year 2014-15, if all students at CEP schools in an LEA are being offered free meals prior to the last operating day of October, verification requirements may be waived. In this situation, the LEA must comply with reporting requirements for CEP schools. See the *Reporting and Recordkeeping* section for additional information.

**58. \*\*\*If an LEA drops out of CEP and resumes standard counting and claiming, must verification be conducted on the applications processed after the LEA resumed standard counting and claiming?**

Yes, if applications were collected to determine eligibility for school meals, the LEA must comply with verification requirements. The State agency will work with the LEA to establish a reasonable timeframe for the LEA to complete verification and reporting activities. The LEA would also be required to comply with other household application-related requirements, such as the independent review of applications.

## Reporting and Recordkeeping

### 59. How is the CEP data reported on the FNS 742?

CEP schools and Provision 2/3 non-base year FNS-742 procedures for SFAs and States:

- Report in Sections 1 and 2 of the FNS-742 for all schools as applicable.
- If all schools in the LEA are participating in the CEP, check box 3-1 and report “0’s” for the remaining Sections of the FNS-742.
- If only some schools in the LEA are participating in the CEP report as follows:
  - Report SNAP-only direct certification data for the schools NOT participating in CEP in **Section 3-2: “Students directly certified through SNAP** on the FNS-742.
  - Report the remaining fields of Section 3 and all other Sections of the FNS-742 for schools NOT participating in the CEP or provision 2/3 in non-base as applicable.

### 60. How is the CEP data reported on the FNS 834?

CEP schools and Provision 2/3 non-base year FNS-834 procedures for States:

- Report a statewide count of students matched with SNAP for all schools participating in the CEP and any provision 2/3 non-base year schools combined on the FNS-834 in the **Data Element #3** box for “**The number of SNAP Children in Special Provision Schools Operating in a Non-Base Year.**”

### 61. How is October data reported on the FNS-10 for CEP schools?

The FREE percentage currently used to claim meals under CEP (ISP times 1.6) in the LEA/school should be applied to the current October enrollment number to estimate the number of children approved for FREE lunches to report in 15a. CEP LEAs will not report REDUCED PRICE data in 15b.

### 62. How are CEP data accounted for in the FNS-828?

All School Food Authorities (SFAs) must report. SFAs that do not charge for paid student lunches must enter "\$0.00" in any or all categories, as applicable. SFAs that have some schools that do not charge for lunches (i.e., CEP schools), would report the most frequently charged lunch price(s) in those schools or categories of schools that **do** charge for paid lunches.

### 63. What documentation is required to be kept by LEAs that participate in the CEP?

LEAs/schools must retain records used in the development of the ISP (e.g., records for the

initial approval year and all records from the year any updates are made to the ISP) during the entire period the CEP is in effect. In addition, this documentation must be retained for three years after submission of the final Claim for Reimbursement for the last fiscal year of CEP.

**64. \*\*\*What are the reporting requirements for LEAs that add CEP in the middle of the school year?**

In SY 2014-15, LEAs seeking to elect CEP in the middle of a school year should consult with their State agencies for technical assistance. The table below details reporting requirements.

Reporting Requirements for Mid-Year Changes in CEP Election			
If the LEA elects CEP:	Must the State agency/LEA complete?		
	Verification	FNS-742	FNS-834
On or before the last operating day of October	Not Required	Yes, complete as CEP LEA (Do not report direct certifications in Section 3 for CEP schools. Instead use FNS-834 to report SNAP matches for special provision schools.)	Yes, complete as CEP LEA (Report the students in CEP schools matched with SNAP on FNS-834, Data Element #3.)
After last operating day of October	Yes	Yes, complete as standard counting & claiming LEA	Yes, complete as standard counting & claiming LEA

**65. \*\*\*How should CEP LEAs report information on the FNS-10?**

October data under CEP can be reported on the FNS-10. The free claiming percentage currently used under CEP (ISP times 1.6) in the LEA/school should be applied to the current October enrollment number to estimate the number of children approved for FREE lunches to report in 15a. CEP LEAs will not report REDUCED PRICE data in 15b.

In SY 2014-15, if CEP is elected after October 31, the LEA should follow standard reporting procedures using data from household applications.

### Residential Child Care Institutions (RCCIs)

**66. Are Residential Child Care Institutions (RCCIs) with day students eligible to elect the CEP?**

No, by law, RCCIs are not eligible to elect the CEP [42 U.S.C. 1759a(a)(1)(F)(ii)(cc)].

### Independent Review of Applications

**67. Is an LEA that elects the CEP subject to the independent review of applications even though only direct certification will be conducted in the relevant school year?**

No, only those districts that collect applications can be required to conduct a second review of applications. If an SFA elects the CEP and does not collect applications, they would not be required to conduct an independent review of applications.

### Student Charges

**68. At a CEP site, may a student be charged for a non-reimbursable meal (i.e. the student refuses to select the components required for a reimbursable meal)?**

Yes, similar to a non-CEP school, a student could select a non-reimbursable meal. Non-reimbursable meals may not be claimed for Federal reimbursement; however, the school could charge the student for a la carte foods or allow the student to take food for free and not claim it for reimbursement.

**69. What if a parent insists on paying for a student's meal?**

The FNS encourages schools electing the CEP to communicate with parents/caregivers so they understand how CEP benefits students, schools, and households. Children may opt out of receiving free meals by bringing food from home or purchasing a la carte foods, if available.

Parents that insist on paying should be encouraged to make a monetary donation to the nonprofit school food service account.

### Paid Lunch Equity

**70. In LEAs that have some CEP and some non-CEP schools, how are CEP schools taken into account for the purposes of Paid Lunch Equity (PLE)?**

In districts that have some CEP schools and some pricing schools, CEP schools would not be factored into the calculation for the average weighted price for the PLE requirement. See

Policy memo SP 39-2011 (Revised), Child Nutrition Reauthorization 2010: Guidance on Paid Lunch Equity and Revenue from Nonprogram Foods, available at: <http://www.fns.usda.gov/sites/default/files/SP39-2011r.pdf>.

## Summer School

### **71. Can a CEP school use CEP claiming percentages for meals served during NSLP summer school (i.e., Seamless Summer Option)?**

If a CEP school offers summer school to students, all of whom are enrolled in that CEP school, the school may use the CEP in the summer school. The school may:

- apply the CEP claiming percentages for the NSLP to summer school; or
- establish an ISP and CEP claiming percentage for summer school operations and use “summer school” claiming percentages in subsequent years.

If a CEP school offers summer school to students who, during the regular school year, are enrolled in a non-CEP school or in another CEP school, the school may:

- offer standard program operations to summer school students (i.e., standard application and meal counting and claiming procedures); or
- establish an ISP and CEP claiming percentage for summer school operations and use “summer school” claiming percentages in subsequent years for the summer school session’s meal counting and claiming process.

### **72. Do children enrolled in a CEP school during the school year receive free meals if they attend a non-CEP school for summer school?**

The non-CEP school must process household applications for children from the CEP school and charge them accordingly, if applicable (standard application and meal counting and claiming procedures apply).

## Other Federal Programs

### **73. A CEP school also operates the Special Milk Program (SMP) for half-day kindergarten students who do not have access to the NSLP or SBP. How should the school certify students for the SMP without household applications?**

The SMP operates independently from NSLP and SBP. CEP schools that also operate the SMP must process household applications to certify students for SMP benefits.

### **74. How are Fresh Fruit and Vegetable Program (FFVP) award determinations made for CEP schools?**

Since the 1.6 multiplier is intended to provide an estimate of the total number of students eligible for free and reduced price meals in eligible schools, the product of the ISP multiplied

by 1.6 will be used for the purposes of awarding FFVP funds. Schools in LEAs electing the CEP for the entire LEA or as part of a group of schools electing CEP with a shared ISP must still use the individual school CEP percentage for purposes of awarding FFVP funds.

- 75. \*\*\* For Afterschool Snacks, data from the previous October is typically used to establish area eligibility. Should LEAs/schools in the first year of the CEP cycle use data from the previous October or the CEP claiming percentage (ISP times 1.6) to establish area eligibility?**

In the first year of a CEP cycle, participating LEAs/schools must use data from the previous October to determine area eligibility for individual schools. After the first year, CEP LEAs/schools must use the CEP claiming percentage (ISP times 1.6) to establish area eligibility. If the LEA participates in the CEP districtwide or schools are grouped, a school's area eligibility must be determined using the individual school's ISP (not the districtwide or group ISP).

- 76. \*\*\*How are Afterschool Snacks claimed at CEP schools that are not area eligible to serve all snacks free?**

CEP schools that are area eligible claim all snacks at the free reimbursement rate. A CEP school is area eligible if (1) at least 50 percent of students are free or reduced-price eligible (school's individual ISP is at least 32.5 percent), or (2) the school is located in the attendance area of another school that is area eligible.

CEP schools that are not area eligible claim snacks using the same group claiming percentage they use to claim meals under the NSLP/SBP.

<b>Title I and Other Educational Funding</b>
--

- 77. Is there information for LEAs participating in CEP on Title I procedures?**

Yes, the Department of Education published guidance, which is part of our SP19-2014 memorandum and is available [here](#).

- 78. \*\*\*A school district contains both CEP and non-CEP schools. To alleviate confusion among households and administrative staff, the district would like to use a single form to collect household income information to (1) determine eligibility for school meals in non-CEP schools, and (2) distribute other education funding in CEP schools. The district would cost-allocate expenses for form processing based on the proportionate number of students surveyed in non-CEP vs. CEP schools. Costs for surveys of CEP households would not be paid from the nonprofit school food service account. Is this allowable?**

The USDA encourages school districts to identify means of allocating education funding that does not mitigate the CEP’s paperwork reduction benefit. However, some school districts electing to partially implement the CEP have determined that individual income information is still necessary for carrying out various education funding allocations. A single form that collects household income information from students in CEP and non-CEP schools is a reasonable way to streamline information collection. 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
- clearly specify to households which fields must be completed if students are in CEP vs. non-CEP schools.

LEAs opting to use a single form must be able to:

- distinguish between forms from students in CEP vs. non-CEP households so the LEA 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.

### Technical Assistance and Resources

#### **79. What tools does the USDA have to help LEAs decide if the CEP is economically viable?**

LEAs are encouraged to use the CEP Estimator Tool (available at:

<http://www.fns.usda.gov/school-meals/community-eligibility-provision>), which uses the LEA’s monthly reimbursement to help determine if CEP is a beneficial option.

### Data Sharing

#### **80. \*\*\* An LEA, in which all schools participate in the NSLP or SBP, partially implements the CEP. Students within a single household attend both CEP and non-CEP schools. Can information from household school meals applications in non-CEP schools be shared with CEP schools to determine a sibling’s eligibility for other types of funding (e.g., athletic fee waivers, summer employment programs)?**

Yes, however, this approach will likely not provide comprehensive information for the entire student population at the CEP school because it is not likely that all CEP students will have a

sibling that submits a schools meals application at a non-CEP school. Also, students may not be added to a school's ISP based on information gathered via a household application submitted to determine a sibling's eligibility at a non-CEP school.