



#076-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #076-21**

DATE: March 26, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: CEP ISP Data Collection and Annual Notification of LEA CEP Eligibility

The Community Eligibility Provision (CEP) of the U.S. Department of Agriculture (USDA) National School Lunch Program (NSLP) and School Breakfast Program (SBP) provides the option for eligible local education agencies (LEAs) and schools with high percentages of low-income households to offer school breakfast and lunch meals at no charge to all students in participating schools without collecting meal applications. The purpose of this memorandum is to meet several regulatory requirements for the CEP.

- The first is to collect school-level data as of April 1, 2021, on the number of directly certified and categorically eligible free students and total enrollment to establish the identified student percentage (ISP). This is required for all schools to determine CEP eligibility for the 2021-2022 school year, to meet the May 1 public posting requirement, and to use in the 2021-2022 CEP application.
- The second is to notify LEAs currently participating in CEP of four-year cycles that will expire on June 30, 2021. See Attachment B to this memorandum. LEAs with an expiring CEP cycle (Note 3 in the attachment) must submit a new application to continue CEP participation for the 2021-2022 school year.
- The third is to provide the required annual notification to LEAs that may be eligible or near eligible to participate in CEP divisionwide based on data reported by LEAs previously. See Attachment B to this memorandum for a listing of potentially eligible and near eligible LEAs based on a calculated ISP using previously reported data from

the 2019-2020 school year. The reported April 1, 2021, ISP data will determine the actual divisionwide ISP for use in the CEP application for the 2021-2022 school year.

- And finally, to notify LEAs of new state legislation, effective March 1, 2021, that requires eligible schools to participate in CEP. The [Code of Virginia, §22.1-207.4:1, Participation in the Community Eligibility Provision](#), requires all schools with an ISP of 40 percent or more reported in the annual April 1, ISP report to apply to participate in CEP for the following school year. Additional details on this requirement will be provided with the CEP application information in a May Superintendent's Memorandum.

Identified Students and the ISP

Identified students are defined as students approved for free meals through means other than individual household applications. This includes students who are directly certified for free meals based on the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF), or directly certified for free meals based on Medicaid income data. Identified students also include homeless, runaway, migrant, and Head Start students, as well as students placed in foster care, approved as categorically eligible for free without an application, such as through the LEA liaison. It does not include students who are categorically eligible based on a meal application, such as SNAP or TANF case numbers, or students who are approved free by income on an application. Students approved as reduced-price eligible by any means are not included in the ISP.

All school divisions and SFAs must submit the April 1, 2021 number of identified students and the enrollment for each school in the School Nutrition Program Web-based software (SNPWeb). SFAs must report data for all schools that are currently participating in the NSLP and those that would be participating in the NSLP if not for waivers to use other programs, such as the Summer Food Service Program (SFSP), during pandemic operation. Data for all schools is required. The identified student data must reflect all students who were directly certified, or categorically eligible without application, for free meals as of **April 1, 2021**. **The deadline to submit the data in SNPWeb is Thursday, April 15, 2021, at 5:00 p.m.**

Reporting ISP Data and Reporting for Currently Participating CEP Schools

Detailed instructions for the SNPWeb CEP ISP Site Eligibility Report are in Attachment A to this memorandum. An e-learning module for the April 1 ISP report is also available on the [VDOE-SNP Rise.com e-learning portal](#). If you are not registered as a learner in Rise, visit the [VDOE-SNP Training and Resources webpage](#) for information on how to enroll.

SFAs must report data for all schools in the SFA, including those already participating in CEP and those not eligible for CEP. School divisions and SFAs with one or more schools operating under CEP must report the current April 1 number of identified students and enrollment individually for each school, regardless of validated base year data. If the reported ISP for a participating school has increased since the base year, the SFA will be required to submit a new CEP application for 2021-2022 to increase the ISP and begin a new cycle. If the reported ISP for a participating school has decreased, the school, group, or division will continue with the previously validated ISP and cycle for the 2021-2022 school year.

If a participating CEP school, or a school applying to participate in CEP for 2021-2022, will have a change in attendance boundaries that reconfigures its student population, contact the VDOE-SNP regional specialist assigned to the division for guidance.

Annual LEA Notification of Divisionwide CEP Eligibility and Expiring CEP Cycles

The VDOE-SNP is also required to provide an annual notification, by April 15, to all LEAs with CEP divisionwide eligibility that meets the criteria below. The VDOE-SNP determined the estimated ISP for LEAs eligible or near eligible to participate in CEP divisionwide in 2021-2022 using data previously reported to the VDOE-SNP by SFAs in the 2019-2020 school year.

Attachment B includes:

- LEAs potentially eligible for CEP with a calculated divisionwide ISP of 40 percent or more;
- LEAs near eligible for CEP with a calculated divisionwide ISP between 30 and 40 percent;
- LEAs currently participating in CEP, regardless of divisionwide ISP; and

- LEAs currently participating in CEP that have reached the end of the four-year cycle and are required to reapply for a new CEP cycle in the upcoming school year.

CEP Implementation, Required Participation, Guidance, and Application

The simplified procedures of CEP would assist households and schools in the transition back to full-time in person learning and reduce the reporting burden. School divisions that meet the CEP eligibility threshold for a school, group of schools, or divisionwide are encouraged to evaluate CEP for the upcoming school year. CEP would allow schools to continue providing meals at no cost to all enrolled students, would eliminate the need for meal applications, and would eliminate student meal debt.

LEAs with any CEP eligible schools should be aware the Virginia General Assembly passed legislation, effective March 1, 2021, that requires all schools with an ISP of 40 percent or greater to participate in CEP. The legislation requires eligible schools with an ISP of 40 percent or more in the annual April 1 ISP report to apply to participate in CEP for the following school year. The LEA will be required to submit a CEP application and supporting documentation for each eligible school, including a tool provided by the VDOE to assess reimbursement and financial status. The Superintendent of Public Instruction has the authority to grant a waiver to this requirement solely due to a determination that CEP participation would not be financially viable.

At the beginning of May, the VDOE will publish a Superintendent's Memorandum with instructions on how to apply to participate in CEP for school year 2021-2022. The memorandum will include requirements for the application, a tool to determine CEP federal reimbursement and financial viability, and information on the waiver process. The CEP application will be submitted in SNPWeb as part of the 2021-2022 application packet beginning when the new school year application is opened in May. Supporting documentation, including proof of the ISP and the VDOE financial viability tool, will be required with the application. The deadline to submit the CEP application is June 30, annually, unless the USDA enacts a nationwide waiver.

Schools, groups of schools, and school divisions with an ISP of 62.5 or greater qualify to provide meals at no charge (free) to all students and to receive the free reimbursement rate for all student meals served. Schools with an ISP of between 62.4 and 40 also qualify to

provide meals at no charge to all students. The free reimbursement percentage for these schools would be the ISP multiplied by a factor of 1.6. Meals not reimbursed at the free rate are reimbursed at the paid rate and no student payments are collected. For more information about CEP, the USDA [Community Eligibility Provision: Planning and Implementation Guidance Manual](#) (PDF) consolidates CEP guidance and best practices in one document.

For more information

If you have questions, please contact the VDOE-SNP regional specialist assigned to your school division, or Dr. Sandy Curwood, Director of School Nutrition Programs, via email at Sandra.Curwood@doe.virginia.gov or by telephone at (804) 225-2074.

JFL/SCC/LAF/cc

- A. Attachment: [Instructions to Submit the April 1 Identified Student Percentage Data in SNPWeb](#) (DOCX)
- B. Attachment: [LEA Notification of Divisionwide Potentially Eligible, Near Eligible, and Expiring](#) (XLSX)