



ARIZONA DEPARTMENT OF EDUCATION

HNS # 10-2023

Original Signed

MEMORANDUM

To: School Food Authorities Operating the National School Lunch Program (NSLP)

From: Melissa Conner, Senior Deputy Associate Superintendent
Arizona Department of Education, Health and Nutrition Services Division

Date: December 18, 2023

Subject: NSLP Community Eligibility Provision (CEP) School Year 2023-24 Mid-Year Election

The purpose of this memorandum is to provide guidance on the waiver issued by the United States Department of Agriculture (USDA) Food and Nutrition Services (FNS) allowing mid-year Community Eligibility Provision (CEP) elections for Local Educational Agencies (LEAs) in School Year (SY 2023-24).

On September 26, 2023, USDA FNS released a revision to CEP regulations that decreased the minimum Identified Student Percentage (ISP) from 40% to 25%. Additionally, Arizona Department of Education (ADE) is newly participating in the Direct Certification with Medicaid (DC-M) Pilot, which allows SFAs to include DC-M Free certified students and extended household members as identified students. FNS has approved the Arizona Department of Education Health and Nutrition Services (HNS) to allow new sites that meet the minimum ISP requirement to elect CEP mid-year. Additionally, any School Food Authority (SFA) currently operating CEP may re-establish ISP(s) that result in a higher ISP than currently approved by HNS. At this time, the earliest a new school could be approved under the new flexibility is January 2024, and will not be retroactive to prior months.

LEAs with sites newly eligible for CEP must apply to elect CEP and be approved by HNS prior to the first month of CEP implementation. LEAs with sites currently operating CEP who are seeking to increase the site(s) approved ISP(s) using current year data must apply and receive HNS approval before operating CEP under the newly established ISP(s).

Mid-Year CEP Eligibility, ISP Source Documentation, Claiming and Application Packet

LEAs with site(s) operating the National School Lunch Program (NSLP) and School Breakfast Program (SBP) with an ISP of 25% or higher are eligible to elect CEP mid-year in SY 2023-24. The ISP is calculated by dividing the total identified student count by the total enrollment. Identified students are those eligible for free meals by means other than a household income application. Identified students are students with access to at least one meal service through the NSLP or SBP, and who meet at least one of the following criteria:

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- Directly Certified through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Food Distribution on Indian Reservation (FDPIR) or Medicaid Free, as well as, any enrolled extended household members,
- Directly Certified Foster, Homeless, Migrant,
- Certified Homeless or Migrant based on a school liaison list,
- Enrollment in a Federal Head Start Program,
- Certified Runaway,
- Certified non-applicant approved by local officials, or
- Foster child certified by means other than an application.

Enrolled students are children with access to the SBP or NSLP.

Typically, ISP data used to apply for CEP must be reflective of April 1st. However, considering the revisions, current ISP data, which includes students directly certified as Medicaid free, can be used to determine SY 2023-24 CEP eligibility for mid-year election, and/or for current CEP sites to elect to increase the ISP effective in SY 2023-24 and through the remainder of the four-year CEP cycle. March 31, 2024, is the last day current year ISP data may be utilized to support mid-year CEP elections in SY 2023-24.

The CEP claiming multiplier of 1.6 will be applied to the ISP to derive the percentage of free meal reimbursement for a single school site, group(s) of sites, or districtwide for each month of CEP operation for the NSLP and SBP. For example, a site ISP of 55% multiplied by the 1.6 CEP claiming multiplier equates to 88% of the site’s total NSLP and SBP meals being reimbursed at the federal free reimbursement rate. Additionally, the remaining 12% of the total NSLP and SBP meals claimed will be reimbursed at the federal paid reimbursement rate. The claiming percentage is utilized over the four-year CEP cycle with no risk of a decrease.

SY 2023-24 Mid-Year CEP Election Deadlines	
Application Period	December 18, 2023 - March 31, 2024
Qualifying ISP data used to determine CEP eligibility for a new site(s) <u>or</u> to update ISP(s) for current CEP site(s)	December 18, 2023, through March 31, 2024
Effective Dates of ISP data for a site(s) newly approved to operate CEP via Mid-Year CEP Election	Beginning the first operating month of CEP operation in SY 2023-24 and remaining in effect through June 30, 2027

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Mid-Year CEP Election Application Packet and Supporting ISP Data

LEAs must submit the following documents to their assigned HNS Specialist via email no later than March 31, 2024:

- [CEP Participation Form](#),
- [CEP Eligibility Worksheet](#), and
- [Addendum-Community Eligibility Provision](#)

Please include the LEA name in the email subject line. The LEA contact person whom ADE will request the supporting site-level identified student and enrollment data as reported on the CEP eligibility worksheet should be indicated in the email message. Once submitted, ADE will acknowledge receipt of the application and send a Biscom secure file transfer email containing a secure link to the LEA contact person for data upload. Once the LEA data is received, the ISP data will be reviewed and validated by HNS. LEA must receive HNS approval before implementing CEP. Upon approval, CEP implementation and claiming may begin.

Mid-Year CEP ISP Update

LEAs with current CEP sites who wish to increase the site ISP(s) using current year data, to include identified students from DC-M free certifications may choose to start a new CEP cycle or remain on the current cycle mid-year. Existing CEP operators wishing to update the ISP and lock into a new four-year CEP cycle must submit:

- [CEP Participation Form](#)
- [CEP Eligibility Worksheet](#)

Once submitted, ADE will acknowledge receipt and send a secure file transfer request email to the contact person requesting the ISP data. Upon approval, claiming at the new increased ISP(s) may begin.

Determining if the LEA's Food Service Program can financially sustain offering the CEP

LEAs who elect CEP must agree to utilize non-federal funds if the cost to serve breakfasts and lunches to all students at no charge exceeds the amount received from reimbursement. Therefore, prior to electing CEP, it is essential to determine whether operating the program would be financially feasible and to ensure non-federal funding is available, if needed.

ADE offers the [CEP Monthly Federal Reimbursement Calculator](#) as a tool to assist with evaluating the financial impacts of CEP election. By completing the tool, LEAs can preview the estimated revenue or deficit of operating CEP at a single site, districtwide, or among a group of sites.

Please contact your HNS Specialist with any questions regarding this guidance.

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Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. *mail:*
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. *fax:*
(833) 256-1665 or (202) 690-7442; or
3. *email:* program.intake@usda.gov

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