



Food and
Nutrition
Service

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DATE: February 6, 2024

MEMO CODE: SP 08-2024

SUBJECT: Community Eligibility Provision: Planning and Implementation Guidance - Updated

TO: Regional Directors
Child Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Attached is the third edition of *Community Eligibility Provision: Planning and Implementation Guidance*. The Community Eligibility Provision (CEP) is a National School Lunch Program (NSLP) and School Breakfast Program (SBP) meal service option that allows schools and local educational agencies (LEAs) in high poverty areas to offer meals at no cost to all enrolled students without collecting household applications.

FNS published a final rule, *Child Nutrition Programs: Community Eligibility Provision-Increasing Options for Schools* (88 FR 65778), on September 26, 2023, with an effective date of October 26, 2023, which lowered the minimum identified student percentage (ISP) threshold from 40 to 25 percent.¹ As a result, more students, families, and schools have the opportunity to experience CEP's benefits, such as increasing access to school meals at no cost, eliminating unpaid meal charges, minimizing student peer-group stigma, and streamlining meal service operations.

This manual includes new information codified in the final rule, consolidates existing CEP guidance, policy, and best practices, and provides clarification on previously issued CEP guidance. Regulatory citations were added throughout the manual and notable changes are highlighted. Notable changes include:

Updates based on the final rule:

- Changed minimum thresholds for electing CEP, electing a CEP grace year, and for identification of eligible and nearly eligible local educational agencies (LEAs) and schools.

¹ The identified student percentage threshold refers to the minimum proportion of students that need to automatically qualify for free meals without an application for a school, group (or groups) of schools, or school district to implement CEP. See Chapter 2: Eligibility Requirements for more information on identified students.

Updates based on current stage of CEP implementation:

- Removed references to extending the deadline for electing CEP, which were relevant during the first years of CEP implementation.
- Updated language on transfer policies to reflect the implementation of the mandatory 10-day carryover requirements for transfer students, regardless of whether they are transferring within the same LEA or between LEAs, effective July 1, 2019.

Miscellaneous updates:

- Condensed portions of the CEP history section.
- Added language discussing direct certification with Medicaid, AP and SAT test fee waivers/reductions, unpaid meal charges, and Summer EBT.
- Clarified the funding available to support CEP.
- Clarified how CEP schools determine eligibility and reimbursement when operating the Seamless Summer Option.

The highlighted version will be removed after three months while an un-highlighted version will remain available for use. FNS will continue to update this manual as needed to reflect policy changes and to incorporate clarifications requested by State agencies and FNS Regional Offices.

State agencies are reminded to distribute this memorandum to Program operators immediately. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

**Heather
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