

Sent: Wednesday, August 05, 2015 12:38 PM

Subject: Letter from Secretaries Vilsack and Duncan re: Community Eligibility Provision

August 5, 2015

Dear Superintendents:

The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) nationwide now include a new universal meal service option, the Community Eligibility Provision (CEP), which has been phased in by the U.S. Department of Agriculture (USDA) over the past several years. CEP was created through the Healthy, Hunger-Free Kids Act of 2010 and allows qualifying high-poverty local educational agencies (LEAs) and schools to offer breakfast and lunch at no cost to all students without requiring families to complete an annual household application. CEP is a powerful tool to both improve child nutrition and reduce administrative burdens at the LEA and school levels. We applaud the thousands of LEAs already participating in CEP for providing the nutrition and energy children need to be healthy and ready to learn. In addition, we would like to take this opportunity to encourage all eligible LEAs to consider CEP for the 2015-2016 school year.

As of the 2014-2015 school year, the first year that the provision was available nationwide, CEP has been successfully implemented in approximately 14,000 schools, reaching more than 6 million students. The feedback from teachers, administrators, parents, and students has been overwhelmingly positive. Participating schools have had few administrative burdens and simultaneously experienced benefits including higher school meals participation.

On May 1, 2015, each State released a list of schools eligible to participate in CEP (available at <http://www.fns.usda.gov/school-meals/community-eligibility-provision-status-school-districts-and-schools-state>). We encourage you to review this list, and the data available to you from your school nutrition department, and determine whether CEP is a good fit for schools in your LEA. Many administrators have found it helpful to speak to another LEA that has successfully implemented CEP. This could be beneficial to you as you make the decision. If you have already implemented CEP in some of your schools, consider bringing in more schools to expand access to school meals for children in your LEA. LEAs must apply to their State-level agency administering the Federal school meal programs by August 31, 2015, to ensure implementation of CEP for the 2015-2016 school year. LEAs that need more time to transition to CEP may contact their State agency to find out if it will accept a mid-year application as permitted by USDA.

Eligible schools or LEAs that choose to participate in CEP receive the Federal free reimbursement rate for up to 100 percent of meals served, depending on the school's or LEA's percentage of "identified students"—students who automatically qualify for free meals based on their family's enrollment in other programs such as the Supplemental Nutrition Assistance Program (SNAP) and Head Start. If enrollment in your schools or LEA comprises 40 percent or more identified students, they are eligible to participate in CEP. A higher percentage of identified students results in additional Federal funds, which may be necessary to allow your school to serve all students without additional local funds. Eligibility may be determined on a district-wide basis, for a group of schools within an LEA, or for individual schools.

Although the USDA administers Federal school meal programs, we recognize that NSLP data is used in a variety of contexts under programs administered by the U.S. Department of Education (ED), and CEP has implications for those uses. Perhaps most significantly for schools, programs operated under Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965, as amended, often use NSLP data to carry out certain Title I requirements, including in determining school eligibility and allocations. ED has developed, and recently updated, guidance (available at <http://www.fns.usda.gov/updated-title-I-guidance-schools-electing-community-eligibility>) to help LEAs understand how they can successfully implement Title I requirements using NSLP data that incorporate CEP data. Fortunately, a variety of schools across the country have successfully navigated this issue, and our staff have best practices they can share with you. If you have questions about how this guidance applies to your circumstances, please send them to OESEguidancedocument@ed.gov. ED has also developed guidance regarding CEP and Part B of the Individuals with Disabilities Education Act (IDEA) (available at <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/school-lunch-program.pdf>). This guidance clarifies that when allocating the portion of LEAs' IDEA Part B subgrants based on "the relative numbers of children living in poverty," States may continue to use NSLP data for LEAs in which all or some schools participate in CEP. In addition, the guidance clarifies that States continue to have the discretion to use other methods for measuring poverty.

We encourage eligible LEAs to visit USDA's web site for additional tools and resources including updated guidance on a range of CEP-related policies and practices. Resources are available on Title I, as well as the Federal e-rate program, State and local funding issues, and strategies for successful implementation of CEP (available at <http://www.fns.usda.gov/school-meals/community-eligibility-provision>). As schools and LEAs elect to participate in CEP, these materials can serve as a resource to engage with local officials and the whole school community about plans to elect CEP. Additionally, your State educational agency and State Child Nutrition Offices are good resources for specific CEP eligibility questions.

USDA and ED strongly support CEP, which gives students the opportunity to learn and thrive by ensuring that every needy child receives healthy school meals at no charge. Thank you for your attention to this critically important issue, and, to each of you, best wishes for the upcoming school year.

Sincerely,

Thomas J. Vilsack
Secretary of Agriculture

Arne Duncan
Secretary of Education

cc: Council of Chief State School Officers