

**North Dakota Department of Public Instruction  
School and Community Nutrition  
Frequently Asked Community Eligibility Provision (CEP) Questions April 2014**

<b>LEA and School Level Eligibility</b>
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**1. What schools are eligible to participate in the CEP?**

Any school participating in the National School Lunch Program (NSLP) **and** the School Breakfast Program (SBP) and meeting the eligibility criteria to elect the CEP may participate.

**2. Does each individual school need to meet the 40% identified student percentage, or may the 40% threshold be based on an aggregate of schools in the LEA?**

The 40% threshold may be determined school-by-school, by 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% 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.

**3. How is the identified student percentage determined for groups of schools electing CEP?**

The identified student percentage 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.

**4. 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 school meets the eligibility requirements, 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 CEP.

**5. If an LEA has a LEA-wide identified student percentage of at least 40% but later chooses to drop some schools, does the LEA still qualify?**

The identified student percentage threshold must be met by the LEA or group of participating schools. If the threshold is not met as an entire LEA with the deletion of the schools, the LEA is not eligible to participate on a LEA-wide basis. The LEA could have individual schools or groups of schools within the LEA participate. This would normally be considered a new group so new identified student percentages would need to be established.

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

An LEA may decide not to elect the CEP or to stop utilizing the CEP at any time as long as the State is notified by June 30<sup>th</sup> of the current school year. Since the new percentage of identified students must be established before April 1<sup>st</sup> of the prior year, LEAs will have time to decide if continuing the CEP will be advantageous for the next year. LEAs electing to stop the CEP must be prepared to return to their normal application and counting and claiming procedures.

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

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

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

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

<b>Identified Student Percentage Determination</b>
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**9. Who are the identified students?**

Identified students are those who have been approved as free eligible through means other than an income application. This is otherwise known as directly certified students.

These students are those who have been directly certified as free through:

- Direct certification lists from the State Automated Reporting System (STARS)
- Children, who have been certified as homeless or runaway, identified on a **signed** list from the Homeless Liaison.
- Children from households receiving benefits through the Food Distribution Program on Indian Reservations (FDPIR).
- Children, who have been certified as migrant, identified on a **signed** list from the Migrant Coordinator.
- Children, who have been identified as a fully federally funded Headstart student, identified on a **signed** list from the Headstart Director.
- Foster Children certified through means other than a household application.

Students who are categorically eligible based on information, such as a case number, submitted through a free and reduced price application are **NOT** included. All source documentation used to calculate the identified student percentage that is reported in April must be maintained for review for 3 years plus the current year.

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

For purposes of calculating the identified student percentage, *Enrolled students* means students who are enrolled in and attending schools participating in the community eligibility provision and who have access to at least one meal service (SBP or NSLP) daily. The identified student percentage 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.

**11. When does the identified student percentage have to be drawn in relation to April 1<sup>st</sup>?**

The law states that the identified student percentage must be established using the number of identified students and total students enrolled with access to the NSLP or SBP **as of** April 1<sup>st</sup> of the prior year. The identified student percentage must therefore be representative of the identified students and the student enrollment **on** April 1.

If SFA's are unable to identify students exactly on the April 1<sup>st</sup> date, they can use rosters to initially identify students dated either before or after April 1<sup>st</sup>. In these instances, SFA's must review and update their identified student lists prior to calculating their identified student percentages and submitting their April data in CNIPS. SFA's must ensure that only students that can be identified as D.C. effective on April 1<sup>st</sup> are included in their identified student numbers they report in CNIPS and used to calculate their identified student percentage.

If rosters prior to the April 1<sup>st</sup> date are used to initially identify students, the SFA must review records to identify any student who was newly identified as D.C. from the date in which the initial roster was used and the April 1<sup>st</sup> date. Once those students are identified and added to the total number of identified students, the SFA can then calculate their percentage of identified students and report their April data in CNIPS.

If rosters after the April 1<sup>st</sup> date are used to initially identify students, the SFA must then review their list of identified students to remove those who were initially identified as D.C. after the April 1<sup>st</sup> date (April 2<sup>nd</sup> and beyond). Once the SFA subtracts those students who did not have a D.C. status effective on April 1<sup>st</sup>, the SFA can then calculate their percentage of identified students and report their April data in CNIPS.

**12. How should we round when determining the identified student percentage?**

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

## Non-Federal Sources

### **13. What may be counted as “funding from non-Federal sources”?**

For the purposes of CEP, the definition of non-federal sources is any funds other than Federal reimbursement available to the nonprofit school food service account.

Similar to Provision 2 and 3, the use of non-program revenue is only necessary if the total amount of Federal reimbursement through the CEP does not cover the costs of serving free meals to all students.

Examples of non-program revenue sources include: Profits from a la carte sales, money from the general fund and in-kind contribution funds from outside sources such as volunteer services or a cash donations.

Please note, this definition for non-federal funds only applies when speaking of covering the cost of providing free meals in CEP. The definition of non-federal sources is different for the purposes of calculating a PLE, calculating the revenue from non-program foods and when referring to allowable costs in the NSLP.

## Reimbursements

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

The identified student percentage 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.

### **15. Are schools electing the CEP able to receive the extra 2 cents lunch reimbursement and severe need breakfast reimbursements?**

Yes. CEP schools will be reimbursed at their usual reimbursement rates, including the 2 cent lunch differential and severe need breakfast rates, if applicable. Also, if the schools have been certified for the additional six cents, they would receive that additional reimbursement.

### **16. Will the 1.6 multiplier change?**

The law states that the multiplier is 1.6 through school year (SY) 2013-2014 (July 1, 2013 through June 30, 2014). After that time, FNS is permitted to change the multiplier to a number between 1.3 and 1.6. If the multiplier is changed, schools electing the 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 the CEP is elected again. FNS will not be making a change to the multiplier for SY 2014-2015. Any change to the multiplier factor would be communicated in advance of implementation, through the *Federal Register*.

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

SFA's and other entities will continue to use the published October data on SCN's website for the purposes of determining area eligibility for the Summer Feeding Food Service Program, Seamless Summer, Child and Adult Care Food Program (CACFP) at-risk afterschool snacks, CACFP tiering, and afterschool snacks through the NSLP. See question #21 to see how the October data is calculated for CEP schools.

**18. 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 identified student percentage 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 the CEP with a shared identified student percentage must still use the individual school CEP percentage for purposes of awarding FFVP funds.

<b>Verification</b>
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**19. Do LEAs and schools electing the CEP conduct verification?**

No, since applications are not collected, LEAs are exempt from verification for the schools electing CEP. However, there are still reporting requirements for CEP schools on the FNS 742.

LEAs with some, but not all schools electing the CEP must still conduct verification in the schools not electing the CEP.

**20. How is October data reported in the Site Enrollment in CNIPS for CEP schools?**

For each individual CEP school, the FREE percentage that is used to claim meals under the CEP (identified student percentage from reported in CNIPS the previous April) is applied to the current October enrollment in the school to estimate the number of free students. The difference between the estimated number of free students from the number of enrolled students on the last day of October will be the number of students reported as Paid.

In the example below, this district has 2 CEP schools and has an 85% free claiming percentage. The student enrollment in "An Elementary School" on the last day of October is 260 students. 260 times 85% is 221. So 221 will be the number of free students reported. 260 minus 221 is 39. So 39 will be the number of paid students reported.

Action	Site ID	Site Name	Type	Lunch Free	Lunch Reduced	Lunch Paid	Lunch Total	% Free & Reduced
View	1000	An Elementary School	Eligibility Meals	221	0	39	260	85.0000%
View	1001	A City High School	Eligibility Meals	130	0	22	152	85.5263%
<b>District Totals</b>			<b>Eligibility Meals</b>	<b>351</b>	<b>0</b>	<b>61</b>	<b>412</b>	<b>85.1941%</b>

Total Sites: 2

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

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