



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

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SUBJECT: Community Eligibility Provision Operations during School Year 2021-2022: Questions and Answers

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

<b>Issuing Agency/Office:</b>	Food and Nutrition Service/Child Nutrition Programs
<b>Title of Document:</b>	Community Eligibility Provision Operations during School Year 2021-2022: Questions and Answers
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<b>Date of Issuance:</b>	July 22, 2021
<b>Replaces:</b>	Not Applicable
<b>Summary:</b>	(1) This memorandum provides clarification on questions related to the Community Eligibility Provision during the public health emergency due to COVID-19. (2) This memorandum applies to State agencies administrating and local organizations operating the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the NSLP Seamless Summer Option. (3) This document relates to 7 CFR Parts 210, 220, and 245.

This memorandum includes questions and answers intended to provide clarification to State agencies and Program operators that participate or intend to participate in the Community Eligibility Provision (CEP) during regular National School Lunch Program and School Breakfast Program operations. The memorandum addresses the impact of nationwide waivers that the Food and Nutrition Service (FNS) has issued in response to the novel coronavirus (COVID-19), and how those waivers impact CEP requirements. Additional information on the FNS Response to COVID-19 is available at: <https://www.fns.usda.gov/coronavirus>.

FNS appreciates the exceptional efforts of State agencies and local Program operators working to meet the nutritional needs of participants during this challenging time. 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.

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## Questions and Answers

- 1. Do school year (SY) 2020-2021 and SY 2021-2022 count as years in the four-year Community Eligibility Provision (CEP) cycle for schools and local educational agencies (LEAs) that operated the Summer Food Service Program (SFSP) and/or the Seamless Summer Option (SSO) during those school years?**

Yes. Section 11(a)(1)(F)(ii)(I)(aa) of the National School Lunch Act (NSLA) (42 U.S.C. 1759a(a)(1)(F)(ii)(I)(aa)), and regulations at 7 CFR 245.9(f), require that the CEP cycle last for no more than four *successive* school years. Because of this requirement, schools and LEAs cannot skip a school year when counting towards their four-year CEP cycle, even if they did not operate NSLP/SBP during one or more years during the cycle. This is also true for schools and LEAs that started a CEP cycle in SY 2020-2021 or SY 2021-2022.

Schools and LEAs that reached the end of the four-year cycle or that completed a grace year in SY 2020-2021 or SY 2021-2022 must recalculate their identified student percentage (ISP) and elect a new four-year cycle in order to continue CEP participation.

- 2. If an LEA intends to participate in the SSO in SY 2021-2022 and will not claim meals through CEP until SY 2022-2023, may the LEA elect CEP using SY 2020-2021 data?**

Yes. FNS encourages LEAs and schools that are interested in participating in CEP to review their SY 2020-2021 identified student percentage data and consider electing CEP beginning in SY 2021-2022. Schools electing CEP, even if they are not claiming meals through CEP, will be able to ensure their students are able to receive other benefits during SY 2021-2022, including the Pandemic Electronic Benefits Transfer (P-EBT). Also, electing CEP earlier may help LEAs and schools transition to NSLP/SBP in SY 2022-2023. State agencies should continue to review and confirm CEP elections and renewals, as applicable. LEAs and schools that elect CEP or renew participation using current data must count SY 2021-2022 as a year in the four-year CEP cycle. As always, LEAs and schools would have the option to recalculate the ISP and begin a new four-year CEP cycle using SY 2021-2022 data.

- 3. Can a school or LEA use SY 2019-2020 data to elect CEP or establish a new CEP cycle beginning in SY 2021-2022?**

No. LEAs or schools electing CEP must use the ISP calculated during the prior school year as required by 7 CFR 245.9(f)(4). To use SY 2019-2020 student data to establish an ISP, a school or LEA must have completed the CEP election process for SY 2020-2021 by submitting documentation to the State agency by the deadline to elect CEP for the 2020-2021 school year. Please refer to Question #5 below for information on deadlines for calculating the ISP and electing CEP for SY 2021-2022.

**4. Are LEAs participating in SSO in SY 2021-2022 still required to complete the CEP notification requirements for SY 2021-2022?**

Yes. LEAs are still required to complete the CEP notification requirements for SY 2021-2022 even if they are participating in SSO.

**5. What are the deadlines for calculating the ISP and for electing CEP for SY 2021-2022?**

The [Nationwide Waiver of Community Eligibility Provision Deadlines in the National School Lunch and School Breakfast Programs](#), published on March 26, 2021, extended the deadlines for establishing a new ISP and electing CEP in SY 2021-2022. The ISP may be calculated using data drawn at any time during SY 2020-2021 (July 1, 2020-June 30, 2021). The deadline for electing CEP has been extended to September 30, 2021.

**6. Are LEAs that participate in CEP required to conduct data matching with the Supplemental Nutrition Assistance Program (SNAP) if they are operating SSO?**

Yes. Regardless of operational status, LEAs participating in CEP are required to conduct data matching with SNAP at a minimum, once annually. 7 CFR 245.6(b)(1)(v).<sup>1</sup> To assist LEAs, State agencies are strongly encouraged to continue with all scheduled data exchanges and matching activities to ensure access to timely results.

FNS encourages LEAs to prioritize and refine direct certification and data matching throughout the school year to determine if electing CEP or establishing a new ISP for SY 2022-2023 would be beneficial. LEAs may begin matching for SY 2021-2022 on July 1, 2021, and are encouraged to start matching early and to work to build their ISP throughout the year.

**7. How will CEP schools claim meals in SY 2021-2022?**

Schools that are operating under the [Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-2022](#), published on April 20, 2021, regardless of whether they are a CEP school or a standard counting and claiming school, will claim meals under the SFSP reimbursement rates established for rural or self-prep sites. Schools electing and operating CEP under the NSLP will claim meals using their CEP claiming percentages.

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<sup>1</sup> The burden associated with direct certification activities is included in 7 CFR Part 210 National School Lunch Program, OMB Control #0584-0006, expiration date 07/31/2023.