

# Final Rule: Child Nutrition Programs: Community Eligibility Provision – Increasing Options for Schools

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United States Department of Agriculture



**USDA Food  
and Nutrition Service**

.....  
**Child Nutrition Programs**  
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# Opening Remarks

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Melissa Rothstein, Associate Administrator for Child Nutrition



United States Department of Agriculture

# Agenda

- Background
- Rulemaking Overview
- Final Rule Provisions
- CEP Resources
- Live Q&A



# Background

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# CEP Eligibility

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- School districts, groups of schools, or individual schools may participate
- Eligibility is based on the percentage of identified students enrolled
  - Children who participate in SNAP, TANF, FDPIR and Medicaid in demo states (free meals only)
  - Homeless, runaway, migrant, and foster children
- The identified student percentage (ISP) must MEET the MINIMUM for the entity to participate
  - $\# \text{ of Identified students} \div \text{the number of enrolled students} \times 100$

## How Are Meals Claimed?

- ISP is multiplied by **1.6** to determine the % of served meals reimbursed at the Federal FREE rate
- The remaining % of total meals is reimbursed at the Federal PAID rate
- If  $ISP \geq 62.5$ , all meals reimbursed at **FREE** rate ( $62.5 \times 1.6 = 100$ )

# CEP Benefits

## Students

- Decreased hunger
- Reduced social stigma
- Positive impacts on student's diet quality & academic performance



## Parents

- No application
- No meal charges
- Stretches family food budgets
- Improves household food security



## Schools

- Decreased admin burden
- Improved finances for school meal programs
- Streamlined meal service
- No school meal debt





# Rulemaking Overview

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# CEP Rulemaking Overview

Proposed Rule  
Published  
(March 23,  
2023)

45-Day Public  
Comment  
Period  
(May 8, 2023)

USDA Analyzes  
Public  
Comments

Final Rule  
Published  
(September  
26, 2023)

Effective Date  
(October 26,  
2023)



# Overview of Comments Received

- **10,625 Total Comments Received**
- **9,538 Relevant Comments**
- **849 Unique Comments**
- **8,689 Comments in 4 Form Letter Campaigns**



Comments are available at: <https://www.regulations.gov/document/FNS-2022-0044-0001>



# Submissions by Commenter Type

<b>Commenter Type</b>	<b>Count of Unique Submissions</b>	<b>Count of All Submissions (including form letters)</b>
Individual	630	9,319
School staff	56	56
Advocacy groups/NGO	48	48
Anonymous	46	46
Federal, State and local agency/ Elected official	24	24
School/school district	21	21
Trade associations	8	8
Food bank	6	6



# Overview of Commenter Positions

## Support

- 97%
- 9,220 comments

## Opposed

- < 1%
- 14 comments

## Mixed/Neutral

- 2%
- 304 comments



## Significant Themes



Support for Lowering ISP

Importance of Feeding School Children

Streamlining Program Administration and Operations

Supports Healthy School Meals for All Students

Increases Access for Rural, Urban, Tribal, and Other Minority Communities

May Not Always Be Financially Viable





# Final Rule: Community Eligibility Provision – Increasing Options for Schools

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Published on September 26, 2023; effective October 26, 2023



United States Department of Agriculture

# Changes to CEP as a Result of the Final Rule

Provision	Previous Minimum ISP	New Minimum ISP (Effective 10/26/2023)
<b>Minimum ISP Threshold</b>	<b>40 percent or higher to elect CEP (ISP <math>\geq</math>40)</b>	<b>25 percent or higher to elect CEP (ISP <math>\geq</math>25)</b>
<b>Grace Year Eligibility</b>	<b>Less than 40 percent but equal to or greater than 30 percent (30 <math>\leq</math> ISP &lt; 40)</b>	<b>Less than 25 percent but equal to or greater than 15 percent (15 <math>\leq</math> ISP &lt; 25)</b>
<b><u>Eligible LEAs &amp; Schools:</u> Identification, Notification and Publishing Lists</b>	<b>40 percent or higher (ISP <math>\geq</math>40)</b>	<b>25 percent or higher (ISP <math>\geq</math>25)</b>
<b><u>Nearly Eligible LEAs &amp; Schools:</u> Identification, Notification and Publishing Lists</b>	<b>Less than 40 percent but equal to or greater than 30 percent (30 <math>\leq</math> ISP &lt; 40)</b>	<b>Less than 25 percent but equal to or greater than 15 percent (15 <math>\leq</math> ISP &lt; 25)</b>



# What the Final Rule Does Not Include

Does not  
increase the  
CEP multiplier

Does not allow  
for group  
eligibility  
beyond the  
LEA level

Does not  
change any  
election and  
notification  
deadlines





# Financial Viability

- Ensuring financial viability is key when electing CEP
- Federal-Local Cost Sharing
- FNS has an estimator tool to help project Federal funding under CEP:  
<https://www.fns.usda.gov/cn/community-eligibility-provision-resource-center>



# Healthy School Meals for All Program



<https://frac.org/healthy-school-meals-for-all>



# Connection between CEP & Healthy School Meals for All Initiatives

- Makes CEP financially viable
- Allows schools and families to experience the benefits of CEP





## Next Steps



Effective Date is October 26, 2023

Waiver Required for Implementation during SY 2023-2024

Full Implementation for SY 2024-2025

See SP 22-2023: *Community Eligibility Provision: Implementing the New Minimum Identified Student Percentage* for more information: <https://www.fns.usda.gov/cn/cep-new-minimum-isp>





# 2024 CEP Deadlines



Requirement	Annual Deadline
Data Used to Calculate ISP	April 1, 2024
LEA Notification*	April 15, 2024
State Agency Notification"	April 15, 2024
State Agency Publication*	May 1, 2024
Elect CEP for SY 2024-2025	June 30, 2024

\*Eligible LEAs & school:  $ISP \geq 25$ ;

\*Nearly Eligible LEAs & schools =  $15 \leq ISP < 25$





# CEP Resources

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# CEP Resources

**CEP Website:** <https://www.fns.usda.gov/cn/community-eligibility-provision>

- ✓ Final Rule
- ✓ One-page Summary of Rule
- ✓ Proposed Rule
- ✓ Estimator Tool
- ✓ CEP Memos
- ✓ CEP Data
- ✓ Webinars





# Questions & Answers

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