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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

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June 1, 2023

Action Required

Due date: June 30, 2023

Informational

BULLETIN NO. B031-23 Child Nutrition Services

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School Food Service Supervisors

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: SY 2023–24 State Community Eligibility Provision (CEP) Requirements

CONTACT: Liz Beechler, Director of School Meal Programs
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PURPOSE/BACKGROUND

The Washington state legislature passed [House Bill 1878](#) during the 2022 legislative session amending RCW 28A.235 requiring Local Education Agencies (LEAs) that operate the National School Lunch Program (NSLP) with an Identified Student Percentage of 40% or greater, to implement the U.S. Department of Agriculture (USDA) Community Eligibility Provision (CEP) beginning in School Year (SY) 2022–23. This includes charter schools established under the Revised Code of Washington (RCW) 28A.710 and state-tribal education compact schools established under RCW 28A.715. This bulletin describes the steps to apply for and implement CEP in SY 2023-24.

LEAs with one or more CEP-required schools must apply for CEP using the Washington Integrated Nutrition System (WINS) by June 30, 2023. The list of CEP-required schools is published annually on the [OSPI CEP webpage](#).

Application Resources

- [CEP Training Moodle Course](#)
- [SY 2023–24 CEP Webinar](#)

- [Applying for CEP Using WINS Recorded Training](#)
- [Applying for CEP Using WINS Sponsor User Manual](#)
- [CEP Data Template](#)

COMMUNITY ELIGIBILITY PROVISION

The Community Eligibility Provision (CEP) is a non-pricing meal service option established in the federal Healthy, Hunger-Free Kids Act of 2010 and became available nationwide in SY 2014–15. CEP allows schools, with a high number of directly certified students, to serve breakfast and lunch at no cost to all students without collecting meal applications.

To be eligible for CEP, a school must have an Identified Student Percentage (ISP) of 40% or greater as of April 1. The calculation for ISP is as follows: the number of Identified Students divided by the number of enrolled students, multiplied by 100.

Identified Students are those who are categorically eligible for free school meals without a meal application. This includes, but is not limited to, students directly certified for Basic Food, Temporary Assistance for Needy Families (TANF), and students experiencing homelessness, in foster care or receiving Migrant Education Program Services, Medicaid, Head Start, Early Childhood Education Assistance Program (ECEAP), and Food Distribution Program on Indian Reservations (FDPIR). For additional information on identified students, please review the [CEP Reference Sheet](#).

LEAs can and are encouraged to group schools together to allow schools that would not qualify by themselves to participate in the program. Grouping works by combining numbers of Identified Students and enrollment from multiple schools and then applying the same calculation above.

KEY CONSIDERATIONS AND REQUIREMENTS IN CEP

- **Breakfast and Lunch Served at No Cost to All Students**
All enrolled students at a school participating in CEP shall be able to receive a breakfast and lunch at no cost.
- **Meal Reimbursement Under CEP – Additional State Supplement**
Under CEP, meals are reimbursed using a formula instead of the eligibility of the student who received the meal (Paid, Reduced-Price, or Free). The ISP is multiplied by a federal multiplier of 1.6 to get the Free Claiming Percentage, the percent of meals that are reimbursed at the federal free rate. All other meals are reimbursed at the paid rate. With the passage of House Bill 1878 (2022), Washington state supplements each paid meal, providing reimbursement to bring it up to the federal, free rate.

All meals served at CEP schools will be reimbursed at a rate equal to the USDA free rate.

- **Collect the Family Income Survey in Place of Meal Applications**

USDA restricts CEP schools from collecting meal applications. To collect household income data, CEP schools must annually distribute, collect, and process the [Family Income Survey](#) (FIS). Data collected by the FIS is used in place of meal applications for several need-based funding mechanisms such as E-Rate and to an extent, the Learning Assistance Program (LAP).

Students in households with an income designation comparable to the free or reduced-price meal eligibility should be categorized with the corresponding Free or Reduced-Price designation in the Comprehensive Education Data and Research System (CEDARS). The FIS is not a federal requirement, therefore staff time to distribute, collect, and process the FIS cannot be paid for with Food Service Program funds. LEAs may use non-food service staff to complete this work or by funding food service staff with another fund source.

- **Learning Assistance Program (LAP) Hold Harmless**

The Hunger-Free Schools Act (2020) modified the way that LAP funding is calculated for CEP schools and districts. RCW 28A.150.260 (10)(a) was amended to allow an alternate calculation for the prior-year *Final Poverty Percentage* used in the LAP funding formula:

- A. LAP Base: When calculating LAP Base funding each year, OSPI uses the greater Free and Reduced-Price Meal Eligibility Status or Low Income (FRPL) from two data sources:
 - The District FRPL from the previous year (standard method) or,
 - The District FRPL from the year immediately preceding the district's enrollment, in whole or in part, in CEP.
- B. LAP High Poverty: Schools that were eligible for LAP High Poverty in the year immediately before CEP adoption maintain this eligibility as long as the school remains on CEP, even if the prior-year FRPL drops below the eligibility threshold.

Nothing prevents a school or district from increasing their FRPL while participating in CEP. Diligent Family Income Survey (FIS) collection and Direct Certification is key to increasing these percentages.

- **National Board-Certified Teacher Bonus**

National Board-Certified Teachers may remain eligible for the additional "High Poverty Schools" bonus if they teach at a school that met the qualifications of a "High Poverty School" in either of the past two years preceding the school's participation in CEP, and for the duration of the school's participation in CEP.

INFORMATION AND ASSISTANCE

For questions regarding this bulletin, please contact schoolmeals@k12.wa.us or call 360-725-6200. The OSPI TTY number is 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

Tennille Jeffries-Simmons
Chief of Staff

Leanne Eko
Chief Nutrition Officer
Child Nutrition Services

CR:ln

Assurance of Civil Rights Compliance

The Sponsor hereby agrees that it will comply with: i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); ii. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); iii. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); iv. Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); v. Title II and Title III of the Americans with Disabilities Act (ADA) of 1990 as amended by the ADA Amendment Act of 2008 (42 U.S.C. 12131-12189); vi. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." (August 11, 2000); vii. All provisions required by the implementing regulations of the Department of Agriculture (USDA) (7 CFR Part 15 et seq.); viii. Department of Justice Enforcement Guidelines (28 CFR Parts 35, 42 and 50.3); ix. Food and Nutrition Service (FNS) directives and guidelines to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity for which the Program applicant receives Federal financial assistance from USDA; and hereby gives assurance that it will immediately take measures necessary to effectuate this Agreement. x. The USDA non-discrimination statement that in accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants, and loans of Federal funds, reimbursable expenditures, grant, or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use Federal property or interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Program applicant by USDA. This includes any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of cash assistance for the purchase of food, and cash assistance for purchase or rental of food service equipment or any other financial assistance extended in reliance on the representations and agreements made in this assurance.

By accepting this assurance, the Sponsor agrees to compile data, maintain records, and submit records and reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review and copy such records, books, and accounts, access such facilities and interview such personnel as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Sponsor, its successors, transferees and assignees as long as it receives assistance or retains possession of any assistance from USDA.

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