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March 17, 2026

MEMORANDUM

TO: School Nutrition Supervisors
Single Unit and Special School Administrators

FROM: Aimee F. Beam, MS, RD *AFB*
Director, Nutrition Programs

RE: **SY 2025-2026 Operational Memo #23**
Community Eligibility Provision: Election Deadline and Annual Notification
and Publication Requirements

On March 13, 2026, the United States Department of Agriculture, Food and Nutrition Services, released SP 04-2026 - *Community Eligibility Provision: Election Deadline and Annual Notification and Publication Requirements*. This memo provides a reminder of statutory deadlines surrounding the Community Eligibility Provision (CEP). The deadlines impacting School Food Authorities (SFAs) are as follows:

- By April 15 of each year:
 - Local Educational Agencies (LEAs) must submit school-level eligibility data to the State Agency
 - The SA must notify LEAs of district-wide CEP eligibility
- By June 30, 2026
 - LEAs that intend to elect CEP for the following school year must notify the State agency (SA) of the intent to elect or continue CEP.
 - Submit documentation showing the counts of identified and enrolled students as of April 1 for schools electing CEP.

The full memo is attached for your review. Please contact our office with any questions.

Attachment: SP 04-2026

cc: DDOE Nutrition Team



Food and Nutrition Service

U.S. DEPARTMENT OF AGRICULTURE

DATE: March 13, 2026

MEMO CODE: SP 04-2026

SUBJECT: Community Eligibility Provision: Election Deadline and Annual Notification and Publication Requirements

TO: Regional Directors, Child Nutrition Programs, All Regions
State Directors, Child Nutrition Programs, All States

This memorandum is a reminder to State agencies and local educational agencies (LEAs) that the statutory deadline for LEAs to elect the Community Eligibility Provision (CEP) for the following school year is June 30 ([7 CFR 245.9\(f\)\(4\)\(i\)](#)). This memorandum also provides a reminder of the annual CEP notification and publication requirements.

June 30 Election Deadline

Regulations at [7 CFR 245.9\(f\)\(4\)\(i\)](#) require that, by June 30, LEAs that intend to elect CEP for the following school year must:

1. Notify their state agency of their intent to elect CEP; and
2. Submit documentation showing the counts of identified and enrolled students for schools electing CEP as of April 1.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

If LEAs miss the June 30 election deadline, they must wait until the next year to elect CEP. The Food and Nutrition Service (FNS) may consider requests to waive the June 30 election deadline due to exceptional circumstances, but, in general, expects that if the election deadline is missed, the LEA will prepare to elect CEP the next school year. For example, if the LEA misses the CEP election deadline of June 30, 2026, then CEP cannot be implemented for school year 2026-2027. Instead, the LEA may elect CEP by June 30, 2027, for implementation in school year 2027-2028. LEAs are strongly encouraged to keep contact information up-to-date with the state agency to ensure receipt of critical program information and reminders.

Notification and Publication Requirements

Listed below is a summary of the notification and publication requirements:

- Regulations at [7 CFR 245.9\(f\)\(6\)](#) require state agencies to notify LEAs of district-wide eligibility for CEP by April 15 of each school year.
- Regulations at [7 CFR 245.9\(f\)\(5\)](#) require LEAs to submit school-level eligibility data to the state agency by April 15 of each school year.
- Regulations at [7 CFR 245.9\(f\)\(7\)](#) require state agencies to publish lists of eligible and near-eligible LEAs and schools on their state agency website by May 1 of each school year. State agencies must also provide FNS with a single link to these lists for publication on FNS' CEP website.

Eligible LEAs and schools are those with identified student percentages (ISPs) that are 25 percent or higher. Near-eligible LEAs and schools are those with ISPs less than 25 percent but greater than or equal to 15 percent. LEAs and schools eligible for a grace year are those with ISPs of less than 25 percent but greater than or equal to 15 percent as of April 1 in year 4 of their CEP cycle.

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The remainder of this memorandum provides detailed information to help state agencies and LEAs fulfill the CEP notification and publication requirements.

April 15 Notification Requirement: District-wide and School-level Data

State agencies must provide district-wide eligibility data to LEAs and LEAs must provide school-level eligibility data to state agencies. Data used to prepare the notification lists must be from the current school year.

District-Wide Data

Per [7 CFR 245.9\(f\)\(6\)](#), no later than April 15 of each school year, state agencies must notify each LEA of the LEA's district-wide eligibility for CEP in the following categories and provide guidance to LEAs that want to elect CEP or enter a grace year:

- LEAs with a district-wide ISP of at least 25 percent (eligible for CEP);
- LEAs with a district-wide ISP less than 25 percent but greater than or equal to 15 percent (near-eligible for CEP);
- LEAs currently participating in CEP; and
- LEAs in the fourth year of CEP participation with a district-wide ISP less than 25 percent but greater than or equal to 15 percent (eligible for grace year).

School-Level Data

Per [7 CFR 245.9\(f\)\(5\)](#), no later than April 15 of each school year, LEAs must submit to their state agency lists of schools that:

- Have an ISP of at least 25 percent (eligible for CEP);

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- Have an ISP less than 25 percent but greater than or equal to 15 percent (near-eligible for CEP);
- Are currently participating in CEP; and
- Are currently in the fourth year of CEP participation with an ISP less than 25 percent but greater than or equal to 15 percent (eligible for grace year).

State agencies may exempt LEAs from this requirement if school-level data is available to the State.

Using Proxy Data When ISP Data is Not Readily Available

If identified student data is not readily available, state agencies and LEAs may use proxy data to fulfill the notification and publication requirements. Proxy data may not be used to calculate the ISP for eligibility or reimbursement purposes. If proxy data is used, the notification must include a note that the data provided is a proxy for actual eligibility. LEAs interested in electing CEP must provide actual school-level identified student and enrollment data as of April 1 to participate.

If district-wide ISP data is not readily available, state agencies may use proxy data to determine the district-wide CEP eligibility status by obtaining the number of identified students from the School Food Authority (SFA) Verification Summary Report (FNS-742). The sum of the data elements in Section 3 of the FNS-742 provides the number of identified students, and Section 1 of the FNS-742 provides enrollment information for state agencies to calculate the district-wide ISP. In LEAs operating CEP or another special provision in a non-base year, the number of identified students is available from the data used to complete the State Agency Direct Certification Rate Data Element Report (FNS-834) Data Element #3.

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If school-level identified student data is not readily available, LEAs (or state agencies if the LEA is exempted) may use the percentage of enrolled students directly certified with the Supplemental Nutrition Assistance Program (SNAP) as a proxy for the school-level ISP.

May 1 Publication on State Websites: District and School-Level Data

Per [7 CFR 245.9\(f\)\(7\)](#), by May 1 of each school year, state agencies must post to their public websites, lists of LEAs and schools in the categories described above. State agencies must also provide FNS with a single link to these lists. State agencies should email the link to their public notification lists to FNS at:

SM.FN.CEPNotification@usda.gov.

When completing the notification lists, one tool state agencies can use is the optional USDA-developed reporting template, which is included as an attachment. The template is intended to help state agencies streamline notification and publication activities but is not required.

State agencies are reminded to distribute this memorandum and attachment to program operators immediately. LEAs and other program operators should direct any questions concerning this guidance to their state agency. State agencies with questions should contact the appropriate FNS regional office.

Original Signed

Tina Namian
Deputy Associate Administrator
Child Nutrition Programs

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Attachment

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