



Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**

REPORT TO THE LEGISLATURE

# UPDATE: Schools Implementing the Community Eligibility Provision

*2022*

**Authorizing Legislation: [RCW 28A.235.290](#)**

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# EXECUTIVE SUMMARY

The U.S. Department of Agriculture's (USDA) Community Eligibility Provision (CEP) allows schools with high numbers of low-income students to serve free breakfast and lunch to all students without collecting school meal applications. CEP is available to public, private, and tribal schools.

State law ([RCW 28A.235.290](#)) requires the Office of Superintendent of Public Instruction (OSPI) to annually report to the Legislature the number of schools participating in the CEP. The report must identify barriers to participation and make recommendations to increase participation.

House Bill (HB) 2660, passed during the 2022 Legislative Session ([RCW 28A.235.300](#)), requires participation in the CEP for all eligible schools. As a result, the number of CEP districts increased to 202 and the number of CEP schools increased to 1,210 in the 2022–23 school year. More than half of the total student population in the state attends a CEP school.

# BACKGROUND

The Child Nutrition Services department within the Office of Superintendent of Public Instruction (OSPI) administers multiple U.S. Department of Agriculture (USDA) Child Nutrition Programs, including the Community Eligibility Provision (CEP).

CEP may be operated in districts or schools that have an identified student percentage (ISP) of at least 40%. A district or school's ISP is determined from the number of directly certified students. Directly certified students includes students categorically eligible based on their participation in other means-tested programs, such as the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF), or a student experiencing homelessness, a student in the foster care system, or a migrant student.

Participating districts and schools are reimbursed using their ISP multiplied by a USDA set multiplier (currently 1.6). Districts have the option to group schools together to maximize eligible schools. CEP runs on four-year cycles.

Benefits of CEP include:

- All students can receive a healthy breakfast and lunch at no cost, ensuring students and families do not have school meal debt.
- Breakfast After the Bell becomes easier to implement.
- There is no public identification of students who do not have money to pay for meals.
- There is a greater possibility that federal reimbursement covers program costs.

House Bill (HB) 2660, passed during the 2022 Legislative Session ([RCW 28A.235.300](#)), requires participation in the CEP for all eligible schools. The law also directs school districts to group schools that are not eligible individually with eligible schools to increase the number of schools participating in CEP. As a result, over half of the total student population in the state attends a CEP school. This legislation also addressed a number of the potential drawbacks of CEP participation, including school- and district-level fiscal concerns.

# UPDATE STATUS

As CEP participation became mandatory in all eligible schools under [RCW 28A.235.300](#), participation has grown to over half of all students in Washington State. There are 722 new CEP schools for SY 2022–23.

**Table 1: CEP Participation in Washington State over the Past Six School Years**

	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23
Number of CEP Districts	66	74	89	102	109	202
Number of CEP Schools	232	274	319	398	488	1210

**Source:** OSPI Child Nutrition Services

## Barriers to Implementation

Many of the previously reported barriers to implementation have been solved through state legislation requiring participation and providing financial support. Remaining considerations are outlined below.

### Collection of Poverty Data

While schools participating in CEP are not allowed to collect the federal free and reduced-price meal applications, they must still collect family income data for state funding mechanisms and programs that use school-specific poverty data. As a result, school districts must use an alternate method, the Family Income Survey, to collect these data. Districts participating in CEP must develop new processes to distribute, collect, and process the Family Income Survey.

Collecting and processing these Family Income Surveys cannot be paid for with nutrition services funding and must be completed by another program in the district or performed by food service staff and then charged to a non-food service budget.

### Limited Facilities

Breakfast and lunch participation regularly increase when a school implements CEP, as both meals are free for all students. While this growth in participation is positive, schools with limited facilities may struggle with the increase in meals being prepared, served, and eaten. Facility capabilities should be assessed when considering program implementation.

# RECOMMENDATIONS TO OVERCOME BARRIERS

## Collection of Poverty Data – Plan Early

OSPI has created resources to assist districts and schools with distributing, collecting, and processing the Family Income Survey to ensure accurate funding levels. With proper planning and engagement of all stakeholders, districts can successfully collect Family Income Surveys. Districts can also look at online applications to help improve collection rates. OSPI is working on developing a state-wide electronic system per [HB 1833 \(2022\)](#).

## Limited Facilities

There are a number of grants available to school districts to expand or improve food service facilities. Applying for these grants or seeking out private grants can support facility improvements to meet the needs of increased participation.

## **CONCLUSION & NEXT STEPS**

OSPI will continue to support program expansion by implementing HB 2660 to ensure all eligible schools are operating CEP. By releasing early eligibility figures and providing technical assistance throughout the CEP application process, Washington will continue to expand the number of CEP schools.

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