



STATE OF ALABAMA
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.
State Superintendent of Education

July 31, 2025

MEMORANDUM

TO: Dr. Lilly Bouie, Special Nutrition Programs
Regional Director, USDA Southeast Regional Office

FROM: Angelice Lowe, Director
Child Nutrition Programs

RE: State Waiver for Community Eligibility Provision (CEP) Deadlines

1. State agency submitting waiver request and responsible State agency staff contact information:

Angelice Lowe
Child Nutrition Programs Director Alabama State Department of Education 5303 Gordon
Persons Building
P.O. Box 30201
Montgomery, AL 36130-2101

2. Region: Southeast (SERO)

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

The Alabama State Department of Education (ALSDE) is requesting a waiver on behalf of Pell City Board of Education. The district is currently a sponsor in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and meets the requirements for Community Eligibility Provision (CEP). The sponsor is currently in good standing.

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

The extension of CEP deadlines will ensure the eligible SFA has sufficient time to collect the necessary data to elect CEP for SY 2025-2026. In order to facilitate the adoption of CEP for SY 2025-2026, additional time is necessary to determine if CEP is a financially viable option.

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5. Specific Program requirements to be waived (include statutory and regulatory citations).

- June 30 election date under Section 11(a)(1)(F)(x)(I) of the NSLA, 42 U.S.C. 1759a and FNS regulations at 7 CFR 245.9(f)(4)(i)

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

There will be no impact on Program operations including technology, state systems and monitoring.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:

The State Agency has collaborated closely with state Federal Programs and Accounting staff to provide guidance and training to local educational agencies. This support has helped eligible schools determine the most effective methods for allocating federal funds for Title I and E-Rate. Districts have also received training on CEP deadlines.

In the case of this waiver, the current Superintendent was appointed after the CEP deadline had passed. He has expressed a strong commitment to implementing CEP, drawing from his previous experience where the program had a positive impact on students. He is eager to continue that success in Pell City by ensuring all students have access to nutritious meals at no cost.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

The State Agency is fully prepared to implement the CEP waiver. The state's IT team has established protocols to ensure the accuracy of identified student percentages across all LEAs. These systems have successfully supported previous CEP waivers and are equipped to accommodate the updated deadline flexibility associated with the current waiver request.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid by non-Federal funds. [Section 12(l)(1)(A)(iii) of the NSLA]:

An increase in the overall cost of the Program to the Federal Government isn't expected. If the Non-Profit School Foodservice Account ends up in a deficit, the LEA's general fund will cover the shortfall using non-Federal funds.

10. Anticipated waiver implementation date and time period:

August 4, 2025, will be the waiver implementation date and the time-period will be through June 30, 2026. This will allow 48 hours for the public notification of the SFA's participation in CEP for School Year 2025-2026. August 6, 2025, is the first day of school for Pell City.

11. Proposed monitoring and review procedures:

SFA's ISP and CEP participation will be monitored annually before the annual agreement is submitted and reviewed on a 5-year Administrative Review schedule.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

ALSDE will maintain a report of the SFA utilizing this waiver and will provide participation and benefits data to FNS upon request.

13. Signature and title of requesting official:

Angelice S. Lowe

Angelice Lowe, Director, Child Nutrition Programs
alowe@alsde.edu

TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience, and work with the State.

Date request was received at Regional Office:

- ☐ **Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

- **Regional Office Analysis and Recommendation**