



STATE OF ALABAMA  
DEPARTMENT OF EDUCATION



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

September 26, 2023

**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 all National School Lunch Program (NSLP) and School Breakfast Program (SBP) sponsors that meet the requirements for Community Eligibility Provision (CEP). All sponsors are 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(1)(2)(A)(iii) and 12(1)(2)(A)(iv) of the NSLA]:**

The extension of CEP deadlines will ensure eligible SFAs have sufficient time to collect the necessary data to elect CEP for SY 2023-2024, as schools continue to recover from the COVID-19 pandemic. In order to facilitate the adoption of CEP for SY 2023-2024, 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).**

- ISP Data as of April 1 under Sections 11(a)(1)(F)(iii)(I)(bb), (a)(1)(F)(iv)(I)(bb), (a)(1)(F)(v)(I), and (a)(1)(F)(v)(II)(bb) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1759a, and FNS regulations at 7 CFR 245.9(f)(3)(i), (f)(4)(i), (f)(4)(v)(A), (f)(4)(viii), and (f)(4)(ix)
- LEA Notification Requirements under Section 11(a)(1)(F)(x)(IV) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(5)
- State Agency Notification Requirements under Section 11(a)(1)(F)(x)(II) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(6)
- State Agency Publication Requirements under Section 11(a)(1)(F)(x)(III) of the NSLA, 42 U.S.C. 1759a and 7 CFR 245.9(f)(7)
- 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. The State Agency staff is collaborating with the Federal Programs staff at ALSDE to provide additional training for SFAs on recommended ways to allocate federal funding at the local level so that there will not be a negative impact on allocations for sites that will be required to serve schools after the multiplier is applied and without individual student eligibility that will be missing without the free and reduced eligibility determined from the application process.

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

The State Agency staff has worked with state Federal Programs staff to provide guidance and training to local educational agencies to help eligible schools determine the best means for allocating federal funds for Title 1 and E-Rate.

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

Our State Agency is fully prepared to implement the CEP waiver. Our IT staff works tirelessly to put measures in place to determine accurate identified student percentage for LEAs and they have assured us that everything will work accordingly with the new CEP deadline flexibilities as they have in the past with CEP waivers.

**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 from non-Federal funds. [Section 12(I)(1)(A)(iii) of the NSLA]:**

A significant increase to the overall cost of the Program to the Federal Government is not expected.

**10. Anticipated waiver implementation date and time period:**

October 1 will be the waiver implementation date and the time-period will be through June 30, 2024.

**11. Proposed monitoring and review procedures:**

SFA's 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 all SFAs utilizing this waiver and will provide data to FNS upon request.

**13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:**

Link for CEP waiver Public Notice: [Alabama Communication - Alabama State Department of Education \(alabamaachieves.org\)](https://www.alabamaachieves.org)

**14. Signature and title of requesting official:**



Angelice Lowe, Director, Child Nutrition Programs  
[alowe@alsde.edu](mailto:alowe@alsde.edu)

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**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(I)(1)(A)(ii) of the NSLA

• **Regional Office Analysis and Recommendation**