



State of New Jersey

DEPARTMENT OF AGRICULTURE
HEALTH / AGRICULTURE BUILDING
PO BOX 330
TRENTON NJ 08625-0330

PHIL MURPHY
Governor
SHEILA OLIVER
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DOUGLAS H. FISHER
Secretary

NEW JERSEY SUMMER FOOD SERVICE PROGRAM WAIVER REQUEST

February 1, 2019

The New Jersey Department of Agriculture Division of Food and Nutrition is submitting a Statewide waiver to the Mid-Atlantic Regional Office (MARO) for the Summer Food Service Program (SFSP) flexibilities and policies that were rescinded by the USDA Food and Nutrition Services (FNS) through SFSP 01-2019 Summer Food Service Program Memoranda Rescission.

The below listed waiver has been submitted for consideration:

- Waiver Request – Policy extending area eligibility to closed enrolled sites.

The goal of this waiver is to reinstate the rescinded flexibilities and policies to allow for efficient and cost-effective program management and reduce the administrative burden for the NJ Department of Agriculture and NJ SFSP sponsors.

Upon receipt, the approval or denial of this waiver request will be posted on the department website at www.state.nj.us/agriculture. Information will also be provided to all SFSP sponsors by email once USDA makes their determination.

For additional information, you may contact Tracii Butler Proctor, SFSP Coordinator at (609)292-4498 or tracii.butler@ag.nj.us.



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CHILD NUTRITION PROGRAM/SFSP NEW JERSEY STATE WAIVER REQUEST

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

New Jersey Department of Agriculture (NJDA) Division of Food and Nutrition Summer Food Service Program
PO Box 330
Trenton, NJ 08625
Director: Rose Tricario
SFSP Coordinator: Traçii Butler Proctor

2. Region:

Mid-Atlantic (MARO)

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

The waiver would apply to all SFSP approved sponsors.

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]:

NJDA is requesting a waiver for the SFSP flexibility that was rescinded by FNS on October 11, 2018 as part of SFSP 01-2019; Summer Food Service Program (SFSP) Waiver for Closed Enrolled Sites November 17, 2002 which extended area eligibility to closed enrolled sites. This waived the statutory provision of Section 13(a)(1)(A)(i)(III) of the NSLA, 42 USC 1761(a)(1)(A)(i)(III), and the regulatory definition of closed enrolled sites, which required eligibility determinations to be made by submitting applications in accordance with 7 CFR 225.15(f). Under this waiver, closed enrolled sites could be determined eligible if located in areas where 50 percent of the children residing in the area are eligible for free and reduced-price meals under the National School Lunch Program and the School Breakfast Program.

This waiver has benefitted NJ sponsors by allowing them to efficiently operate the SFSP in a more cost-effective manner due to decreased labor costs directly related to not collecting, reviewing and approving eligibility applications for children in areas already deemed needy based on area eligibility. Requiring sponsors to collect individual income eligibility applications will increase their administrative burden; site staff currently do not have time to complete applications. This requirement will cause additional training and hours of work, an additional administrative burden. In addition, families may be unwilling to complete the application due to current issues with the deportation-information requested on the form, and therefore choose not to participate in SFSP 2019. If sponsors with 50 or more sites will be required to collect eligibility applications, we know that many of these sites will not take the time to complete the applications and will not apply or re-apply to participate in SFSP.

Extending this waiver will allow sponsors and the State Agency to continue to focus on integrity and compliance as well as providing technical assistance during normal program operations. Extending this waiver will also allow sponsors to maintain a focus on serving quality meals, increasing access to their programs, and maintaining compliance.

The goal of this waiver is to reinstate the rescinded extension of area eligibility to closed enrolled sites and allow for efficient and cost-effective program management and reduction of the administrative burden for sponsors and the State Agency.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:

NJDA is requesting a waiver to extend the use of area eligibility to closed enrolled sites operating in needy areas where 50% or more of the children residing in the area are eligible for free and reduced-price meals under the National School Lunch Program and School Breakfast Program, thereby waiving the requirement that individual eligibility determinations be made by submitting applications.

Section 13(a)(1)(C) of the NSLA defines “areas in which poor economic conditions exist” as areas in which at least 50% of the children are eligible for free or reduced price school meals under the NSLA and the Child Nutrition Act of 1966, as determined by information provided from departments of welfare, zoning commissions, census tracts, by the number of free and reduced price lunches or breakfast served to children attending public and non-profit private schools located in the area of program food service sites, or from other appropriate sources, including statements of eligibility based upon income for children enrolled in the program.

42 USC 1761(a) (1)(A)(i)(III) defines an “area in which poor economic conditions exist” as (aa) an area for which the program food service site documents the eligibility of enrolled children through the collection of income eligibility statements from the families of enrolled children or other means; and (bb) at least 50 percent of the children enrolled at the program food service site meet the income standards for free or reduced price school meals under this chapter and the Child Nutrition Act of 1966 (42 USC 1771et seq.);

7 CFR 225.15(f) Application for free Program meals – (1) Purpose of application form.

The application is used to determine the eligibility of children attending camps and the eligibility of sites that are not open sites as defined in paragraph (a) of the definition of “areas in which poor economic conditions exist”, in 7 CFR 225.2. In these situations, parents or guardians of children enrolled in camps or these other sites must be given application forms to provide information described in paragraph 7 CFR (f)(2) or (f)(3), as applicable. Applications are not necessary if other information sources are available and can be used to determine eligibility of individual children in camps or sites.

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

Any site located in an area in which at least 50% of the children are from households eligible for free or reduced-price meals in the NSLP and SBP will be eligible for SFSP reimbursement for all meals served to eligible children, regardless of whether the site serves an identified group of children or is an open site.

It is anticipated that this flexibility will have a positive impact on program operations and monitoring by reducing the administrative burden.

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 not had to address any regulatory barriers as this flexibility was in place.

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

The State Agency does not anticipate any challenges to either the State Agency or SFSP sponsors with this waiver implementation. There will be challenges to both the State Agency and SFSP sponsors if the waiver is not approved which include:

State Agency- Decrease in sponsor participation, increased staff labor during administrative reviews, re-training sponsors, additional technical assistance and monitoring compliance.

Sponsor – Increased administrative labor costs by collecting, reviewing and determining eligibility applications for children already deemed needy based on area eligibility.

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(l)(1)(A)(iii) of the NSLA]:

The State Agency does not anticipate that this waiver will increase the overall cost of the Program to the Federal government. This waiver will continue to assist sponsors and the State Agency in maintaining a cost-effective program.

10. Anticipated waiver implementation date and time period:

This waiver would be implemented in June 2019 and continue indefinitely.

11. Proposed monitoring and review procedures:

The State Agency will continue to follow standard monitoring and review processes. Should there be any noncompliance issues related to this waiver, the State Agency will work with sponsors on an individualized corrective action plan and will have follow-up reviews when applicable.

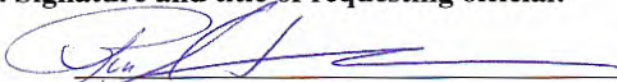
12. Proposed reporting requirements (include type of data and due date(s) to FNS):

The State Agency will report to FNS any compliance issues noted with this flexibility during application approvals and administrative reviews.

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

The public notice is located at www.state.nj.us/agriculture

14. Signature and title of requesting official:



Title: *Division Director*

Requesting official's email address for transmission of response:

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 Recommendations:**