



Food and
Nutrition
Service

March 12, 2019

Park Office
Center

Rose Tricario
Director, Division of Food and Nutrition
New Jersey Department of Agriculture
Post Office Box 330
Trenton, New Jersey 08625

3101 Park
Center Drive
Alexandria
VA 22302

Dear Ms. Tricario:

This letter is in response to the New Jersey Department of Agriculture's (NJDA) request, dated January 29, 2019, to waive the requirement for closed enrolled sites to use income eligibility applications to determine site eligibility in the Summer Food Service Program (SFSP). NJDA requested a statewide waiver of the SFSP requirements of 7 C.F.R. 225.15(f), which requires eligibility determinations of closed enrolled sites to be submitted through an application form. Pursuant to the waiver authority granted at section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)), the Food and Nutrition Service (FNS) approves NJDA's waiver request through April 30, 2020.

NJDA requested a statewide waiver to continue to provide flexibilities, previously approved in an FNS nationwide waiver that has been rescinded, to sponsors for 2019 and to continue indefinitely. This waiver would allow sponsors to operate closed enrolled sites in areas where at least 50 percent of children are eligible for free or reduced-price meals through the National School Lunch Program (NSLP). According to NJDA, approval of this waiver will allow for efficient and cost-effective program management, with less burden, for the State agency and for sponsors. Given the length of time that this nationwide waiver was in effect, NJDA has fully integrated area eligibility into its training, technical assistance, and monitoring resources. Denial of this waiver would increase administrative burden and costs for SFSP sponsors of closed enrolled sites, who would have to develop and implement a new process for the collection, review, and documentation of income eligibility determinations for individual children. The additional paperwork would discourage sponsors, sites, and families from participating.

FNS approves NJDA's request to waive the collection of income eligibility applications and allow closed enrolled sites to use data sources as outlined in policy memorandum SFSP 03-2017, *Area Eligibility in Child Nutrition Programs*, to verify that the site is located in an eligible area. This waiver is effective immediately and valid through April 30, 2020. While NJDA requested this waiver to continue indefinitely, FNS limited the duration of the waiver to assess its impact on program year 2019 and the State's ability to report required data elements outlined below. This waiver is applicable to regulations at 7 C.F.R. 225.15(f), which require closed enrolled sites to collect income eligibility applications to determine that 50 percent of the children are eligible for free and reduced-price meals. Under this waiver, all closed enrolled sites using area eligibility will have to establish eligibility for operation in 2019.

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by December 31, 2019, NJDA must provide to the FNS Mid-Atlantic Regional Office a written report quantifying the impact of the waiver, as described below. **Please note that any requests for renewal of this waiver are contingent on NJDA's ability to provide complete data and an analysis of the waiver impact. Failure to provide the requested data may result in the automatic denial of a waiver request for the next program year.**

The report must include the following:

- A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in SFSP;
- A description of how the waiver reduced the quantity of paperwork necessary to administer the program;
- The number of sponsors and sites that used the waiver;
- The number of meals that were served at closed enrolled sites that used area eligibility and those that used income eligibility applications; and
- A summary of findings associated with the waiver of income eligibility applications.

FNS appreciates NJDA's commitment to work with sponsors to find efficiencies that balance the needs of local communities with cost-effective program management and integrity. If you have questions, please contact the Mid-Atlantic Regional Office.

Sincerely,



Angela M. Kline
Director
Policy and Program Development Division

Electronic Copies: Tim Walsh, MARO
Tracii Butler Proctor, NJDA