

**CHILD NUTRITION PROGRAM  
STATE WAIVER REQUEST**

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

Name of State Agency: New Jersey Department of Agriculture  
State Agency staff contact: Rose Tricario  
Mailing address: PO Box 334, Trenton, New Jersey 08625-0334  
Telephone number: 609-984-0692  
Email address: rose.tricario@ag.nj.gov

**2. Region:**  
MARO

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

The NJDA requests this waiver for CNP Operators of the National School Lunch Program, School Breakfast Program, and the Child and Adult Care Food Program affected by the Coronavirus (COVID-19). Program operators will be required to request approval from the NJDA on a case-by-case basis, during which time NJDA will confirm that the operators are in good standing, if the COVID-19 causes school site or district closures or remote instruction. The NJDA requests the authority to approve the affected program operators to provide meals to pupils during the closure/remote instruction.

**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]:**

Effective March 9, 2020, Governor Philip D. Murphy declared a State of Emergency and Public Health Emergency in the State of New Jersey due to the coronavirus. As of March 11<sup>th</sup>, one of these cases resulted in death and there are 22 additional cases that are presumed or confirmed positive by the State Department of Health and Centers for Disease Control.

The New Jersey Department of Education has released guidance (attached) instructing SFAs to “develop a school health-related closure preparedness plan to provide home instruction in the event of a closure”. Therefore, school instruction may continue in New Jersey even when school buildings are closed.

As a result, program operators in New Jersey have been making plans and preparing for remote instruction in the event of a potential school closure due to COVID-19. We

have also had numerous SFAs close sites and entire districts for disinfecting purposes to reduce the opportunity for spreading COVID-19, and more districts are anticipating closures within the next few days.

In review of SP-08 2020/SFSP02-2020 and the corresponding Questions and Answers related to Child Nutrition Program meal service during COVID-19 outbreaks, the State of New Jersey will not be able to meet the need of New Jersey students through sole participation in SSO or SFSP. New Jersey has 780 active SFAs. Of the 780, only 41 SFAs applied and were approved to operate the Summer Food Service Program in FY2019. These sponsors will be advised that they can claim meals under the SFSP during the COVID-19 outbreak.

SFAs with at least one site with a minimum of 50% free and reduced-price eligible students can apply to the SSO should they choose to provide meals during the COVID-19 outbreak. This accounts for approximately 334 SFAs (1,200 sites) who can apply through SSO. This leaves 446 SFAs (approximately 1,428 sites) who will be unable to participate in either SSO or SFSP and thus unable to meet the full need of New Jersey children during this outbreak.

In addition, we would like to provide flexibility for program operators to streamline meal distribution by allowing them to select the meal pattern in effect for the highest age/grade group served to all students. Schools will likely need to restrict points of service to one location, and the co-mingling of age groups will be inevitable.

The waiver will allow:

- New Jersey to reach more free and reduced-price eligible students who are affected by COVID-19 closures/remote instruction to receive meals who are not eligible under SSO or SFSP.
- Program operators to have the flexibility to select the meal pattern in effect for the highest age/grade group served to all students, therefore increasing meal distribution efficiency. This will allow program operators to focus on meal distribution during this unanticipated school closure due to the COVID-19 outbreak, thereby reaching the highest number of students affected by the coronavirus outbreak in New Jersey.

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

**Regulations:**

7 CFR 225.6(d)(1)(iv) authorizes the provision Summer Food Service Program (SFSP) or Seamless Summer Option meal service to children during unanticipated school closures.

7 CFR 225.6(e) (15) Maintain children on site while meals are consumed.

**Request:**

Allow program operators the flexibility to continue operating the National School Lunch Program and/or School Breakfast Program during school closures/remote instruction during the COVID-19 outbreak.

Allow meals to be consumed in a non-congregate setting under the National School Lunch Program and/or School Breakfast Program on a school site closed due to COVID-19.

**Regulations:**

7 CFR 210.10 (2) (c) *Meal pattern for school lunches*. Schools must offer the food components and quantities required in the lunch meal pattern...according to the K-5, 6-8 and 9-12 grade groupings.

7 CFR 220.8 (2) (c ) *Meal pattern for school breakfasts for grades K through 12*. A school must offer the food components and quantities required in the breakfast meal pattern...according to the K-5, 6-8 and 9-12 grade groupings.

**Request:** Provide flexibility to SFAs to select the meal pattern in effect for the highest age/grade group served to all students.

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

The NJDA will provide detailed information and instructions to CNP operators on requesting a waiver approval. The affected program operators will be required to submit a waiver request for each closure.

If school sites are closed, but the district is operational, the following meal options could apply:

- Meals offered to students via grab-and-go at their school
- Meals offered to students via grab-and-go from another school site in the district that is open
- Congregate service at an open school site in the district

The NJDA will evaluate each COVID-19 waiver request according to the following criteria:

- Program operator is in good standing
- District/school site is identified on the NJDOE “New Jersey Coronavirus Related School Closures link:  
[https://www.nj.gov/education/topics/NJ%20Coronavirus%20Related%20School%20Closures%20\(updated%203.10.2020%204pm\).xlsx](https://www.nj.gov/education/topics/NJ%20Coronavirus%20Related%20School%20Closures%20(updated%203.10.2020%204pm).xlsx)





- All meals must meet the appropriate federal meal pattern in effect for the highest age/grade group
- Which meal program will be served and how they will determine eligibility for all students.
- Methods of distribution and compliance with food safety requirements.

**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]:**

No state level barriers have been identified.

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

No state level challenges have been identified.

**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.

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

The New Jersey Department of Agriculture is requesting this waiver effective immediately. We are anticipating school closures in the very immediate future due to growing concerns over COVID-19. The duration of the waiver is until June 30, 2020.

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

The NJDA will track and provide oversight to all program operators that are approved to operate NSLP or SBP meal service during school closures/remote instruction due to COVID-19. The NJDA will ensure that all program operators approved for the COVID-19 waiver provide evidence of the duration of the waiver.

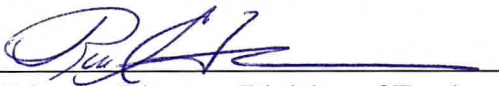
**12. Proposed reporting requirements (include type of data and due date(s) to FNS):**

The NJDA will report as required by approval of this waiver request.

**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]:**

<https://www.nj.gov/agriculture/divisions/fn/childadult/>

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

Signature: 

Title: Rose Tricario, Director, Division of Food and Nutrition, NJDA

Requesting official's email address for transmission of response: [rose.tricario@ag.nj.gov](mailto:rose.tricario@ag.nj.gov)



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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:**

- Date Received: \_\_\_\_\_

**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:**

- ☐ Recommend Approval
- ☐ Recommend Denial

**Explanation:**