

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol-Revised*, May 24, 2018.

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

New Jersey Department of Agriculture
Division of Food and Nutrition
22 South Clinton Ave.
Building 4, 3rd Floor
Trenton, NJ 08609-1212
Rose Chamberlain, Director
Rose.Chamberlain@ag.nj.gov
609-984-0672

2. Region: Mid-Atlantic Regional Office (MARO)

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

Statewide waiver request for any New Jersey Department of Agriculture (NJDA) approved sponsor or institution who meets all of the following requirements:

- In good standing; and

- Approved by NJDA to operate any of the following Child Nutrition Programs: National School Lunch Program (NSLP), School Breakfast Program (SBP), Summer Food Service Program (SFSP), the NSLP Seamless Summer Option (SSO), and the at-risk afterschool component of the Child and Adult Care Food Program (CACFP).

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]:

Emergency situations arise that necessitate school building and at-risk afterschool center closures, most often with little to no notice. In these situations (when congregate meal service operations are limited due to natural disasters, unscheduled major building repairs, court orders relating to school safety or other issues, labor-management disputes, or similar unanticipated causes), schools and at-risk afterschool centers may or may not be able to provide students with remote or virtual learning. Regardless, students are not in attendance at the school building or at-risk afterschool center, and are not able to access the school breakfast, school lunch, or at-risk afterschool meal or snack that is normally provided. The purpose of this waiver request is to allow schools and at-risk afterschool centers to provide meals to students in a non-congregate manner when the school building or at-risk afterschool center is physically closed.

These waivers will allow State agencies, school food authorities (SFAs), and sponsors to quickly respond to unanticipated school closures. If approved, NJDA understands that this waiver request will permit the State agency to approve non-congregate meals, with or without virtual learning, for up to 10 consecutive operating days for a SFA or sponsor without prior notice to FNS.

NJDA further acknowledges that if this waiver is still needed after the 10 consecutive operating days, the State agency must submit a request for an extension via email to the Mid-Atlantic Regional Office at least two days prior to the expiration of a SFA's or sponsor's waiver, so that there is adequate time for consideration.

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

SFSP and SSO Unanticipated School Closures: (Schools buildings are closed **with no virtual learning**). The requested waivers in this section apply to SFSP and SSO during unanticipated school closures, when school buildings are closed, and virtual classes are not offered. These waivers would be effective immediately upon approval of the waiver, through April 30, 2024.

- Non-Congregate Meal Service during Unanticipated School Closures [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)]
- Parent and Guardian Meal Pick-Up: Parent and Guardian Meal Pick-Up during Unanticipated School Closures [42 U.S.C. 1761(f)(3) and 7 CFR 210.10(a), 220.2 (Breakfast), 220.8(a), 225.2 (Meals), and 225.9(d)(7)]
- Meal Service Times for Unanticipated School Closures [7 CFR 225.16(c)(1), (2), and (3)]

- Service of Meals at School Sites for Unanticipated School Closures [42 U.S.C. 1761(c)(1) and 7 CFR 225.6(h)(1)(iv)]

National School Lunch Program and School Breakfast Program: (School buildings are closed **with virtual learning**). The requested waivers in this section are intended to provide needed flexibility to support SFAs in continuing to offer nutritious meals when school buildings are closed, and virtual classes are being offered. These waivers would be effective through June 30, 2024.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1753(b)(1)(A) and Child Nutrition Act, 42 U.S.C. 1773(b)(1)(A)]
- Meal Service Times [7 CFR 210.10(l) and 220.8(l)]
- Parent/Guardian Meal Pickup [7 CFR 210.10(a), 220.2 (Breakfast), and 220.8(a)]
- Offer Versus Serve [42 U.S.C. 1758(a)(3) and 7 CFR 210.10(e)]

Child and Adult Care Food Program: The waivers in this section apply to the at-risk afterschool component of CACFP only. These waivers are intended to provide needed flexibility to support at-risk afterschool centers in continuing to offer nutritious meals during unanticipated school closures. These waivers are effective through June 30, 2024.

- Non-Congregate Meal Service [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.19(b)(6)(iii)]
- Meal Service Times [7 CFR 226.17a(m)]
- Parent/Guardian Meal Pickup [NSLA, 42 U.S.C. 1766(f)(1)(A) and 7 CFR 226.2 (Meals)]
- Enrichment Activity [NSLA, 42 U.S.C. 1766(r)(2)(B), and 7 CFR 226.17a(b)(1)(ii) and (iii)]

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

NJDA does not anticipate an increase in excess Federal administrative costs, and there are no anticipated impacts on technology, State systems, or 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]:

There are currently no regulatory barriers at the State level.

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

NJDA does not anticipate the establishment of this waiver to pose any challenges at the State or sponsor/institution level.

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 waiver will not increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

Immediately upon approval.

11. Proposed monitoring and review procedures:

Monitoring of sponsor/institution level performance under the requested waivers will follow the administrative review regulations for each program. This practice will be consistent with 7 CFR 210, 220, 225, and 226 review requirements.

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

Reporting will be completed as required by USDA.

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:

Rose Chamberlain, SNS
Title: Director, Division of Food & Nutrition, New Jersey Department of Agriculture
Requesting official's email address for transmission of response:
Rose.Chamberlain@ag.nj.gov

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: