



Food and
Nutrition
Service

April 7, 2020

Braddock
Metro
Center

Rose Tricario
Division of Food and Nutrition
New Jersey Department of Agriculture
PO Box 334
Trenton, New Jersey 08625-0334

1320
Braddock
Place
Alexandria
VA 22314

Dear Ms. Tricario,

This letter is in response to New Jersey Department of Agriculture's (NJDA) waiver request to maintain children's access to meals during the novel coronavirus (COVID-19) pandemic, submitted April 7, 2020. NJDA requests a waiver of the restrictions on site eligibility requirements in the National School Lunch Program (NSLP) Seamless Summer Option (SSO). Specifically, NJDA requests to waive the requirement that open sites must be located in areas where at least 50 percent of NSLP participants are eligible for free or reduced price meals. Instead, New Jersey requests to allow school food authorities in good standing to operate as open SSO sites in areas approved by NJDA that are not located in areas in which poor economic conditions exist.

In its request, NJDA asserts that the extended school closures and economic impacts of COVID-19 have left children across the state who depend on meals and snacks provided by their schools with limited or no alternative food sources. NJDA states that this waiver will maintain children's access to the SSO meal service during school closures related to the pandemic. To maintain children's access to meals, and to support families experiencing financial hardship, NJDA requests to waive 7 CFR 225.6(c)(2)(G).

Pursuant to the waiver authority granted under Section 2102(b) of the Families First Coronavirus Response Act (P.L. 116-127) (the Act) to approve waivers that may increase cost to the Federal Government and have the purpose of providing meals and meal supplements, the Food and Nutrition Service (FNS) approves this request. However, State agencies must have a plan for ensuring that new meal sites are targeting benefits to children in need, for example, children who may be newly eligible for benefits due to the economic impacts of COVID-19. State agencies should work with local Program operators in developing their plans as local Program operators are best situated to determine how to provide these assurances. This approval applies to sites operating during temporary school closures related to COVID-19. Additionally, FNS reserves the right to withdraw this approval subject to availability of funding.

Therefore, effective as of April 7, 2020, this waiver allows SSO sponsors in good standing to operate open sites in areas approved by NJDA and consistent with the State plan, but that are not located in "*Areas in which poor economic conditions exist*" as defined at section 13(a)(1)(A) of the Richard B. Russell National School Lunch Act (NSLA) and as referenced in regulation at 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4). This waiver remains in effect until June 30, 2020, or until expiration of the federally declared public health

emergency, whichever is earlier. FNS recognizes that there may be a continued need for this waiver, and will carefully assess the situation on an ongoing basis.

As required by this waiver approval, NJDA must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators,
- A summary of how new meal sites were targeted to benefits for children who were previously eligible or newly eligibly for program benefits due to the economic impacts of COVID-19, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS appreciates NJDA's commitment to work with sponsors to meet the nutritional needs of children during a challenging time. If you have questions, please contact the FNS Mid-Atlantic Regional Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Kline". The signature is written in a cursive, flowing style.

Angela Kline
Director
Policy and Program Development Division

Electronic Copy: Michelle Frey, MARO