

Requesting a waiver in the POM

FNS has completed review of New Jersey’s 2024 Plan for Operations and Management (POM). FNS has determined that New Jersey must submit a request seeking waiver approval in order to administer the Summer EBT as planned. FNS has authority to waive regulatory provisions for Summer EBT, when certain conditions are met, consistent with Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l). For more information on the process for requesting waivers, please refer to [SP 15-2018, CACFP 12-2018, SFSP 05-2018, Child Nutrition Program Waiver Request Guidance and Protocol- Revised, May 24, 2018](#).

In order to review and determine if requested waiver(s) may be approved, FNS requires provision of the following information, which may be added as an attachment to New Jersey’s 2024 POM.

Waiver(s) needed (check all regulatory provisions that apply):		
<input type="checkbox"/>	7 CFR 292.12(f)(1)	<i>Income applications.</i> The Summer EBT agency must notify (or place notification in the mail) eligible households of a child's approved status within 15 operational days of receipt of a complete application.
<input type="checkbox"/>	7 CFR 292.12(g)	<i>Denied applications and the notice of denial.</i> The Summer EBT agency must provide written notice to each household denied benefits within 15 operational days of receipt of a complete application.
<input type="checkbox"/>	7 CFR 292.13(f)	<i>Timely certifications.</i> Summer EBT agencies must follow-up with a household that submits an incomplete application within 10 operational days of receipt of the application.
<input type="checkbox"/>	7 CFR 292.14(a)(1)(ii)	<i>Verification for cause.</i> Any verification must be completed within 30 days of receipt of the application.
<input checked="" type="checkbox"/>	7 CFR 292.15(c)(1)(i)(A)	<i>Benefit issuance.</i> For children who can be streamline certified or who have an approved Summer EBT application on file, benefits must be issued and available for participants to use 7-14 calendar days before the start of the summer operational period.
<input checked="" type="checkbox"/>	7 CFR 292.15(c)(1)(i)(B)	<i>Benefit issuance.</i> For eligible children who apply after the summer operational period begins, benefits must be issued and available to spend not later than 15 operational days after a complete application is received by the Summer EBT agency.
<input type="checkbox"/>	7 CFR 292.15(g)(4)	<i>Providing replacement EBT cards or PINs.</i> Replacement EBT cards must be available for pick up or placed in the mail within 2 business days following notice by the household that the card was lost, stolen or damaged.
<input type="checkbox"/>	7 CFR 292.26(a)(1)	<i>Hearing procedures for families and Summer EBT Agencies.</i> Fair hearing procedures established by the Summer EBT agency must allow a household to appeal within 90 days after the end of the summer operational period.

Describe the challenges the Summer EBT agency is seeking to solve with the requested waiver(s), including the goal of the requested waiver(s), the manner in which the requested waiver(s) will improve services in Summer EBT, and the expected outcomes if the waiver(s) are approved:

The New Jersey Department of Agriculture (NJDA) is facing several challenges related to the execution of a new data access agreement for the explicit purpose of data deduplication, which is preventing the Summer EBT agency from completing critical implementation activities in time to meet program requirements. These challenges include the following:

In addition to accepting Summer EBT applications, the State is required to utilize a streamlined certification process to identify and certify, without further application, eligible children and to issue Summer EBT to eligible households. 42 U.S.C. § 1762(c); 7 CFR 292.12(d). This streamlined certification process requires the New Jersey Department of Agriculture (NJDA), the New Jersey Department of Education (DOE), and the New Jersey Department of Human Services, Division of Family Development (DHS/DFD) to work together in gathering and sharing eligibility data. NJDA obtains the data from DOE, DHS, and local education agencies and performs the required matching of the student data to identify those eligible to participate in Summer EBT. NJDA currently has approved MOUs in place with these departments to share this data.

Summer EBT agencies will need effective processes for combining data from multiple sources and removing duplicate records in the data - also known as *deduplication* - to ensure that they are not over-issuing benefits or mistakenly removing eligible children from streamlined certification lists.

A new Data Access Agreement, for the sole purpose of providing identified individuals at InnovateNJ d/b/a the New Jersey State Office of Innovation (NJOOI) and the National Center for Civic Innovation (NCCI) with access to student eligibility data for the explicit purpose of data deduplication, was required. The deduplication of this data will prevent the erroneous distribution of benefits and ensure that all eligible students are identified. This data access agreement was executed on September 9, 2024 to facilitate 2024 data deduplication and issuance processes. Specifically:

- Deduplication of school aged SNAP/TANF/MEDICAID data from DHS against Summer EBT data uploaded from participating school districts. Currently, there is no unique student identifier that exists between these data sets. The probabilistic matching completed by NJDA-IT resulted in approximately 185,000 students (71,000 SNAP/TANF; 114,000 MEDICAID) that were not identified in School Food Authority (SFA) uploads as of 9/6/2024. NJDA is requesting NJOOI's (InnovateNJ-d/b/a the New Jersey State Office of Innovation) technical assistance in utilizing additional deduplication methods to ensure that duplicate Summer EBT benefit cards are not erroneously issued, and all eligible students are identified.
- NJOOI is accessing the PII (Personally Identifiable Information) to test out deduplication methods, since fields like names, addresses, ZIP codes, dates of birth, and school IDs are used to determine if two records are for a single child. NJOOI intends to test out deduplication methods directly on the source data.
- NJOOI is utilizing the SNAP/TANF/MEDICAID data, apply deduplication methods against Summer EBT SFA data, and provide NJDA with unique student data for the purpose of issuing Summer EBT benefits. In this process, NJOOI is utilizing the NJSMART data from DOE for verification and cross-checking of student information from public schools.
- The owner of SNAP, TANF, and MEDICAID data is the Department of Human Services. The owner of NJSMART data is the Department of Education. As stated previously, NJDA currently has approved MOUs in place with these departments to share this data. However, NJOOI, as an independent entity, received approval from these agencies in order to access the PII data on September 9, 2024.
- Due to system limitations, lack of data access agreements, and staffing challenges, NJDA is unable to obtain the data necessary to meet Summer EBT requirements around timely certifications.

Describe steps the Summer EBT agency has taken to address barriers at the State level:

New Jersey will take the following steps to successfully implement these waivers:

- NJDA, DHS, OOI, and DOE will continue to meet on a regular basis to discuss deduplication activities and timelines. If approved, NJDA will continue close collaboration throughout the implementation of this waiver.
- NJDA will monitor the implementation of the alternative issuance timeline for benefit issuance, if the waiver is approved.

Describe anticipated challenges the Summer EBT agency may face if the requested waivers are not approved:

New Jersey will not be able to prevent the erroneous distribution of benefits and/or ensure that all eligible students are identified, if required to meet these regulatory deadlines.

Describe the expected waiver implementation date and time period:

Requesting the waiver for Summer 2024 – June 15, 2024 through October 31, 2024.

Link to or a copy of the public notice informing the public about the proposed waiver(s):

<https://www.nj.gov/agriculture/divisions/fn/childadult/school.html#13>

Check to affirm that the waiver(s) will not increase the overall cost of the Summer EBT Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds.

Check to affirm that the Summer EBT agency will monitor and review implementation of the waiver(s) and report on implementation as part of their 2025 iPOM. Reporting will include: a description of whether the waiver(s) resulted in improved services to recipients/participants; a description of the impact of the waiver(s) on providing benefits to participants; a description of how the waiver(s) reduced the quantity of paperwork necessary to administer the Program.