



State of New Jersey

DEPARTMENT OF AGRICULTURE
DIVISION OF FOOD AND NUTRITION
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NEW JERSEY CHILD NUTRITION PROGRAMS NATIONAL SCHOOL LUNCH PROGRAM WAIVER REQUEST

May 22, 2019

The New Jersey Department of Agriculture, Division of Food and Nutrition is submitting a Statewide waiver of the regulatory requirement to conduct Administrative Reviews at least once during a 3-year review cycle, for all School Food Authorities participating in the National School Lunch Program (including the Afterschool Snacks and the School Breakfast Program), to the Mid-Atlantic Regional Office (MARO) of the USDA Food and Nutrition Service (FNS).

The below listed waiver has been submitted for consideration:

- Waiver Request – Timing of reviews. The New Jersey State Agency respectfully requests a waiver to conduct a 4-year Administrative Review cycle that will span from SY 2018-2019 through SY 2021-2022.

The goal of this waiver is to allow for efficient and cost-effective program management, ensure program integrity, and reduce the administrative burden for the NJ Department of Agriculture and all School Food Authorities providing lunch and breakfast to children participating in the National School Lunch Program and School Breakfast Program in the state.

Upon receipt, the approval or denial of this waiver request will be posted on the department website at: www.nj.gov/agriculture/divisions/fn/childadult/school.html

For additional information, you may contact Arleen Ramos-Szatmary, Coordinator, School Nutrition Programs at (609) 984-0692.



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 (CNP), 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*, Month XX, 2018.

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

New Jersey Department of Agriculture
Division of Food and Nutrition
Arleen Ramos-Szatmary, Coordinator, School Nutrition Programs
Arleen.Ramos-Szatmary@ag.nj.gov
609-984-0692

2. Region: Mid-Atlantic (MARO)

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

All School Food Authorities providing breakfast and lunch to children participating in the National School Lunch Program and School Breakfast Program in New Jersey will be participating in the waiver and are closely monitored to ensure good standing.

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]:

The School Nutrition Programs (SNP) Unit is currently in the first year of a new 3-year review cycle, after completing an approved 5-year waiver cycle ending in SY 2017-2018. However, the completion of all ARs within the new 3-year review cycle is unlikely, based on the following challenges:

Staffing Challenges:

To date, the State Agency just filled its last field staff vacancy that occurred over the past two years due to retirements. The lengthy Civil Service Commission hiring process delayed our ability to backfill the last remaining position quickly. It has taken a full year to hire a new field staff member, who will finally begin the training process in early April. Once hired, field staff participate in a “shadowing” training process that takes approximately nine months before they are ready and equipped to conduct reviews on their own.

The Unit anticipates further staffing challenges due to a potential resignation and a retirement before July. Another FTE devoted solely to contract oversight resigned in October 2018 and has yet to be replaced. This has placed additional demands on staff conducting reviews.

Staff Responsibilities:

The Administrative Review cycle only allows for reviews to be conducted between late October and the end of June, due to the start and end dates of the school year in New Jersey. This further restricts the timeframe for Administrative Reviews to be completed. Additionally, field staff are also responsible for conducting technical assistance visits and follow-up reviews, preparing and directing multiple SFA training presentations, participation in USDA Nutritionist calls, and assisting with data collection related to Verification, Direct Certification, and CEP.

One of our office staff members is currently working in a dual role as a central office/field staff floater, until the new field staff member is fully trained. In addition, three of our field staff members also oversee the management and approval of over 200 contracts in the Electronic Contract Approval System (ECAS). These additional responsibilities are vital to the success of the program, but also contribute to the limited resources available for ARs.

The SNP Unit oversees almost 800 SFAs. Even fully staffed with 11 field staff members, the Unit is unable to conduct 264 Administrative Reviews per year, which is the amount of reviews required under the current 3-year review cycle. The factors listed above prevent the Unit from further growth and from fulfilling the 3-year review cycle requirement.

The goal of this waiver is not only to be able to complete all administrative reviews, but also to manage the program efficiently and effectively while adhering to program requirements. This waiver will also reduce the administrative burden for the State Agency and all School Food Authorities providing lunch to children participating in the National School Lunch Program.

Approval of this waiver will allow the State Agency to continue to focus its efforts on ensuring program integrity and compliance, as well as provide technical assistance and training to all sponsors of the National School Lunch Program.

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

7 CFR 210.18(c): Timing of reviews. State agencies must conduct administrative reviews of all school food authorities participating in the National School Lunch Program (including the Afterschool Snacks and the Seamless Summer Option) and School Breakfast Program at least once during a 3-year review cycle, provided that each school food authority is reviewed at least once every 4 years. For each State agency, the first 3-year review cycle started the school year that began on July 1, 2013, and ended on June 30, 2014. At a minimum, the on-site portion of the administrative review must be completed during the school year in which the review was begun.

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

Should this waiver be granted, there will be no alternative procedures and no anticipated negative impact on Program Operations, 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]:

The State Agency implemented an automated AR system to streamline reviews beginning in FY 2017. The State Agency uses all of its SAE funds, and utilizes FNS grant funds.

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

No challenges are anticipated.

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]:

There will be no additional administrative costs.

10. Anticipated waiver implementation date and time period:

The anticipated implementation date is July 1, 2019 through June 30, 2022.

11. Proposed monitoring and review procedures:

The New Jersey State Agency respectfully requests a waiver for a 4-year Administrative Review cycle that will span from SY 2018-2019 through SY 2021-2022 as follows:

4 Year Cycle	Projected # of Administrative Reviews
2018-2019	208
2019-2020	188
2020-2021	198
2021-2022	198

The State Agency will continue to conduct Administrative Reviews in accordance with the procedures outlined in 7 CFR 210.18, and will aim to meet the projected number of reviews as referenced in the table above.

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

The State Agency will complete the FNS-640 annually and report as required by federal regulations, or upon request by FNS.

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]:

The public notice is located at:

www.nj.gov/agriculture/divisions/fn/childadult/school.html

13. Signature and title of requesting official:



Title: Coordinator School Nutrition Programs
Requesting official's email address for transmission of response:
arleen.ramos-szatmary@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:**