




State of New Jersey

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TO: School Business Administrators, Charter School Leads,
Non-Public School Administrators, Food Service Directors

FROM: Rose Tricario, Director 
Division of Food and Nutrition

DATE: October 30, 2018

SUBJECT: N.J.S.A.18A:33-24 through N.J.S.A.18A:33-27, Implementation of the Summer
Food Service Program

N.J.S.A.18A:33-24 through N.J.S.A.18A:33-27 became effective on July 1, 2018. It is attached for your review.

This law requires that every school district in which 50% or more of the enrolled students eligible for free or reduced-price meals under the National School Lunch Program in the preceding school year shall:

- Operate a Summer Food Service Program as a sponsor during the summer of 2019; or
- Operate a Summer Food Service Program as a site under an existing approved sponsor in the Program during the summer of 2019; or
- Apply for a one-year waiver of participation in the Summer Food Service Program for the summer of 2019, with planned implementation for the summer of 2020.

The New Jersey Department of Agriculture will notify school districts required to comply with this law in January 2019. Program waiver request forms will also be provided.

Should you have questions or require further assistance, please contact the Summer Food Service Program at 609-984-0692.

**CHAPTER
28**

AN ACT concerning implementation of the federal Summer Food Service Program and supplementing chapter 33 of Title 18A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.18A:33-24 Implementation of Summer Food Service Program.

1. a. Every school district in which 50 percent or more of the students enrolled in the school district on or before the last school day before October 16 of the preceding school year were eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program, shall:

- (1) become a sponsor or site of the federal Summer Food Service Program; or
- (2) apply for a waiver pursuant to section 3 of this act.

b. No later than one year after the date of enactment of this act, a school district which is required to sponsor a Summer Food Service Program pursuant to subsection a. of this section shall submit, to the Department of Agriculture, an application to become a sponsor of the federal Summer Food Service Program or documentation that the school district will become a site under an existing approved sponsor.

c. As used in this act, "Summer Food Service Program" means the federal program that reimburses sponsors for administrative and operational costs to provide meals for children 18 years of age and younger during periods when they are out of school for 15 or more consecutive school days, which is funded by the United States Department of Agriculture and administered by the State Department of Agriculture in accordance with the requirements set forth in federal regulations at 7 CFR Part 225 and 7 CFR Part 250.

C.18A:33-25 Application.

2. a. A school district shall submit, to the Department of Agriculture, an application pursuant to section 1 of this act or documentation that the school district will become a site under an existing approved sponsor.

b. A school district subject to the requirements of this act shall become a sponsor of the federal Summer Food Service Program or become a site under an existing approved sponsor, no later than two years following the date of enactment of this act.

C.18A:33-26 Waiver.

3. a. The Department of Agriculture may grant a waiver of the requirements of this act to a school district subject to the requirements of this act that lacks the staff, facilities, or equipment to sponsor the federal Summer Food Service Program, or the means to finance the hiring or acquisition of such staff, facilities, or equipment, if a waiver is requested by the school district. The Department of Agriculture also may grant a waiver for one year to a school district if a different sponsor currently runs the federal Summer Food Service Program within the same community.

b. A school district that requests a waiver pursuant to subsection a. of this section shall report to the Department of Agriculture, in the manner prescribed by the department, its reasons for requesting a waiver. The report shall include, but need not be limited to, a description of the specific impediments to implementing the program and actions that could be taken to remove those impediments or, where applicable, the identification of the sponsor that currently runs the program within the same community.

C.18A:33-27 Rules, regulations.

4. The Department of Agriculture shall adopt pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to effectuate the purposes of this act.

5. This act shall take effect on July 1, 2018. Approved May 30, 2018.