

**Summer Food Service Program
Summer 2026 Child Nutrition Programs 12(l) Waiver Checklist**

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 (NSLA), 42 U.S.C. 1760(l), provides USDA authority to waive requirements for State agencies or eligible service providers under certain circumstances.

This optional form is designed to streamline the process for State agencies requesting a waiver of statutory or regulatory requirements for the Summer Food Service Program (SFSP) and National School Lunch Program Seamless Summer Option (SSO) for 2026 summer operations (May 1, 2026 – September 30, 2026). The form does not allow States to modify their request to waive additional regulations for those waiver types or to submit other types of waivers.

SFSP and SSO operators may not use this form to submit waivers for their own operation. Operators that wish to apply for a waiver separately from a statewide waiver must contact the State agency and provide them with the necessary information to complete the waiver request on their behalf, including the required elements in [SP 15-2018](#), [CACFP 12-2018](#), [SFSP 05-2018](#), *Child Nutrition Program Waiver Request Guidance and Protocol* - Revised, May 24, 2018.

As with any waiver request, State agencies using this form must provide notice and information to the public about their application for a waiver in accordance with the requirements at Section 12(l) of the NSLA.

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

State Agency: Montana Office of Public Instruction

Date (click on box to select date): 4/30/26

Physical Address: 1300 11th Avenue Helena, MT 59601

Name of person completing this form: Erin Turner

Title of person completing this form: Assistant Director, School Nutrition Program

Region: Mountain Plains

2. Affirmation that eligible service providers participating in the waiver(s) are in good standing:

Please check one: Yes No

Waivers Related to Air Quality Advisories:

The waivers in this section allow State agencies to approve SFSP and SSO sponsors, in good standing, to operate **outdoor** meal sites without alternative indoor sites as non-congregate sites on days when the area is experiencing an Air Quality Index (AQI) that reaches a “purple” flag level or higher, as indicated at <https://www.airnow.gov/>. These waivers are effective *May 1, 2026, through September 30, 2026.**

Non-Congregate Meal Service: [42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and 7 CFR 225.6(i)(15)], meals must be served in a congregate setting and must be consumed by participants on site.

Meal Service Times: [7 CFR 225.16(c)(1), (2), and (3)], meals must follow meal service time requirements.

Parent or Guardian Meal Pickup: [42 U.S.C. 1761(f)(3), 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7)], meals must be served to eligible children.

To use the meal service times waiver, sponsors may not change meal service times less than 24 hours in advance of the previously scheduled meal service time. In addition, sponsors must post a printed notice at the site informing participants of the change; notify the community through appropriate channels, such as a school or neighborhood listservs; and comply with any additional requirement(s) set by the state agency. Do you acknowledge the limitations of the meal service times waiver outlined in this section?

Yes

No

1. What challenges would Program sponsors face without these waivers? Choose all that apply.

- Increased costs
- Increased food waste
- Reduced participation
- Exposure of participating children to hazardous air quality
- Negative Impact on the ability to meet the needs of children and at-risk youth
- Other, describe:

2. How would these waivers benefit Program sponsors? Choose all that apply.

- Control costs
- Reduce food waste
- Maintain program participation
- Limit exposure of participating children to hazardous air quality
- Allow sponsors to schedule meal service times that accommodate the needs of the community
- Other, describe:

3. Describe the program procedures that will be in place under these waivers, if approved. Explain how these waivers will affect program operations (e.g., technology, automated systems, and monitoring) and how program integrity will be maintained.

If approved, this heat waiver will allow Montana OPI to approve SFSP sponsor requests to use the waiver in a timely manner. Program integrity will be maintained by having sponsors apply to use this waiver temporarily as needed and allow sponsors to continue to operate SFSP in a non-congregate manner. OPI will monitor the use of the approved waivers and follow-up with the sponsors to ensure regular operations are back in place once the National Weather Services removes the Heat Advisory, an Excessive Heat Warning, or an Excessive Heat Watch in the area of the SFSP site.

4. Are there any anticipated challenges that State or eligible service providers may face with implementation of these waivers?

No anticipated challenges

Other, describe:

5. What steps will the State agency take to successfully implement these waivers?

Training

Monitoring

Other, describe:

6. Proposed monitoring and review procedures:

OPI will monitor the use of the approved waivers and follow-up with the sponsors to ensure regular operations are back in place once the National Weather Services removes the Heat Advisory, an Excessive Heat Warning, or an Excessive Heat Watch in the area of the SFSP site. Normal SFSP review monitoring will be conducted.

7. Provide a link to the public notice about the requested Air Quality Waiver.

<https://opi.mt.gov/Leadership/Management-Operations/School-Nutrition/Summer-Food-Service-Program>

By providing a signature, I certify that the following is true and accurate:

- These waivers will not increase the overall costs of the program to the Federal Government, or if there are anticipated increases, the costs will be paid from non-Federal funds.
- My State agency will comply with FNS waiver data reporting requirements, and any additional requirements that will be contained in my waiver approval letter.

Signature:

Erin Turner

Title: Assistant Director, School Nutrition Program