

**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: Illinois State Board of Education

Date (click on box to select date): 3/31/26

Physical Address: 100 North First Street W-270, Springfield, IL 62777

Name of person completing this form: Kari Broughton

Title of person completing this form: Principal Consultant

2. Region (click on box to select region): Midwest

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

Please check one: Yes No

If No, please explain:

Waivers Related to Excessive Heat:

The waivers in this section allow State agencies to approve SFSP and SSO sponsors, in good standing, to operate **outdoor** meal sites without temperature-controlled alternative sites as non-congregate sites on days when the National Weather Service (NWS) has issued a Heat Advisory, an Excessive Heat Warning, or an Excessive Heat Watch for the area where the site is located. 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.

1. 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

If No, please explain

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

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

3. 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 excessive heat
- Allow sponsors to schedule meal service times that accommodate the needs of the community
- Other, describe:

4. 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, there are no significant impacts on technology, state systems, or monitoring. Sponsors notify ISBE of the identity of the outdoor congregate meal sites lacking temperature controlled alternative sites during the application process. Interested Sponsors must notify ISBE of the intent to utilize the waiver each/every time the sponsor elects to change to non-congregate meals due to a heat advisory. Waivers requested by sponsors will remain pending until ISBE staff reviews and approves or denies waiver request(s). Once ISBE staff has reviewed and approved a waiver the approval letters will be generated overnight and be available in WINS under the paperclip with all other attachments and approvals. SFSP waiver instructions are posted on our website at <https://www.isbe.net/Documents/sfsp-waiver-request-instructions.pdf>

To claim meals under this waiver:

- a. Sponsors must print or obtain an electronic copy of the NWS notice on the public web found at <http://www.weather.gov/> on the day the Excessive Heat Advisory, Excessive Heat Warning, or Excessive Heat Watch is issued for heat, and email a copy along with the request to utilize the waiver to ISBE the day the waiver is being utilized.
- b. If a sponsor calls after ISBE office hours, they must leave a voicemail detailing the site name, the specific heat advisory issued by the NWS, and the date the waiver is being utilized. The sponsor must still email ISBE the electronic copy of the NWS notice along with the request to utilize the waiver the day the waiver is being utilized.
- c. Provide reason(s) for requesting waivers selected, ISBE program staff will review and approve or deny waivers based on justification for requests. Request waivers only when circumstance require flexibilities to continue program operation, not in anticipation of future circumstances.
- d. Select the start and end date for waiver flexibilities and waivers may be requested/approved for a maximum of a two-week time period unless indicated. d. If an approved waiver is needed beyond the approved time period, a new request must be submitted and approved by ISBE program staff.
- e. Meals taken off site may only be claimed on days for which documentation is maintained.
- f. Approved outdoor sites must comply with the congregate meal requirements on all other days of operation.

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

No anticipated challenges

Other, describe:

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

Training

Monitoring

Other, describe:

7. Proposed monitoring and review procedures:

ISBE attempts to monitor all non-congregate programs. The monitors live in the area, or the largest sponsors are seen by the temporary summer office for site monitoring.

8. Provide a link to the public notice about the requested Excessive Heat Waiver. If no link is available, please email a copy of the notice to your Regional Office.

<https://www.isbe.net/Pages/Waivers-Public-Notices.aspx>

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.

1. 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

If No, please explain

2. 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:

3. 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:

4. 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, there are no significant impacts on technology, state systems, or monitoring. Sponsors notify ISBE of the identity of the outdoor congregate meal sites lacking air quality controlled alternative sites during the application process. Interested Sponsors must notify ISBE of the intent to utilize the waiver each/every time the sponsor elects to change to non-congregate meals due to an air quality alert. Waivers requested by sponsors will remain pending until ISBE staff reviews and approves or denies waiver request(s). Once ISBE staff has reviewed and approved a waiver the approval letters will be generated overnight and be available in WINS under the paperclip with all other attachments and approvals. SFSP waiver instructions are posted on our website at <https://www.isbe.net/Documents/sfsp-waiver-request-instructions.pdf>

To claim meals under this waiver:

- a. Sponsors must print or obtain an electronic copy of the notice on the public web found at <http://www.airnow.gov> on the day of the Unhealthy, Very Unhealthy, or Hazardous for air quality, and email a copy along with the request to utilize the waiver to ISBE the day the waiver is being utilized.
- b. If a sponsor calls after ISBE office hours, they must leave a voicemail detailing the site name, the specific air quality alert issued, and the date the waiver is being utilized. The sponsor must still email ISBE the electronic copy of the notice found at <http://www.airnow.gov> along with the request to utilize the waiver the day the waiver is being utilized.
- c. Provide reason(s) for requesting waivers selected, ISBE program staff will review and approve or deny waivers based on justification for requests. Request waivers only when circumstance require flexibilities to continue program operation, not in anticipation of future circumstances.
- d. Select the start and end date for waiver flexibilities and waivers may be requested/approved for a maximum of a two-week time period unless indicated.
- e. If an approved waiver is needed beyond the approved time period, a new request must be submitted and approved by ISBE program staff.
- f. Meals taken off site may only be claimed on days for which documentation is maintained.
- g. Approved outdoor sites must comply with the congregate meal requirements on all other days of operation.

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

No anticipated challenges

Other, describe:

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

- Training
- Monitoring
- Other, describe:

7. Proposed monitoring and review procedures:

ISBE attempts to monitor all non-congregate programs. The monitors live in the area, or the largest sponsors are seen by the temporary summer office for site monitoring.

8. Provide a link to the public notice about the requested Air Quality Waiver. If no link is available, please email a copy of the notice to your Regional Office.

<https://www.isbe.net/Pages/Waivers-Public-Notices.aspx>

Offer Versus Serve:

The waiver in this section allows State agencies to approve non-school food authority (SFA) SFSP sponsors, in good standing, to use SFSP offer versus serve meal service parameters on a case-by-case basis. This waiver is effective *May 1, 2026, through September 30, 2026.**

Offer Versus Serve: [42 U.S.C. 1761(f)(7) and 7 CFR 225.16(f)(1)(ii)]

1. This waiver is only allowed at sites operating congregate meal service. Do you acknowledge that this waiver is only for sites operating congregate meal service?

- Yes
- No

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

- Increased Program costs
- Increased food waste
- Decreased participant meal satisfaction
- Other, describe:

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

- Control costs
- Reduce food waste
- Improve meal satisfaction which increases Program participation
- Other, describe:

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

If approved, there would be minimal on program systems or monitoring. OVS is included in the annual sponsor trainings and approved on a case-by-case basis. Sponsors requesting to utilize OVS must be in good standing. Sponsors will indicate their option to utilize OVS on the site application. ISBE will monitor the OVS during the normal on-site review. In addition, during administrative reviews, State Agency monitors will confirm whether the waiver has been implemented. If implemented, monitors will collect feedback on how the use of the waiver benefited the program.

5. Are there any anticipated challenges that State or eligible service providers may face with implementation of this waiver?

- No anticipated challenges
- Other, describe:

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

- Training
- Monitoring
- Other, describe:

7. Proposed monitoring and review procedures:

ISBE will monitor the OVS during the normal on-site visit. The monitors live in the area, or the largest sponsors are seen by the temporary summer office for site monitoring.

8. Provide a link to the public notice about the requested Offer Versus Serve Waiver. If no link is available, please email a copy of the notice to your Regional Office.

<https://www.isbe.net/Pages/Waivers-Public-Notices.aspx>

***The dates listed in italics align with the summer operational period; however, the actual duration of these flexibilities may vary based on the waiver approval date.**

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: 

Title: *Director Nutrition*

Requesting official's email address for transmission of response:
m.haller@ishe.net

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 (click on box to select date):

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:

Signature of FNS Regional Office Reviewer: