USDA Food and Nutrition Service
U.S. DEPARTMENT OF AGRICULTURE

April 17, 2026

Bridget Hires
Administrator
Ohio Department of Education and Workforce
25 S. Front Street
Columbus, OH, 43215

Dear Bridget Hires

This letter is in response to Ohio Department of Education and Workforce's (ODEW) April 9, 2026, request to waive certain requirements in the Summer Food Service Program (SFSP) and the National School Lunch Program (NSLP) Seamless Summer Option (SSO) for summer 2026 operations. In order to support continued access to nutritious meals, the Food and Nutrition Service (FNS) recognizes that certain operational flexibilities may be necessary.

FNS has authority to issue statewide waivers under Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1760(l). To grant a Section 12(l) waiver, the NSLA requires that the waiver must facilitate the purpose of the Program, the public must receive notice and information regarding the proposed waiver, and the waiver will not increase the overall cost of the Program to the Federal Government. FNS finds that ODEW's waiver request satisfies these statutory requirements.

Specifically, ODEW requested a statewide waiver of the requirements explained below.

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Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) Operations During Periods of Excessive Heat

The waivers in this section allow ODEW to approve SFSP and SSO sponsors operating outdoor meal sites without access to temperature-controlled alternative sites, and who are in good standing, to provide non-congregate meal service on days when the area is experiencing excessive heat. These waivers may only be used for approved outdoor 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 (SFSP/SSO)

Under NSLA, 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D), and Program regulations at 7 CFR 225.6(i)(15), SFSP meals must be served in a congregate setting and must be consumed by participants on site. Please note that this waiver is not the same as the option to provide a rural non-congregate meal service as described in Section 13(a)(13) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761). This waiver is not limited to sites in rural areas and may only be applied to sites approved for congregate meal service.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements to serve meals through the SFSP in a congregate setting. Any other requirements referenced in these provisions remain in effect. FNS also extends the non-congregate meal service flexibility to SSO for the duration of this waiver.

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Parent and Guardian Meal Pick-Up (SFSP/SSO)

Under the NSLA, 42 U.S.C. 1761(f)(3), and program regulations at 7 CFR 225.2 (Meals), and 7 CFR 225.9(d)(7), SFSP meals must be served to eligible children.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements that meals may only be served directly to children. Any other requirements referenced in these provisions remain in effect. State agencies opting to use this flexibility must have a plan for ensuring that local operators are able to maintain accountability and program integrity. This includes putting in place processes to ensure that meals are distributed only to parents or guardians of eligible children, and that duplicate meals are not distributed to any child. FNS also extends the parent and guardian pick up flexibility to SSO for the duration of this waiver.

Meal Service Times (SFSP/SSO)

Under Program regulations at 7 CFR 225.16(c)(1), (2), and (3), meals served in the SFSP must follow meal service time requirements.

Pursuant to the waiver authority granted at Section 12(l) of the NSLA, FNS waives the aforementioned requirements that set meal time parameters for SFSP sites. Any other requirements referenced in these provisions remain in effect. FNS also extends the meal service times flexibility to SSO for the duration of this waiver.

If a sponsor wishes to use this meal service times waiver, additional requirements apply. The meal service times waiver requirements are intended to ensure that summer meal sites that change the time of their meal service provide adequate notice to the community to ensure there is no loss in program access.

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To use this meal service times waiver, sponsors must:

a) Not change meal service times less than 24 hours in advance of the previously scheduled meal service time,
b) Put up a printed notice or poster at the site indicating the change in meal service times to attendees,
c) Alert the community through appropriate channels (such as school or neighborhood listservs), and
d) Comply with any additional requirement(s) requested by the State agency.

Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) Operations During Periods of Air Quality Advisories

The waivers in this section allow ODEW to approve SFSP and SSO sponsors operating approved outdoor meal sites without access to alternative indoor sites, and who are in good standing, to provide non-congregate meal service on days when the area is experiencing certain air quality advisories. These waivers may only be used for approved outdoor sites on days when the air quality meets specific thresholds based on metrics developed by the Environmental Protection Agency (EPA) and the Center for Disease Control (CDC). These metrics, which are designed to help determine when to move activities indoors, equate to "very unhealthy" or" hazardous" air quality. Sites may be approved for non-congregate meal service on days when the site's zip code has an Air Quality Index (AQI) that reaches a "purple" flag level or higher, as indicated at https://www.airnow.gov/. For days when air quality is a concern, but the purple flag threshold is not met, FNS recommends sponsors with outdoor sites consider the outdoor activity guidance developed by the EPA and the CDC:

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https://www.airnow.gov/activity-guides-publications/. These waivers are effective *May 1, 2026, through September 30, 2026.*

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The waiver authority at Section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by December 31, 2026, ODEW must provide to the FNS Midwest Regional Office (MWRO) a report quantifying the impact of the waiver, as described below. The report must include the following:

- The number of sponsors that utilized each waiver.
- A description of whether the waiver resulted in improved services to children; and
- A summary of benefits and challenges associated with the waiver.

In addition, FNS may request information on the use of the waiver on a more frequent basis. FNS appreciates ODEW's commitment to work with sponsors to find efficiencies that balance the needs of local communities with cost-effective program management and integrity. If you have questions, please contact the FNS MWRO.

Sincerely,

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For J. Kevin Maskornick
Director
Community Meals Policy Division

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