



STATE OF CONNECTICUT

STATE DEPARTMENT OF EDUCATION



Series 2007-2008
Circular Letter: C-9

TO: Superintendents of Schools

FROM: Mark K. McQuillan, Commissioner of Education

DATE: November 13, 2007

SUBJECT: Federal and State Requirements for Provision and Timeframe of Daily Lunch Period for Students

The Connecticut State Department of Education (CSDE) has recently received several inquiries regarding students who have not been offered a daily lunch period. This letter serves as a reminder to all public school districts that: 1) the provision of a daily lunch period for all students is required by state law; and 2) schools participating in the National School Lunch Program must offer lunches between 10:00 a.m. and 2:00 p.m. as required by federal law, unless a waiver has been requested from CSDE. A summary of the state and federal requirements follows.

State Law

Effective July 1, 2004, Section 10-221o of the Connecticut General Statutes mandates that each local and regional board of education shall require each school under its jurisdiction to offer all full day students a daily lunch period of not less than 20 minutes (<http://www.cga.ct.gov/2007/pub/Chap170.htm#Sec10-221o.htm>). Based on the federal U.S. Department of Agriculture (USDA) regulations for the National School Lunch Program, a “lunch period” is the timeframe between 10:00 a.m. and 2:00 p.m.

To ensure that all students have a lunch period, CSDE recommends that schools implement the following procedures prior to the start of student course selections.

- Use computer software to identify student schedules that do not include a lunch period. As the guidance counselor reviews course schedules to ensure that students get requested courses, they also identify those student schedules that do not include a lunch period.
- When students select courses that will result in a schedule without a lunch period, the guidance counselor discusses the schedule with the student. The guidance counselor works with the student to revise the schedule to include a lunch period or allows the student to opt out of lunch if the student does not want to drop any courses.
- In the case of a student who wants to opt out of lunch, the CSDE recommends that the school guidance department develop a written waiver that is signed by the student and a parent/guardian to ensure that everyone understands and agrees with the schedule. This eliminates issues with students unknowingly having a schedule that does not include lunch.

Federal Law

The Code of Federal Regulations (CFR) 210.10(f)(1), for the National School Lunch Program (NSLP), specifies that schools participating in the NSLP must serve lunches during the timeframe of **10:00 a.m. to 2:00 p.m.** The law requires that schools must submit a request to CSDE for a waiver if lunches will be served before or after this timeframe. CSDE must evaluate the circumstances of each request to determine whether it meets one of the two federal USDA criteria for an exemption from the specified timeframe for lunch.

1. CSDE may grant reasonable variances from the meal service requirements to accommodate special circumstances encountered in schools operating for traditional students at traditional times. For example, if a school has a legitimate need to extend the lunch service to 2:30 p.m. due to capacity concerns or because of extended school hours, an exception would be considered a special circumstance.
2. CSDE may grant exemptions from the meal service requirements if the school operates for traditional students but at a nontraditional time. For example, a school may need to provide lunch service from 3:00 to 4:00 p.m. to accommodate a work-study program that allows high school students to work in the morning and attend high school classes in the later afternoon or evening. Approval of an exemption for this specific circumstance will only be granted if: a) these alternative programs provide students of high school grade or under an opportunity to obtain the minimum requirements for graduation at a nontraditional time; and b) it is not possible to serve lunch at a more traditional time.

The written request for a waiver must be submitted by the superintendent and must include the special circumstances at the school that necessitate the change in timeframe for lunch. **It is important to note that exemptions are only granted if one of the two criteria specified above are met. Exemptions will *not* be granted for routine scheduling choices, such as block schedules.** Letters must be submitted by July 1 of each school year to: Paul Flinter, Chief, Bureau of Health/Nutrition, Family Services and Adult Education, Connecticut State Department of Education, 25 Industrial Park Road, Middletown, CT 06457. If you are currently operating a lunch period outside of the approved timeframe and you have not requested a waiver for this school year, you must submit your request to CSDE by **December 30, 2007.**

If you have any questions regarding this information, please contact Susan Fiore, Bureau of Health/Nutrition, Family Services and Adult Education, at 860-807-2075 or susan.fiore@ct.gov.

MKM:sff

cc: School Food Service Directors