




STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Sponsors of the National School Lunch and School Breakfast Programs

FROM: John D. Frassinelli, Division Director
School Health, Nutrition, and Family Services 

DATE: November 3, 2022

SUBJECT: Operational Memorandum No. 02-23
National School Lunch Program (NSLP) Requirements for Regular and Shortened School Days

The National School Lunch Act (NSLA) requires that all public schools, nonprofit private schools, and residential child care institutions (RCCI) participating in the NSLP serve lunch to children each school day, including planned half days and early dismissal days that are considered a school day. These requirements are outlined in [Operational Memorandum No. 3-22: Updated Requirements for Lunch Periods in the National School Lunch Program \(NSLP\)](#).

Under the NSLP, lunch service must be congregate and offered during the school day. Students are not permitted to take meals offsite for consumption. During the past two years, under the federal public health emergency due to COVID-19, the U.S. Congress authorized the U.S. Department of Agriculture (USDA) to issue nationwide and state specific waivers that allowed certain flexibilities in the School Breakfast Program (SBP) and NSLP to support access to nutritious meals while minimizing potential exposure to COVID-19. The Connecticut State Department of Education (CSDE) opted in to waivers that authorized NSLP sponsors to provide non-congregate meal service to children to consume offsite during school years 2019-20, 2020-21, and 2021-22. However, the USDA's broad waiver authority expired on June 30, 2022, and reestablished the requirements that all SBP and NSLP meals must be offered during the school day and consumed onsite. Schools may implement "grab and go" to the classroom or another location on the school premises during the school day without prior CSDE authorization when the appropriate program integrity and point of service measures are in place.

The Code of Federal Regulations (CFR) 210.10(f)(1) specifies that schools participating in the NSLP must offer lunch not earlier than 10:00 a.m. and not later than 2:00 p.m., including on planned half-days and early dismissal days, unless the NSLP sponsor has requested and been authorized by the CSDE to serve lunch outside of these regulatory timeframes. [State statute](#) also requires a minimum 20-minute lunch period daily for all full-day public school students. On planned half-days or early dismissal days, a 20-minute lunch period for students is encouraged, but not required by state law.

To request an alternate lunch time outside the timeframe of 10:00 a.m. to 2:00 p.m. for either a regular school days or planned half days, NSLP sponsors must submit a waiver request to the CSDE. The CSDE must evaluate the circumstances of each request to determine whether it meets one of the two USDA criteria for an exemption from the specified timeframe for lunch:

1. The CSDE may grant reasonable variances from the meal service time requirements to accommodate special circumstances encountered in schools operating for traditional students at traditional times. For example, if a school has a condensed schedule on a planned half day, the school may need to serve lunch prior to 10 a.m. due to capacity and may therefore request an exception from the CSDE to serve outside of the 10:00 a.m. to 2:00 p.m. timeframe.
2. The CSDE may grant reasonable variances from the meal service time 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 p.m. to 4:00 p.m. to accommodate a workstudy program that allows high school students to work in the morning and attend high school classes in the later afternoon or evening. For this specific circumstance, the CSDE will grant a meal service time variance only if: a) these alternative programs provide high school grade students an opportunity to obtain the minimum requirements for graduation at a nontraditional time; and b) it is not possible to serve lunch during the 10:00 a.m. to 2:00 p.m. timeframe.

The written request for a variance in lunch service times must be submitted to the CSDE by one of the designated *authorized signers for the local educational agency* and must include a description of the special circumstances at the school that make it necessary for the school to serve lunch outside of the required NSLP service times. The CSDE may grant variances from lunch meal service times only if one of the two criteria specified above are met. Variances from the required lunch service timeframe will not be approved for routine scheduling choices, such as block schedules.

Requests for variances in NSLP meal service times must be submitted via email to the SFA's CSDE school nutrition team member by July 1 of each school year. For school year 2022-23 only, SFAs that have operated (or are operating) outside of the regulatorily lunch service timeframe without CSDE authorization must submit a request as outlined above to the CSDE by November 18, 2022.

Please share this memorandum with district administrators to ensure compliance with the federal and state regulations. Questions may be directed to your [CSDE school nutrition team member](#).

JDF:tdd

Important: This is a numbered Connecticut State Department of Education (CSDE) operational memorandum that contains important program information. Please read carefully and retain for future reference. All CSDE operational memoranda are posted on the CSDE's [Operational Memoranda for School Nutrition Programs](#) webpage.