

# TECHNICAL ASSISTANCE NOTE

No. 2005-28



John L. Winn, Commissioner

## *School Business Services* *FOOD AND NUTRITION MANAGEMENT*

Contact: Irene Wimbush

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**DATE:** March 25, 2005

**TO:** District School Food Service Directors

**FROM:** Diane Santoro, Administrator

**SUBJECT:** Waiver Requests for Serving Exemptions to the Lunch Period

The Florida Department of Education's goal of "Highest Student Achievement" is one of the top priorities of Food and Nutrition Management. This technical assistance note supercedes others issued on this topic. The Code of Federal Regulations, 7 CFR 210.10(f)(1), states that schools must offer lunches between 10:00 a.m. and 2:00 p.m., unless otherwise exempted by the State agency. Local education agencies may request an exemption from these stated serving times from Food and Nutrition Management (FNM).

In order to receive an approved meal time exemption waiver, FNM must be able to determine that the circumstances stated in the request meet one of the following standards:

- Standard 1: FNM 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 hours to 2:30 p.m. due to capacity concerns or because of extended school hours, such a waiver would be considered a special circumstance.
- Standard 2: FNM may also grant a waiver from the meal service requirements if the school in question operates for traditional students, but at a non-traditional time. FNM will approve waivers contingent upon the understanding that (a) these alternative programs provide students of high school or lower grade an opportunity to obtain the minimum requirements needed for graduation at a non-traditional time, and (b) it is not possible to serve lunch at a more traditional time. For example, some work study programs allow high school students to work in the morning or afternoon hours and attend high school classes in the late afternoon/evening.

Program sponsors must provide the following information when requesting a meal time exemption waiver:

1. A written statement indicating the reason(s) for requesting a waiver (e.g., overcrowding, early release).
2. The specific date(s) that the waiver would be in effect.
3. The specific school(s) requesting the waiver.
4. The time that each school day begins and ends.
5. The proposed beginning and ending time of the lunch meal service. If breakfast is served at the same site, provide the beginning and ending time for the breakfast meal as well.

A meal time exemption waiver request should be submitted at least two weeks prior to the date the approval is desired. The requested change should not be implemented until written approval is received from FNM.

Effective upon issuance of this technical assistance note, meal time exemptions will be approved for the current school year only. If another waiver is required subsequent to the current school year, an additional request must be submitted.

If you have questions, please contact Irene Wimbush at (800) 504-6609 or [Irene.Wimbush@fldoe.org](mailto:Irene.Wimbush@fldoe.org).

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