



Office for Prekindergarten through Grade 12 Education  
School Operations and Management  
Child Nutrition Program Administration  
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(518) 473-8781 Fax (518) 473-0018  
[www.nysed.gov/cn/cnms.htm](http://www.nysed.gov/cn/cnms.htm)

To: School Food Authorities

From: Paula Tyner-Doyle, Coordinator  
Meg McNiff, Coordinator Office of Early Learning

Date: October 10, 2013

Subject: Half Day Pre-K/Kindergarten Scheduled Meal Service

We have received many questions regarding whether or not students that are in half day Pre-K or Kindergarten must have access to meals during their scheduled classroom instruction.

Schools that are participating in the National School Lunch Program (NSLP) and/or School Breakfast Program (SBP) must follow Federal Regulations Parts 210 and 220 which state "in general, school food authorities must make program benefits available during meal service periods to all children attending participating schools...While a school may have legitimate problems accommodating all students within a given time or space, it is improper to arbitrarily deny a certain segment of the student body access to the lunch program. However, there is no requirement to provide lunch to partial day students (e.g. pre-school, kindergarten, half day high school students) who are not scheduled to be in school during lunch hours".

Therefore, if you are participating in the NSLP and/or SBP, all students that are present during scheduled breakfast or lunch periods must have access to the SBP or NSLP. For more information on participation in the NSLP and/or SBP please contact a child nutrition representative at 518-473-8781 or at [www.nysed.gov/cn/cnms.htm](http://www.nysed.gov/cn/cnms.htm).

If you are not participating in the NSLP and/or SBP and are operating a State-funded prekindergarten program, you must provide meals and/or snacks in accordance with the provisions of Section 151-1(3)(c) of the Regulations of the Commissioner of Education. This section provides that prekindergarten programs that operate for less than three hours must provide a nutritional meal and/or snack. Programs operating more than three hours must provide appropriate meals and snacks to ensure that the nutritional needs of the children are met.

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