



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF SPECIAL EDUCATION  
ASSISTANT COMMISSIONER  
89 Washington Avenue, Room 301M EB • Albany, NY 12234  
[www.p12.nysed.gov/specialed/](http://www.p12.nysed.gov/specialed/)

Telephone: (518) 402-3353  
Fax: (518) 402-3534

October 2020

To: District Superintendents  
Superintendents of Schools  
Public School Administrators  
Charter School Administrators  
Superintendents of State-Operated and State-Supported Schools  
Section 4410 Municipality Representatives  
Approved Preschool Providers  
Chairpersons of Committees on Preschool Special Education  
Organizations, Parents and Individuals Concerned with Preschool Special Education

From: Christopher Suriano

Subject: Guidelines for Determining if Mealtime May be Included When Calculating Instructional Time for Preschool Special Education Programs

This memorandum provides updated guidance regarding the inclusion of mealtime when calculating the instructional hours for Preschool Special Class in an Integrated Setting (SCIS) and/or Special Class (SC) programs for three and four-year-old preschool students with disabilities. The New York State Education Department's (NYSED) Office of Special Education (OSE) has determined that there are circumstances when mealtime may be counted as part of the daily instructional schedule for some preschool special education programs. For children attending a full-day class, mealtime may provide learning opportunities when included as part of the instructional day. These opportunities may include experiences with food, encouraging self-help skills, developing fine motor skills, language and vocabulary development and mealtime behavioral expectations. Mealtime can provide a natural environment for young learners to share in conversations that build relationships with peers and adults.

If your program chooses to include mealtime as part of the instructional day, it should be a positive experience for each child and must include meaningful adult-child interactions and opportunities for learning. Listed below are criteria offered to assist a preschool special education program in determining whether mealtime qualifies as part

of instructional time. Instructional mealtime includes, but is not limited to, the following requirements:

- NYSED approved SC or SCIS staff-to-student ratios are maintained during mealtime.
- Teachers, related service providers and paraprofessionals who participate in mealtime model appropriate mealtime behavior, facilitate and guide meaningful conversations and foster problem solving and turn taking.
- Measurable annual goals and objectives are implemented for mealtime, as well as the level of individualized attention and intervention and any assistive technology and/or environmental modifications needed, in accordance with students' individualized education program (IEP).
- Students' learning experiences, as aligned to the [New York State Prekindergarten Learning Standards](#) and include each of the five domains (Approaches to Learning; Physical Development and Health; Social Emotional Development; Speech, Language and Literacy; and Cognition and Knowledge of the World), are incorporated during mealtime.

All preschool staff must be familiar with the instructional mealtime requirements for preschool special education programs and trained to effectively implement instructional mealtime. The inclusion of mealtime in the instructional day is available only for full-day preschool special education programs, which consistent with section 200.1(q) of the [Regulations of the Commissioner of Education](#), are programs with not less than five hours of instruction for preschool students with disabilities.

Preschool special education programs may choose to adjust their hours accordingly if instructional mealtime will be included in their hours of operation. If hours are adjusted, each preschool special education program must develop a plan for communicating any changes to parents, families, and to county transportation administrators and for responding to concerns. **NOTE: A modification application and a new NYSED approval letter will not be needed as the instructional day will continue to be a full-day session of not less than five hours. Tuition rates will also remain the same, as the program will continue to operate a full-day class.**

Questions regarding this memorandum may be directed to the Office of Special Education Preschool Policy Unit at (518) 473-6108 or to [speced@nysed.gov](mailto:speced@nysed.gov).