

**2025 HOUSE EDUCATION**

**HB 1333**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1333  
1/28/2025

Relating to the duration of a student's school lunch break.
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2:32 p.m. Chairman Heinert called the meeting to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Heilman, Jonas, Longmuir, Maki, Marchall, Morton

Members Absent: Representative Hauck, Representative Novak

### Discussion Topics:

- Proper school schedules
- State employee lunch times
- Committee action

2:23 p.m. Representative Heilman introduced the bill and submitted testimony #31863

2:37 p.m. Kevin Hoherz, Legislative relations, NDCEL, testified in opposition and submitted testimony #32112

2:41 p.m. Chairman Heinert Closed the hearing.

2:42 p.m. Representative Hager moved a Do Not Pass.

2:42 p.m. Representative Hatlestad seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	AB
Representative Matthew Heilman	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	N
Representative Desiree Morton	N
Representative Anna S. Novak	AB
Representative Doug Osowski	N

Motion carried: 8-4-2

Bill Carrier: Representative Maki

**Additional written testimony:**

Jon Lee, Independent, submitted testimony in favor. #31815

Brendan Flemmer, Independent, submitted testimony in favor. #32105

Michael Heilman, Executive Director of ND Small organized schools, submitted testimony in opposition. #31961

2:52 p.m. Chairman Heinert closed the hearing.

*Saydee Wahl for Leah Kuball, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**HB 1333 ([25.0409.04000](#))**

**Education Committee (Rep. Heinert, Chairman)** recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1333 was placed on the Eleventh order on the calendar.

1. Testimony in support of HB 1333.
2. Chairman Heinert and honorable members of the House Education Committee,
3. My name is Jon Lee.
4. I am a resident of Bismarck and have served on the Bismarck School Board for the past seven years.
5. Today, I am not speaking on behalf of Bismarck Public Schools or the Bismarck School Board.
6. Instead, I am here to express my personal support for HB 1333.
7. Across our state, the variety of school schedules often shifts focus away from the students themselves.
8. I wholeheartedly support HB 1333 as a way to restore balance between scheduling and the needs of our learners.
9. It is undeniable that children learn better when their basic needs are met.
10. One of those essential needs is food.
11. This bill ensures students have a reasonable amount of time to transition between classes and eat lunch, supporting both their well-being and academic success.



North Dakota  
House of Representatives  
STATE CAPITOL  
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**Representative Matthew Heilman**

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**COMMITTEES:**

Education  
Political Subdivisions

January 28<sup>th</sup>, 2025

Chairman Heinert and members of the Education Committee,

My name is Matt Heilman, and I am a state representative from North Dakota's seventh legislative district in Bismarck. I am here today to speak in favor of HB 1333 which is to ensure students have an adequate amount of time to eat every school day.

This is a short bill that simply states a student must have half an hour off for lunch per school day. The time range to meet the half hour requirement ranges from 10AM to 2PM. The bill also allows a student to miss classroom time to meet the half hour requirement. The student would also have to obtain a written note from a school counselor for missing part of a class to meet the half hour requirement. The student would then have to provide that note to the teacher of the class they would be missing.

I am bringing this bill because this has been an issue at my old high school for years. I know other students across the state have run into this issue as well. I do not want to speak on behalf of other schools since I did not attend them or know the details of those schools. I do agree that issues should ideally be solved on the local level before the state addresses it, but when a problem is not solved locally, it then becomes our problem to solve. This has been going on at my old school for a long time and it still has not been fixed. Other states have taken initiatives to ensure students have enough time to eat lunch such as New Mexico, New York and California.

We all know the importance of having time to eat lunch. Our state employees are given half an hour for lunch each day, so I think it is appropriate to make sure that our students have that time as well. This is under 46-02-07-02 of the Administrative Code. Mr. Chairman and members of the committee, thank you for your time and I respectfully ask for a do pass recommendation.

5. A minimum thirty-minute meal period must be provided in each shift exceeding five hours when there are two or more employees on duty. Employees may waive their right to a meal period upon agreement with the employer. Employees do not have to be paid for meal periods if they are completely relieved of their duties and the meal period is ordinarily thirty minutes in length. The employee is not completely relieved if required to perform any duties during the meal period. Collectively bargained agreements will prevail over this provision.





# North Dakota Small Organized Schools

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2 Testimony in Opposition to HB 1333

3 Chairman Heinert and members of the House Education Committee,

4 My name is Michael Heilman, Executive Director of North Dakota Small Organized Schools and I am here  
5 to express my opposition to HB 1333 mandating a 30-minute lunch break for all schools. While I  
6 appreciate the intent to ensure students have adequate time to eat and recharge, I believe this  
7 legislation undermines the principle of local control and the ability of school boards and administrators  
8 to make decisions that best meet the unique needs of their communities.

9 **Importance of Local Control**

10 Local school boards and administrators are best positioned to make decisions regarding the daily  
11 schedules of their schools. They work closely with educators, parents, and community stakeholders to  
12 develop schedules that reflect the specific needs and priorities of their districts. Mandating a uniform  
13 30-minute lunch period at the state level removes the flexibility necessary to tailor school schedules to  
14 diverse student populations and local circumstances.

15 For example, in rural districts, long bus routes often dictate earlier start times and later end times.  
16 Adding a mandated 30-minute lunch break could force these schools to extend the school day further,  
17 creating challenges for families and students involved in after-school activities or those who rely on  
18 transportation services. Conversely, in urban districts, where schools often operate on staggered  
19 schedules to accommodate limited facilities, a rigid mandate could lead to logistical challenges that  
20 disrupt the flow of the school day.

21 **Balancing Academic Priorities**

22 Mandating a 30-minute lunch period could inadvertently impact instructional time, particularly in  
23 schools that already struggle to fit all necessary subjects and activities into the day. Local administrators  
24 are tasked with balancing state-mandated instructional requirements with the need to provide  
25 enrichment opportunities, intervention services, and extracurricular programs. Imposing a uniform  
26 lunch break may force schools to reduce time allocated to these critical areas, ultimately hindering  
27 student success.

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**Board of Directors**
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**The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.**

## Existing Efforts to Address Student Needs

Many districts already prioritize sufficient lunch periods through locally developed procedures, policies and schedules. These policies take into account factors such as cafeteria capacity, staffing levels, travel to career academies and student schedules. Furthermore, local administrators are responsive to concerns from parents and students about lunch breaks, making adjustments as needed without the need for a one-size-fits-all mandate.

For instance, some districts incorporate flexible scheduling that allows students to engage in unstructured time during lunch or provide grab-and-go options for those involved in concurrent activities or needing to travel to a different facility for a class. These creative solutions are possible because of the autonomy granted to local decision-makers.

## Potential Unintended Consequences

State-mandated schedules may lead to unintended consequences, such as:

- **Increased Operational Costs:** Extending lunch periods could require additional staffing or facilities adjustments, particularly in schools with limited cafeteria capacity.
- **Reduced Elective Opportunities:** Schools may need to cut back on electives, arts, or physical education to comply with the mandate.
- **Logistical Challenges:** Implementing a standardized lunch period could complicate scheduling for students who participate in dual enrollment programs, internships, or work-study opportunities.

In conclusion, while the goal of ensuring students have adequate time for lunch is commendable, this legislation undermines the principle of local control and imposes unnecessary rigidity on schools. Local school boards and administrators are uniquely qualified to design schedules that reflect the needs and priorities of their communities.

I urge you to respect the autonomy of local districts and allow them to continue making decisions about school schedules, including lunch periods, in collaboration with their stakeholders. A more effective approach would be to provide guidance and support to districts, rather than imposing a statewide mandate.

Thank you,

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Mr. Chairman and members of the education committee,

I currently have two children attending Legacy High School in Bismarck ND. Their schedule is quite unique and appears to be one of a kind in BPS, maybe in the whole state. This unique schedule is very fluid and at times can be at odds with mealtime. For example, last year one of my children did not have a slot available for a meal break. In order for her to get fed, she had to bring her meal to the classroom. If they have a designated slot for a meal, it will be a minimum of 20 minutes. That means they must exit the classroom, make the journey to the lunch area, step through the lunch line, find a table, consume the food, and finally tray cleanup all within 20 minutes before their next class.

This is concerning to me if a young growing person is expected to perform academically and physically when they are not given adequate time to recharge midday. What is interesting is that our state has a ND Labor law requiring employers to give their employees at least a 30 minute break for a meal (N.D. Admin. Code § 46-02-07-02(5)). Does this mean that our school faculty is guaranteed this meal break while our children are not?

There are many sources online that discuss the recommended school mealtime. The term I see come up often is "seat time". In other words, omit all the steps I mentioned above and only focus on the minimum time needed for when the student sits down and consume their meal. Some, including the Center for Disease Control, suggest 20 minutes of seat time<sup>1</sup> but there are other studies suggesting at least 25 minutes.<sup>2</sup> The American Federation of Teachers is also in agreement with this suggestion.<sup>3</sup> The fact that there are several sources tackling this topic tells me that this is not isolated to our family's experience.

HB1333 would replicate the 30 minute time requirement outlined in the aforementioned century code and extend the same privilege to our students.

Thank you for your time and please accept this written testimony in support of House Bill 1333

Brendan Flemmer

Sources:

<sup>1</sup> [https://www.cdc.gov/school-nutrition/school-meals/time-for-lunch.html?CDC\\_AAref\\_Val=https://www.cdc.gov/healthyschools/nutrition/school\\_lunch.htm](https://www.cdc.gov/school-nutrition/school-meals/time-for-lunch.html?CDC_AAref_Val=https://www.cdc.gov/healthyschools/nutrition/school_lunch.htm)

<sup>2</sup> <https://www.edweek.org/leadership/why-20-minute-lunch-periods-arent-good-for-students/2019/10>

<sup>3</sup> <https://www.aft.org/resolution/healthy-student-mandatory-minimum-25-minutes-seated-lunch-time>



Chairman Heinert and Members of the House Education Committee,

Thank you for the opportunity to provide testimony in opposition to House Bill No. 1333, which proposes requiring a minimum of thirty minutes for student school lunch periods. While we appreciate the intent to ensure students have sufficient time to eat and recharge, we believe this mandate would create significant logistical challenges and unintended consequences for schools across North Dakota.

First, the scheduling difficulties this bill would impose on schools cannot be overstated. Extending lunch periods to a mandatory thirty minutes would disrupt carefully crafted schedules, potentially reducing instructional time, interventions, and extensions. Many schools already struggle to fit all required subjects, enrichment opportunities, and intervention times into the school day. This additional requirement would force administrators to make difficult decisions that could negatively impact academic and developmental opportunities for students.

Second, the supervision of students during extended lunch periods poses a significant concern. Schools often face challenges ensuring adequate staffing to monitor lunchrooms, hallways, and outdoor spaces. Lengthening lunch periods would require additional supervision time from teachers and support staff.

Additionally, longer lunch periods may inadvertently lead to increased instances of students breaking school rules. Unstructured time is often when disciplinary issues arise, including misuse of electronic devices, conflicts between peers, and other behavior problems. Extending the lunch period without additional resources for supervision and structured activities would likely increase these issues, creating more work for staff and administrators while detracting from the positive, safe environment schools strive to maintain.

Furthermore, it is important to recognize that schools already prioritize student well-being and ensure reasonable lunch periods within the constraints of their unique schedules and resources. Imposing a one-size-fits-all mandate fails to account for the diverse needs and circumstances of schools across the state. Local control allows school leaders to design schedules that best meet the needs of their students, staff, and communities.

In closing, we respectfully urge the committee to reconsider the implementation of House Bill No. 1333. While we share the goal of supporting students' health and well-being, this proposed legislation introduces challenges that could ultimately hinder the educational experience and environment for both students and staff. Thank you for your time and consideration of our perspective.