

**WSR 24-22-075
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed October 30, 2024, 9:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-16-089.

Title of Rule and Other Identifying Information: WAC 392-157-125
Time for meals.

Hearing Location(s): On January 14, 2025, at 11:00 a.m., virtual public hearing via Zoom (call-in option also available). Participation link available on the office of superintendent of public instruction (OSPI) rules web page [Ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity](https://ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity). For participation questions, please email sirena.wu@k12.wa.us.

Date of Intended Adoption: January 16, 2025.

Submit Written Comments to: Leanne Eko, OSPI, P.O. Box 47200, Olympia, WA 98504, email child.nutrition@k12.wa.us, beginning November 20, 2024, 8:00 a.m., by January 14, 2025, no later than 5:00 p.m.

Assistance for Persons with Disabilities: Contact Sirena Wu, OSPI rules coordinator, phone 360-480-9317, TTY 360-664-3631, email sirena.wu@k12.wa.us, by January 7, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: OSPI is proposing to revise WAC 392-157-125 to better align with state auditor performance audit results, leading research, and national best practices by requiring a minimum seated lunchtime of 20 minutes in K-12 public schools.

Reasons Supporting Proposal: Requiring a minimum seated lunchtime of 20 minutes in K-12 public schools under WAC 392-157-125 would allow for specific guidance that aligns with recommendations from education and nutrition groups, national best practices, and state auditor performance audit results. Additionally, adopting a minimum seated lunchtime requirement would ensure uniform standards across Washington state schools.

Statutory Authority for Adoption: RCW 28A.235.100.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting and Implementation: Leanne Eko, OSPI, 600 South Washington Street, Olympia, WA; and Enforcement: OSPI, 600 South Washington Street, Olympia, WA.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Is exempt under RCW 19.85.030.

Explanation of exemptions: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

Scope of exemption for rule proposal:

Is fully exempt.

October 30, 2024
Chris P.S. Reykdal

OTS-5961.1

AMENDATORY SECTION (Amending WSR 94-04-097, filed 2/1/94, effective 3/4/94)

WAC 392-157-125 Time for meals. ((The)) (1) School mealtime. School breakfast and school lunch periods (~~shall~~) must allow a reasonable amount of time for each child to take care of personal hygiene and enjoy a complete meal.

(2) Seated lunchtime. Beginning in the 2025-26 school year, each school must provide a lunch period that allows all students a minimum of 20 minutes to eat lunch once the students have received their food through the meal service line.