

HB0440S02 compared with HB0440

~~{Omitted text}~~ shows text that was in HB0440 but was omitted in HB0440S02

inserted text shows text that was not in HB0440 but was inserted into HB0440S02

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1

School Lunch Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tiara Auxier

Senate Sponsor:

2

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LONG TITLE

4

General Description:

5

This bill enacts provisions related to ~~{meals served in a public-}~~ school community councils, school meals, and recess in ~~{an elementary-}~~ public school.

7

Highlighted Provisions:

8

This bill:

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▸ defines terms;

10

▸ requires a local education ~~{agencies-}~~ agency to establish a share table program;

11

▸ requires ~~{elementary schools and-}~~ a school community ~~{councils-}~~ council and a charter school's wellness committee or a charter trust land council to hold ~~{an annual-}~~ a school lunch planning meeting;

13

▸ creates a ~~{school lunch target goal}~~ reporting requirement;

14

▸ ~~{requires the State Board of Education to research best practices related to school lunch;}~~

15

▸ creates certain requirements regarding recess in an elementary school; and

16

▸ makes technical and conforming changes.

16

Money Appropriated in this Bill:

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None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53F-2-423 , as enacted by Laws of Utah 2025, Chapter 203

53G-7-1202 , as last amended by Laws of Utah 2024, Chapter 66

53G-7-1205 , as last amended by Laws of Utah 2020, Chapter 161

ENACTS:

53G-7-1207 , Utah Code Annotated 1953

53G-9-216 , Utah Code Annotated 1953

~~**{53G-9-217, Utah Code Annotated 1953}**~~

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53F-2-423** is amended to read:

53F-2-423. School meal program.

(1) As used in this section:

- (a) "Education model health and wellness policy on nutrition" means state board policy emphasizing that an LEA promote efficient meal scheduling, provide adequate time for eating, and implement practices that help reduce food waste.
- (b) "Eligible student" means a student enrolled in kindergarten through grade 12 who qualifies for reduced-price meals based on household size and income levels under the National School Lunch Program.
- (c) "National School Lunch Program" means the same as that term is defined in 7 C.F.R. Sec. 210.2.
- (d) "Share table program" means a system in a school where a student may return unopened, uneaten food or beverages to a designated location for redistribution to other students.
- (2) An LEA participating in the National School Lunch Program shall provide lunch to an eligible student on a school day at no charge.
- (3) The state board:
 - (a) shall:

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- (i) subject to legislative appropriations, reimburse an LEA for each reimbursable lunch provided under this section in an amount equal to the difference between the federal reimbursement rates for a meal and a reduced-price meal, as determined annually by the United States Department of Agriculture;
- 52 (ii) establish a reimbursement system where the board provides a monthly reimbursement to an LEA that provides a meal under Subsection (2); and
- 54 (iii) accept private donations and grants for the purpose of funding the school meal program described in this section; and
- 56 (b) may provide guidance and support to a school implementing the food waste prevention strategies described in Subsection (6).
- 58 (4) An LEA may not:
- 59 (a) publicly identify or stigmatize a student unable to pay for a meal; or
- 60 (b) require a student to perform chores to pay for a meal unless the requirement applies equally to all students regardless of whether the student pays for the meal.
- 62 (5) An LEA shall direct communications regarding a student's meal debt only to the student's parent.
- 64 (6) An LEA participating in the National School Lunch Program shall consider, where feasible, reducing food waste by[:]
- 66 [(a)] following the education model health and wellness policy on nutrition[; and] .
- 67 [(b) establishing a share table program.]
- 68 (7) An LEA shall establish and implement a share table program at each school within the LEA's jurisdiction.
- 70 [(7)] (8)
- (a) Notwithstanding Subsection (3)(a)(i), if appropriations are insufficient to fully reimburse each LEA for the cost of a reimbursable lunch described in this section, the state board shall distribute the available funds in the fourth quarter of the fiscal year to each LEA on a pro rata basis, not exceeding the available funds.
- 74 (b) An LEA may ask the parent of an eligible student to cover the remaining cost of a subsidized lunch under this section.

76 Section 2. Section 53G-7-1202 is amended to read:

77 **53G-7-1202. School community councils -- Duties -- Composition -- Election procedures and selection of members.**

- 79 (1) As used in this section:

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- 80 (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy behavior related to
technology use, including digital literacy, ethics, etiquette, and security.
- 83 (b) "Educator" means the same as that term is defined in Section 53E-6-102.
- 84 (c)
- (i) "Parent member" means a member of a school community council who is a parent of a student who:
- 86 (A) is attending the school; or
- 87 (B) will be enrolled at the school during the parent's term of office.
- 88 (ii) "Parent member" may not include an educator who is employed at the school.
- 89 (d) "Safety principles" means safety principles that, when incorporated into programs and resources,
impact academic achievement by strengthening a safe and wholesome learning environment,
including continual efforts for safe technology utilization and digital citizenship.
- 93 (e) "School community council" means a council established at a district school in accordance with this
section.
- 95 (f) "School employee member" means a member of a school community council who is a person
employed at the school by the school or school district, including the principal.
- 98 (g) "School LAND Trust Program money" means money allocated to a school pursuant to Section
53F-2-404.
- 100 (2) A district school, in consultation with the district school's local school board, shall establish a school
community council at the school building level for the purpose of:
- 102 (a) involving parents of students in decision making at the school level;
- 103 (b) improving the education of students;
- 104 (c) prudently expending School LAND Trust Program money for the improvement of students'
education through collaboration among parents, school employees, and the local school board; and
- 107 (d) increasing public awareness of:
- 108 (i) school trust lands and related land policies;
- 109 (ii) management of the State School Fund established in Utah Constitution Article X, Section V; and
- 111 (iii) educational excellence.
- 112 (3)
- (a) Except as provided in Subsection (3)(b), a school community council shall:
- 113 (i) create the School LAND Trust Program and LAND Trust plan in accordance with Section
53G-7-1206;

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(ii) hold a school lunch planning meeting in accordance with Section 53G-7-1207;

~~[(iii)]~~ (iii) advise and make recommendations to school and school district administrators and the local school board regarding:

(A) the school and its programs;

(B) school district programs;

(C) a child access routing plan in accordance with Section 53G-4-402;

(D) safe technology utilization and digital citizenship; and

(E) other issues relating to the community environment for students;

~~[(iii)]~~ (iv) provide for education and awareness on safe technology utilization and digital citizenship that empowers:

(A) a student to make smart media and online choices; and

(B) a parent to know how to discuss safe technology use with the parent's child;

~~[(iv)]~~ (v) partner with the school's principal and other administrators to ensure that adequate on and off campus Internet filtering is installed and consistently configured to prevent viewing of harmful content by students and school personnel, in accordance with local school board policy and Subsection 53G-7-216(3);

~~[(v)]~~ (vi) in accordance with state board rule regarding school community council expenditures and funding limits:

(A) work with students, families, and educators to develop and incorporate safety principles at the school; and

(B) hold at least an annual discussion with the school's principal and district administrators regarding safety principles at the school and district level in order to coordinate the school community council's effort to develop and incorporate safety principles at the school; and

~~[(vi)]~~ (vii) provide input to the school's principal on a positive behaviors plan in accordance with Section 53G-10-407.

(b) To fulfill the school community council's duties described in Subsections (3)(a)(iii) and (iv), a school community council may:

(i) partner with one or more non-profit organizations; or

(ii) create a subcommittee.

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(c) A school or school district administrator may not prohibit or discourage a school community council from discussing issues, or offering advice or recommendations, regarding the school and its programs, school district programs, the curriculum, or the community environment for students.

(4)

(a) Except as provided in Subsection (4)(e), each school community council shall consist of school employee members and parent members in accordance with this section.

(b) Except as provided in Subsection (4)(c) or (d):

(i) each school community council for a high school shall have six parent members and four school employee members, including the principal; and

(ii) each school community council for a school other than a high school shall have four parent members and two school employee members, including the principal.

(c) A school community council may determine the size of the school community council by a majority vote of a quorum of the school community council provided that:

(i) the membership includes two or more parent members than the number of school employee members; and

(ii) there are at least two school employee members on the school community council.

(d)

(i) The number of parent members of a school community council who are not educators employed by the school district shall exceed the number of parent members who are educators employed by the school district.

(ii) If, after an election, the number of parent members who are not educators employed by the school district does not exceed the number of parent members who are educators employed by the school district, the parent members of the school community council shall appoint one or more parent members to the school community council so that the number of parent members who are not educators employed by the school district exceeds the number of parent members who are educators employed by the school district.

(e) The state board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing a school community council when, under unique circumstances that the state board identifies, there are insufficient members to fill the positions described in this Subsection (4).

(5)

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(a) Except as provided in Subsection (5)(f), a school employee member, other than the principal, shall be elected by secret ballot by a majority vote of the school employees and serve a two-year term. The principal shall serve as an ex officio member with full voting privileges.

(b)

(i) Except as provided in Subsection (5)(f), a parent member shall be elected by secret ballot at an election held at the school by a majority vote of those voting at the election and serve a two-year term.

(ii)

(A) Except as provided in Subsection (5)(b)(ii)(B), only a parent of a student attending the school may vote in, or run as a candidate in, the election under Subsection (5)(b)(i).

(B) If an election is held in the spring, a parent of a student who will be attending the school the following school year may vote in, and run as a candidate in, the election under Subsection (5)(b)(i).

(iii) Any parent of a student who meets the qualifications of this section may file or declare the parent's candidacy for election to a school community council.

(iv)

(A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the election of parent members of a school community council shall be established by a local school board for the schools within the school district.

(B) An election for the parent members of a school community council shall be held near the beginning of the school year or held in the spring and completed before the last week of school.

(C) Each school shall establish a time period for the election of parent members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at least a four-year period.

(c)

(i) At least 10 days before the date that voting commences for the elections held under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee, shall provide notice to each school employee or parent of the opportunity to vote in, and run as a candidate in, an election under this Subsection (5).

(ii) The notice shall include:

(A) the dates and times of the elections;

(B) a list of council positions that are up for election; and

(C) instructions for becoming a candidate for a community council position.

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- 211 (iii) The principal of the school, or the principal's designee, shall oversee the elections held under
Subsections (5)(a) and (5)(b).
- 213 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a secure ballot box.
- 215 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made available to the
public upon request.
- 217 (e)
- (i) If a parent position on a school community council remains unfilled after an election is held, the
other parent members of the council shall appoint a parent who meets the qualifications of this
section to fill the position.
- 220 (ii) If a school employee position on a school community council remains unfilled after an election is
held, the other school employee members of the council shall appoint a school employee to fill the
position.
- 223 (iii) A member appointed to a school community council under Subsection (5)(e)(i) or (ii) shall serve a
two-year term.
- 225 (f)
- (i) If the number of candidates who file for a parent position or school employee position on a school
community council is less than or equal to the number of open positions, an election is not required.
- 228 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent position remains unfilled,
the other parent members of the council shall appoint a parent who meets the qualifications of this
section to fill the position.
- 231 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee position remains
unfilled, the other school employee members of the council shall appoint a school employee who
meets the qualifications of this section to fill the position.
- 235 (g) The principal shall enter the names of the council members on the School LAND Trust website on
or before October 20 of each year, pursuant to Section 53G-7-1203.
- 237 (h) Terms shall be staggered so that approximately half of the council members stand for election each
year.
- 239 (i) A school community council member may serve successive terms provided the member continues to
meet the definition of a parent member or school employee member as specified in Subsection (1).
- 242 (j) Each school community council shall elect:
- 243 (i) a chair from its parent members; and

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- (ii) a vice chair from either its parent members or school employee members, excluding the principal.
- (6)
- (a) A school community council may create subcommittees or task forces to:
- (i) advise or make recommendations to the council; or
- (ii) develop all or part of a plan listed in Subsection (3).
- (b) Any plan or part of a plan developed by a subcommittee or task force shall be subject to the approval of the school community council.
- (c) A school community council may appoint individuals who are not council members to serve on a subcommittee or task force, including parents, school employees, or other community members.
- (7)
- (a) A majority of the members of a school community council is a quorum for the transaction of business.
- (b) The action of a majority of the members of a quorum is the action of the school community council.
- (8) A local school board shall provide training for a school community council each year, including training:
- (a) for the chair and vice chair about their responsibilities;
- (b) on resources available on the School LAND Trust website; and
- (c) on this part.
- Section 3. Section 53G-7-1205 is amended to read:
- 53G-7-1205. Charter trust land councils.**
- (1) As used in this section, "council" means a charter trust land council described in this section.
- (2) To receive School LAND Trust Program funding as described in Sections 53F-2-404 and 53G-7-1206, a charter school governing board shall establish a charter trust land council, which shall prepare a plan for the use of School LAND Trust Program money that includes the elements described in Subsection 53G-7-1206(4).
- (3)
- (a) The membership of the council shall include parents or grandparents of students enrolled at the charter school and may include other members.
- (b) The number of council members who are parents or grandparents of students enrolled at the charter school shall exceed all other members combined by at least two.

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(4) A charter school governing board may serve as the charter school's council if the membership of the charter school governing board meets the requirements of Subsection (3)(b).

(5)

(a) Except as provided in Subsection (5)(b), council members who are parents or grandparents of students enrolled at the school shall be elected in accordance with procedures established by the charter school governing board.

(b) Subsection (5)(a) does not apply to a charter school governing board that serves as a council.

(6) A parent or grandparents of a student enrolled at a charter school shall serve as chair or co-chair of the charter school's council.

(7) In accordance with state board rule regarding charter trust land council expenditures and funding limits, a charter trust land council shall:

(a) work with students, families, and educators to develop and incorporate safety principles, as defined in Section 53G-7-1202, at the school; and

(b) hold at least an annual discussion with charter school administrators to coordinate efforts to develop and incorporate safety principles, as defined in Section 53G-7-1202, at the school level.

(8) A charter trust land council shall provide input to the school's principal on a positive behaviors plan in accordance with Section 53G-10-407.

(9) A charter trust land council may hold a school lunch planning meeting in accordance with Section 53G-7-1207.

Section 4. Section 4 is enacted to read:

53G-7-1207. School lunch planning meeting.

(1) As used in this section, "school" means a district or charter school that provides instruction to a student in kindergarten or grade 1, 2, 3, 4, 5, or 6.

A school community council and a charter school's wellness committee or charter trust land council shall:

(1){(a)} ~~{in accordance with the requirements of Section 53G-7-1203,}~~ hold {a} an annual school lunch planning meeting to:

(i) review and discuss:

(A) the state board's model policy on health and wellness; and

(B) the survey results from the survey described in Subsection (2)(c)(i);

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- (ii) propose a plan for how each school can work toward implementing the policies described in the state board's model policy on health and wellness regarding school lunch; and
- 81 (a){(iii)} ~~{discuss how to best achieve}~~ create a proposed plan for the {school} school's lunch {target
goal defined in Section 53G-9-216;} and recess times, including:
- 311 (A) how much time a student will have to eat lunch; and
- 83 (b){(B)} ~~{create a plan for the school's lunch and recess times, including how much seated time a~~
~~student will have to eat lunch and}~~ if midday recess will be before or after lunch;
- 85 {(c)} ~~{review and discuss the research the state board provides in accordance with Subsection~~
~~53G-9-216(4), on:}~~
- 87 {(i)} ~~{recess schedules; and}~~
- 88 {(ii)} ~~{student eating time;}~~
- 89 (2){(b)} ensure that the meeting described in Subsection ~~{(1)(a)}~~ (2)(a):
- 90 (a){(i)} ~~{is}~~ complies with the open ~~{to members of the}~~ and public meeting requirements described in
Section 53G-7-1203; and
- 91 (b){(ii)} allows for public comment during the course of the meeting without the requirement that a
member of the public sign up to speak before the meeting starts;
- 318 (c) at least one week in advance of the date on which the meeting is set to occur:
- 319 (i) before holding the meeting described in Subsection (2)(a), instruct the principal of each school to
send a survey to each parent of a student enrolled at the school through email to collect the parent's
input on the:
- 322 (A) policies described in the state board's model policy on health and wellness regarding school lunch;
and
- 324 (B) proposed school lunch plan the school community council, charter school wellness committee, or
charter trust land council will discuss during the meeting; and
- 93 (3){(ii)} ~~{at least one week in advance of the date on which the meeting is set to occur,}~~ notify each
parent of a student enrolled at the school of:
- 95 {(a)} ~~{the research that the school community council plans to review and discuss at the planning~~
~~meeting, in accordance with Subsection (1)(c);}~~
- 97 (b){(A)} the meeting's time; and
- 98 (c){(B)} the meeting's location;and
- 99 {(4)} ~~{hold the meeting described in Subsection (1)(a);}~~

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- 100 {(a) {once per year for five years; or}-}
- 101 {(b) {until the school community council's plan meets the school lunch target goal defined in Section
53G-9-216; and}-}
- 103 (5){(d)} after holding the meeting described in Subsection {(1)(a)} (2)(a) instruct the principal of each
school to send a signed, written assurance to the state board:
- 104 {(a) {send a survey to each parent of a student enrolled at the school through email to collect the
parent's input on the school lunch plan;-}}
- 332 (i) confirming the occurrence of the meeting; and
- 106 (b){(ii)} {report to} detailing the {state board on the agreed upon} proposed plan discussed at the
meeting{-} and the reasons for proposing the plan.
- 107 {(c) {if the school community council does not meet the school lunch target goal defined in Section
53G-9-216, provide a written explanation to the state board detailing why the school community
council failed to implement the school lunch target goal.-}}
- 335 Section 5. Section 5 is enacted to read:
- 336 **53G-9-216. {School lunch target goal} Recess in an elementary school.**
- 112 (1) As used in this section:
- 113 (a) {"School"} "Elementary school" means a district or charter school that provides instruction to a
student in {grades kindergarten, one, two, three, four, five,-} kindergarten or {six-} grade 1, 2, 3, 4,
or 5.
- 115 (b) {"School lunch target goal"} "Elementary school student" means {a minimum standard} the same as
that {each school seeks to achieve by:-} term is defined in Section 53G-7-501.
- 117 {(i) {providing a student with a minimum of 20 minutes of seated eating time to consume lunch; and}-}
- 119 {(ii) {scheduling lunch recess to occur immediately prior to the lunch period in the daily schedule.-}}
- 121 {(2) }
- 122 (a){(2)} {A-} An elementary school {shall hold an annual planning meeting to} may not:
- 123 {(i) {plan how the school can work toward achieving the school lunch target goal; and}-}
- 123 {(ii) {discuss how the school plans to comply with the requirements of Section 53G-9-217.-}}
- 125 {(b) {After holding the annual planning meeting described in Subsection (2)(a) a school shall:-}}
- 127 {(i) {affirmatively work toward the target goal; or}-}
- 128 {(ii) {in accordance with Subsection (3), affirmatively choose to explain the failure to follow the target
goal to the state board.-}}

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- 130 { (3) { A school shall provide a written explanation to the state board that states the reasons the school
failed to implement the school lunch target goal if: } }
- 132 { (a) { the school does not implement the school lunch target goal after the required annual meeting
described in Subsection (2)(a); or } }
- 343 (a) withhold, from an elementary school student, recess, physical education, or other physical activity,
as a punishment for:
- 345 (i) poor behavior;
- 346 (ii) incomplete classwork; or
- 347 (iii) remediation purposes; and
- 134 (b) { ~~a school that implements~~ } reduce the { ~~school lunch target goal later chooses~~ } total minutes of
daily recess for any grade level to { ~~no longer follow~~ } meet the school lunch target goal as that term
is defined in Section 53G-7-1207.
- 136 { (4) { The state board shall: } }
- 137 { (a) { research best practices in schools on: } }
- 138 { (i) { recess scheduling; and } }
- 139 { (ii) { student eating time; and } }
- 140 { (b) { provide the results of the research described in Subsection (4)(a) to: } }
- 350 (3) Notwithstanding Subsection (2), an educator or administrator may withhold recess, physical
education, or other physical activities from an elementary school student if:
- 352 (a) the restriction is consistent with the elementary student's:
- 141 (i) { each school } IEP; { and } or
- 142 (ii) { each school community council in accordance with } Section { 53G-7-1207. } 504 accommodation
plan;
- 355 (b) there is an immediate or significant risk to the health or safety of the elementary student or others; or
- 357 (c) the student engaged in poor behavior during recess or a physical education class.
- 143 Section 4. Section 4 is enacted to read:
- 144 **53G-9-217. Recess in an elementary school.**
- 145 (1) As used in this section:
- 146 (a) "Elementary school" means a district or charter school that provides instruction to a student in
grades kindergarten, one, two, three, four, or five.
- 148 (b) "Elementary school student" means the same as that term is defined in Section 53G-7-501.

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- (2) An elementary school may not:
- (a) withhold, from an elementary school student, recess, physical education, or other physical activity, as a punishment for:
- (i) poor behavior;
- (ii) incomplete classwork; or
- (iii) remediation purposes; and
- (b) reduce the total minutes of daily recess for any grade level to meet the school lunch target goal as that term is defined in Section 53G-9-216.
- (3) Notwithstanding Subsection (2), an educator or administrator may withhold recess, physical education, or other physical activities from an elementary school student if:
- (a) the restriction is consistent with the elementary student's:
- (i) IEP; or
- (ii) Section 504 accommodation plan; or
- (b) there is an immediate or significant risk to the health or safety of the elementary student or others.

Section 6. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

2-21-26 5:04 PM