

**PROMOTING HEALTHY LIFESTYLES IN PUBLIC  
SCHOOLS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patricia W. Jones**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill requires the State Board of Education to report data related to vending machine contents and students' physical activity.

**Highlighted Provisions:**

This bill:

- ▶ requires the State Board of Education to develop a standard form for reporting vending machine contents and student physical activity in schools;
- ▶ requires a school community council to report certain information to a local board, and a local board to report to the State Board of Education;
- ▶ requires the State Board of Education to report to the Education and Health and Human Services Interim Committees on vending machine contents and students' physical activity; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



28 53A-1a-108, as last amended by Laws of Utah 2008, Chapters 157, 178, and 332

29 ENACTS:

30 53A-1a-110, Utah Code Annotated 1953



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

33 Section 1. Section 53A-1a-108 is amended to read:

34 **53A-1a-108. School community councils authorized -- Duties -- Composition --**  
35 **Election procedures and selection of members.**

36 (1) As used in this section:

37 (a) (i) "Parent or guardian member" means a member of a school community council  
38 who is a parent or guardian of a student who is attending the school or who will be enrolled at  
39 the school at any time during the parent's or guardian's initial term of office.

40 (ii) "Parent or guardian member" may not include a person who meets the definition of  
41 a school employee member unless the person's employment at the school does not exceed an  
42 average of six hours per week.

43 (b) "School employee member" means a member of a school community council who  
44 is a person employed at a school by the school or school district, including the principal.

45 (2) Each public school, in consultation with its local school board, shall establish a  
46 school community council at the school building level.

47 (3) (a) Each school community council shall:

48 (i) develop a school improvement plan in accordance with Section 53A-1a-108.5;

49 (ii) develop the School LAND Trust Program in accordance with Section  
50 53A-16-101.5;

51 (iii) assist in the development and implementation of a staff professional development  
52 plan as provided by Section 53A-3-701;

53 (iv) develop a child access routing plan in accordance with Section 53A-3-402; ~~and~~

54 (v) advise and make recommendations to school and school district administrators and  
55 the local school board regarding the school and its programs, school district programs, and  
56 other issues relating to the community environment for students[-];

57 (vi) review a school's vending machine content form before it is submitted to a local  
58 board in accordance with Subsection 53A-1a-110(7)(a); and

59           (vii) report to its local school board on physical activity participation rates in  
60 accordance with Subsection 53A-1a-110(7)(b).

61           (b) In addition to the duties specified in Subsection (3)(a), a school community council  
62 for an elementary school shall develop a reading achievement plan in accordance with Section  
63 53A-1-606.5.

64           (4) (a) Each school community council shall consist of school employee members and  
65 parent or guardian members in accordance with this section.

66           (b) Except as provided in Subsection (4)(c):

67           (i) each school community council for a high school shall have six parent or guardian  
68 members and five school employee members, including the principal; and

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

71           (c) (i) A school community council may have a larger membership provided that the  
72 number of parent or guardian members exceeds the number of school employee members.

73           (ii) A school community council may have a smaller membership provided that:

74           (A) the number of parent or guardian members exceeds the number of school employee  
75 members; and

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

77           (5) (a) Each school employee member, except the principal, shall be elected by secret  
78 ballot by a majority vote of the school employees and serve a two-year term. The principal  
79 shall serve as an ex officio member with full voting privileges.

80           (b) (i) Each parent or guardian member shall be elected by secret ballot at an election  
81 held at the school by a majority vote of those voting at the election and serve a two-year term.

82           (ii) Only parents or guardians of students attending the school may vote at the election  
83 under Subsection (5)(b)(i).

84           (iii) Any parent or guardian of a student who meets the qualifications of this section  
85 may file or declare [~~himself~~] as a candidate for election to a school community council.

86           (c) (i) The principal of the school, or the principal's designee, shall provide notice of  
87 the available community council positions to school employees, parents, and guardians at least  
88 14 days before the date that voting commences for the elections held under Subsections (5)(a)  
89 and [~~(5)~~](b).

- 90 (ii) The notice shall include:
- 91 (A) the dates and times of the elections;
- 92 (B) a list of council positions that are up for election; and
- 93 (C) instructions for becoming a candidate for a community council position.
- 94 (iii) The principal of the school, or the principal's designee, shall oversee the elections
- 95 held under Subsections (5)(a) and ~~(5)~~(b).
- 96 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a
- 97 secure ballot box~~;~~.
- 98 (d) Results of the elections held under Subsections (5)(a) and ~~(5)~~(b) shall be made
- 99 available to the public upon request.
- 100 (e) (i) If a parent or guardian position on a school community council remains unfilled
- 101 after an election is held, the other parent or guardian members of the council shall appoint a
- 102 parent or guardian who meets the qualifications of this section to fill the position.
- 103 (ii) If a school employee position on a school community council remains unfilled after
- 104 an election is held, the other school employee members of the council shall appoint a school
- 105 employee to fill the position.
- 106 (iii) The chair of the community council shall notify the local school board of each
- 107 appointment made under Subsection (5)(e)(i)~~;~~ or (ii)~~;~~ ~~or (iii)~~.
- 108 (iv) A member appointed to a school community council under Subsection (5)(e)(i) or
- 109 (ii) shall serve a two-year term.
- 110 (f) Initial terms shall be staggered so that no more than 50% of the council members
- 111 stand for election in any one year.
- 112 (g) (i) Each public school, in consultation with its local school board, shall set the
- 113 beginning date of the term of office for school community council members.
- 114 (ii) Council members may serve up to three successive terms.
- 115 (h) (i) Each school community council shall elect a chair and vice chair from its parent
- 116 or guardian members and elected employee members.
- 117 (ii) No more than one parent or guardian member or elected employee member may at
- 118 the same time serve as an officer specified in Subsection (5)(h)(i).
- 119 (6) (a) A school community council may create subcommittees or task forces to:
- 120 (i) advise or make recommendations to the council; or

- 121 (ii) develop all or part of a plan listed in Subsection (3).
- 122 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
- 123 subject to the approval of the school community council.
- 124 (c) A school community council may appoint individuals who are not council members
- 125 to serve on a subcommittee or task force, including parents, school employees, or other
- 126 community members.
- 127 (7) (a) A school community council shall provide the following information:
- 128 (i) the proposed school community council meeting schedule for the year, provided
- 129 during the first two weeks of the school year;
- 130 (ii) a summary of the school community council's actions and activities during the first
- 131 half of the school year [information], provided at the mid-point of the school year; and
- 132 (iii) a summary of the annual report required under Section 53A-16-101.5 on how the
- 133 school's School LAND Trust Program monies were used to enhance or improve academic
- 134 excellence at the school and implement a component of the school's improvement plan,
- 135 provided at the beginning of the next school year.
- 136 (b) The school community council shall provide the information described in
- 137 Subsection (7)(a) by:
- 138 (i) posting the information on the school's website; and
- 139 (ii) providing individual delivery to each household that has a student attending the
- 140 school by:
- 141 (A) mailing the information;
- 142 (B) delivering a voice message describing the information and explaining where to
- 143 obtain the full information;
- 144 (C) sending an e-mail message containing the information;
- 145 (D) providing the information in a packet that is to be delivered to a student's parent or
- 146 guardian:
- 147 (I) during the school's annual registration period; or
- 148 (II) with the student's report card; or
- 149 (E) using a combination of the methods described in Subsections (7)(b)(ii)(A) through
- 150 (D).
- 151 (8) A school community council shall, at least one week prior to a meeting, post the

152 following information on the school's website:

153 (a) notice of the meeting date, time, and place;

154 (b) an agenda for the meeting; and

155 (c) a summary of the previous meeting.

156 Section 2. Section **53A-1a-110** is enacted to read:

157 **53A-1a-110. Healthy lifestyles report.**

158 (1) (a) The board shall report to the Education and Health and Human Services Interim  
159 Committees by the 2010 November interim meeting on whether school vending machines  
160 accessible to students contain items that meet the standards described in Subsections (2)  
161 through (6).

162 (b) The report shall include:

163 (i) the number of school districts that have a written policy on vending machine  
164 contents;

165 (ii) (A) the number and percentage of schools within each district that have vending  
166 machines accessible to students; and

167 (B) the number of vending machines per school;

168 (iii) the number and percentage of schools described in Subsection (1)(b)(ii)(A) that  
169 have vending machines with beverage items that meet the standards described in Subsections  
170 (2) through (4); and

171 (iv) the number and percentage of schools described in Subsection (1)(b)(ii)(A) that  
172 have vending machines with non-beverage items that meet the standards described in  
173 Subsections (5) and (6).

174 (c) The board shall:

175 (i) develop a standard form to collect the data necessary to comply with Subsection  
176 (1)(a); and

177 (ii) provide the form described in Subsection (1)(c)(i) to a school.

178 (2) For an elementary school vending machine accessible to elementary students, the  
179 board shall report on whether the vending machine beverage contents comply with the  
180 following standards:

181 (a) bottled water; or

182 (b) no more than an eight ounce serving of:

183 (i) fat-free or low-fat regular or flavored milk, containing no more than 150 calories per  
184 eight ounces;

185 (ii) a nutritionally equivalent milk alternative, as defined by the United States  
186 Department of Agriculture in 7 C.F.R. Sec. 246.10, containing no more than 150 calories per  
187 eight ounces; or

188 (iii) 100% juice containing:

189 (A) no added sweeteners;

190 (B) no more than 120 calories per eight ounces; and

191 (C) at least 10% of the recommended daily value for three or more vitamins and  
192 minerals.

193 (3) For a secondary school vending machine accessible to secondary students, the  
194 board shall report on whether the vending machine beverage contents comply with the  
195 following standards:

196 (a) bottled water;

197 (b) a beverage containing no calories;

198 (c) a beverage containing no more than 10 calories per eight ounces; or

199 (d) no more than a 12 ounce serving of:

200 (i) fat-free or low-fat regular or flavored milk containing no more than 150 calories per  
201 eight ounces;

202 (ii) a nutritionally equivalent milk alternative, as defined by the United States  
203 Department of Agriculture in 7 C.F.R. Sec. 246.10, containing no more than 150 calories per  
204 eight ounces;

205 (iii) 100% juice containing:

206 (A) no added sweeteners;

207 (B) no more than 120 calories per eight ounces; and

208 (C) at least 10% of the recommended daily value for three or more vitamins and  
209 minerals; or

210 (iv) any other drink containing no more than 66 calories per eight ounces.

211 (4) For a vending machine accessible to secondary students, the board shall report  
212 whether at least 50% of non-milk beverages in the vending machine are:

213 (a) water;

214 (b) no-calorie; or  
215 (c) low-calorie containing no more than 66 calories per eight ounces.  
216 (5) The board shall report on whether the non-beverage contents of a vending machine  
217 accessible to students in a public school meet the following standards:  
218 (a) no more than:  
219 (i) 150 total calories in the entire item for an item available in a vending machine  
220 accessible to an elementary school student;  
221 (ii) 180 total calories in the entire item for an item available in a vending machine  
222 accessible to a middle school student; and  
223 (iii) 200 total calories in the entire item for an item available in a vending machine  
224 accessible to a high school student;  
225 (b) no more than 35% of calories from total fat;  
226 (c) no more than 10% of calories from saturated fat;  
227 (d) zero grams of trans fat; and  
228 (e) except for 100% dried fruit with no added sugar, no more than 35% sugar by  
229 weight.  
230 (6) Subsections (5)(b) and (c) do not apply to the following non-beverage items:  
231 (a) nuts;  
232 (b) nut butters;  
233 (c) seeds; or  
234 (d) trail mix with no added sugar, containing only fruit, nuts, or seeds.  
235 (7) A community council, established in Section 53A-1a-108, shall:  
236 (a) review a school's vending machine content form described in Subsection (1)(c)  
237 before the school submits the form to the board; and  
238 (b) report to its local school board on the percentage of students who participate in  
239 physical activity, physical education, or a competitive sport.  
240 (8) A local school board shall compile the reports submitted under Subsection (7)(b)  
241 and submit the reports to the board.  
242 (9) (a) The board shall develop a standard form to collect the information necessary to  
243 comply with Subsection (7)(b) and determine specific criteria to place on the form that will be  
244 used to measure the information described in Subsection (7)(b).



245            (b) The board shall report to the Education and Health and Human Services Interim  
246 Committees by the 2010 November interim meeting on the information described in  
247 Subsection (8) for elementary, middle, and high schools.

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**Legislative Review Note**  
**as of 2-18-10 5:24 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 276 - Promoting Healthy Lifestyles in Public Schools**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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