



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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February 12, 2026

Mr. Speaker:

The Education Committee recommends **H.B. 440**, SCHOOL LUNCH AMENDMENTS, by Representative T. Auxier, be replaced and reports a favorable recommendation on **1st Sub. H.B. 440**, SCHOOL LUNCH AMENDMENTS with the following amendments:

## Amendment 1

1 *Line 368:*

368 physical education, or other physical activities from an elementary school student if:

369 (a) the restriction is consistent with the elementary student's:

370 (i) IEP; or

371 (ii) Section 504 accommodation plan; {~~or~~}

372 (b) there is an immediate or significant risk to the health or safety of the elementary

373 student or others {~~:~~ } ; ~~or~~

**(c) the student engaged in poor behavior during recess or a physical education class.**

## Amendment 2

1 *Line 309 through 318:*

309 (2) A school community council and a charter trust land council shall:

310 (a) hold a school lunch planning meeting to:

311 (i) review and discuss:

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

313 {~~(B) the research the state board provides in under Subsection (3), on recess~~}

314 {~~schedules and student eating time; and~~}

*Bill Number*  
HB0440S01

*Action Class*  
H

*Action Code*  
HCRSUBAMD

- 315     {~~(C)~~} (B) the survey results from the survey described in Subsection (c)(i);  
316     (ii) plan how each school can work toward achieving the school lunch target goal; and  
317     (iii) create a plan for the school's lunch and recess times, including:  
318     (A) how much seated time a student will have to eat lunch; and

2 *Line 336 through 351:*

- 336     (d) hold the meeting described in Subsection (2)(a):  
337     (i) once per year for five years; or  
338     (ii) until the school community council's plan meets the school lunch target goal; and  
339     (e) after holding the meeting described in Subsection (2)(a) , instruct the principal of each  
340     school to:  
341     (i) send a signed, written assurance to the state board on the agreed upon plan  
342     discussed at the meeting; and  
          **(ii) if the school community council cannot meet the school lunch target goal, submit**  
          **a signed, written assurance to the state board and the Education Interim Committee**  
          **explaining the reasons the school community council was unable to implement the school**  
          **lunch target goal.**  
343     { ~~(ii) if the school community council does not agree to work toward the school lunch~~  
          }   
344     { ~~target goal, provide a signed, written assurance to the state board detailing why~~ }  
345     { ~~the school community council failed to implement the school lunch target goal.~~ }  
346     { ~~(3) The state board shall:~~ }  
347     { ~~(a) research best practices in schools on:~~ }  
348     { ~~(i) recess scheduling; and~~ }  
349     { ~~(ii) student eating time; and~~ }

350     ~~{(b) provide the results of the research described in Subsection (4)(a) to each school~~  
      }

351     ~~{community council in accordance with this section.}~~

Amendment 3

1 Line 302 through 308:

302     kindergarten or grade 1, 2, 3, 4, 5, or 6.

303     (b) "School lunch target goal" means a minimum standard that each elementary school  
304     seeks to achieve by:

305         (i) providing a student with a minimum of 20 minutes of {seated} eating time to  
306         consume lunch; and

307         (ii) scheduling lunch recess to occur immediately prior to the lunch period in the  
308         daily schedule.

2 Line 315 through 321:

315     (C) the survey results from the survey described in Subsection (c)(i);

316     (ii) plan how each school can work toward achieving the school lunch target goal; and

317     (iii) create a plan for the school's lunch and recess times, including:

318         (A) how much {seated} time a student will have to eat lunch; and

319         (B) if midday recess will be before or after lunch;

320     (b) ensure that the meeting described in Subsection (2)(a):

321 (i) is open to members of the public; and

Respectfully,

R. Neil Walter  
Chair

Voting: 7-5-3

*HB0440.HC2.WPD 2/12/26 6:11 PM TG/frose tkeetch/frose*