



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 620

**Assembly Substitute
Amendment 2, as Amended**

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Assembly Substitute Amendment 2 contains the following provisions:

Assessment of Pupil Physical Fitness

Every school board, operator of a charter school, and governing body of a private school (collectively referred to as “schools” in this memorandum) are required to do all of the following:

- Annually assess the physical fitness of each pupil enrolled in grades 3 to 8, and assess the physical fitness of each pupil enrolled in the high school grades at least once in each of three different school years. The assessment must include an evaluation of the aerobic capacity of each pupil based upon criterion-referenced standards specific to age and sex and the physical fitness level required for good health. This requirement does not apply to a pupil for whom an assessment is inappropriate, as determined by the State Superintendent of Public Instruction by rule. The State Superintendent is required to promulgate rules to implement and administer this requirement, including criteria to determine when an assessment is inappropriate for, or should not be administered to, a pupil, and the assessment instrument to be used.
- Provide to each pupil, and the parent or guardian of each pupil, a copy of the results of the pupil’s physical fitness assessment.
- Annually report the results of the physical fitness assessments to the Department of Public Instruction (DPI). The report may not contain the names of individual pupils.

Under Assembly Substitute Amendment 2, the above requirements begin in the 2010-11 school year. However, *Assembly Amendment 1* to the substitute amendment applies the requirements beginning in the 2011-12 school year.

School Nutrition

No school may sell candy, or allow the sale of candy from a vending machine or by any vendor, at school or on school grounds. In addition, no school may sell any beverage other than those listed in the substitute amendment, or allow the sale of any beverage other than those listed in the substitute amendment from a vending machine or by any vendor, at school or on school grounds. Exceptions are provided for: (1) bottled drinking water; (2) lowfat milk to which no flavoring has been added; (3) skim milk to which no flavoring has been added; (4) skim milk to which flavoring has been added if the skim milk contains fewer than 22 grams of total sugar per eight-ounce container and the skim milk does not contain any artificially synthesized sugar substitute; (5) 100% fruit juice; (6) 100% vegetable juice; (7) a blend of 100% fruit juice and 100% vegetable juice; and (8) soda water beverages containing no more than 40 calories per container.

Two exceptions are provided to the above restrictions. Beginning 30 minutes after the end of the school day and until the school is closed for the night: (1) candy and soda water beverages may be sold by a school or vendor at school or on school grounds; and (2) soda water beverages that contain at least 10% fruit or vegetable juice may be sold from a vending machine located at school or on school grounds.

In addition, schools are required to do all of the following:

- With the exception of food sold or distributed through various specified programs (e.g., school lunch or breakfast programs), schools must ensure that all food sold at school or on school grounds on a school day satisfies specified minimum standards. The first standard is that except for nuts, seeds, milk, and cheese, no more than 35% of the total calories of the food must come from fat. The second standard is that except for milk and cheese, no more than 10% of the total calories of the food must come from saturated fats.
- Encourage the consumption by pupils of whole grains, fresh fruits, and fresh vegetables.
- To the extent practicable, when serving or providing to pupils food that contains fats, serve and provide foods that contain polyunsaturated or monounsaturated fats rather than saturated fats or trans-fatty acids.
- Encourage parent-teacher organizations, school clubs, school teams, and other school groups conducting fund raising in which the sale of food is involved to follow the above bullet points and the restrictions on sale of candy or beverages.

The above provisions relating to school nutrition take effect on July 1, 2012. No school may enter into, modify, or renew a contract with a vending machine operator or a vendor unless the terms of the contract in effect on July 1, 2012, comply with the above requirements.

Legislative History

The Assembly Committee on Public Health recommended adoption of Assembly Amendment 1 to Assembly Substitute Amendment 2 on a vote of Ayes, 7; Noes, 0; adoption of Assembly Substitute Amendment 2 on a vote of Ayes, 4; Noes, 3; and passage of the bill as amended on a vote of Ayes, 4; Noes, 3.

RNS:jal