

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish local nutritional standards for school meals, to establish healthy vending, fundraising, marketing, and prize requirements in public schools, to require public schools to participate in federal meal programs whenever possible, to solicit feedback about healthy meals, to require public disclosure of ingredients, origin of fruits and vegetables and the nutritional content of school meals, and to provide at least 30 minutes to eat lunch; to establish a farm-to-school program, to create a preference and a monetary incentive to serve locally-grown, unprocessed foods, to require teaching about the benefits of fresh, local foods, to establish programs such as a local flavor week and a harvest of the month, and to require an annual report and recommendations on farm-to-school initiatives; to establish minimum levels of physical education and activity for students, to provide for exemptions for students with disabilities, students with other diagnosed health problems, or schools that lack the facilities, to provide schools with equal access to recreation facilities, to prohibit physical education to be used as punishment, to require minimum amounts of health education, and to require an annual report about the compliance with these requirements; to establish an environmental programs office within the Office of the Public Education Facilities Modernization that would establish comprehensive recycling, energy reduction, and integrated pest management programs at District of Columbia Public Schools and develop a plan to use environmentally friendly cleaning supplies, to require an annual report and recommendations on sustainability, to encourage schools to use more sustainable products in their meal service, to amend the Green Building Act of 2006 and Title 20 of the District of Columbia Municipal Regulations to encourage school construction to achieve LEED Gold certification, to create an environmental literacy plan, to establish a school gardens program, to issue grants to support the development of school gardens, to require a report and recommendations about school gardens, and to permit the sale and consumption of food grown in school gardens when safe; to require schools to collaborate to adopt local wellness policies and update them triennially, to require the inclusion of sustainability and farm-to-school initiatives in local wellness policies, to

require local wellness policies to be promoted and shared, to empower the State Superintendent of Education with the authority to verify compliance with their local wellness policies, to require a plan to place a school wellness center at DCPS high schools by 2015, to amend the District of Columbia Public School Nurse Assignment Act of 1987 to give preference after October 1, 2010 in hiring school nurses certified as asthma educators, to require that schools develop allergy plans and appoint an allergy coordinator, to amend Titles 18 and 20 of the District of Columbia Municipal Regulations to prohibit vehicles from idling near schools, to implement the Indoor Air Quality Tools for Schools program; and to establish a Healthy Youth and Schools Commission, to define its function, to require an annual report and recommendations, to set forth the composition and organization of the commission, to define its rules of procedure and powers, and to provide administrative and technical support.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Healthy Schools Act of 2009".

TITLE I – Definitions

Sec. 101. Definitions.

For the purposes of this act:

(1) “Locally-grown” means from a grower in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia.

(2) “Locally-processed” means processed at a facility in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia.

(3) “Meals” means breakfast, lunch, and after-school meals served as a part of the National School Lunch Program, School Breakfast Program, and Summer Food Service Program.

(4) “Moderate-to-vigorous physical activity” means movement resulting in an increased heart rate and breathing. On a scale from 1 to 10 where 0 is the level of effort of

sitting and 10 is maximal effort, moderate-intensity activity is a level of effort of 5 or 6 and vigorous-intensity activity is a 7 or 8 on this scale.

(5) “Public charter school” means a school chartered pursuant to D.C. Official Code §§ 38-1802.01 to -1802.15. This term does not include private or parochial schools.

(6) “Public school” means a school operated by the District of Columbia Public Schools, D.C. Official Code §§ 38-171 to -175.

(7) “Sustainable agriculture” is as defined by 7 U.S.C. § 3103 (19).

(8) “Unprocessed” means foods that are nearest their whole, raw, and natural state, and contain no artificial flavors or colors, synthetic ingredients, chemical preservatives, or dyes. This includes cooling, refrigerating, and freezing; size adjustment through size reduction made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; drying or dehydration; washing; the application of high water pressure or “cold pasteurization”; packaging (such as placing eggs in cartons) and vacuum packing and bagging (such as placing vegetables in bags); butchering livestock, fish and poultry; and the pasteurization of milk.

TITLE II – School Nutrition

Sec. 201. Goals.

(a) Public schools and public charter schools shall serve healthy and nutritious meals to students.

(b) Public schools and public charter schools are strongly encouraged to participate in the United States Department of Agriculture’s HealthierUS School Challenge program and achieve Gold Award Level certification.

Sec. 202. Nutritional standards for school meals.

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(a) All breakfast, lunch, and after-school meals served to students in public schools and public charter schools or by organizations participating in the Afterschool Meal Program shall meet or exceed the federal nutritional standards set forth in the Child Nutrition Act, 42 U.S.C. § 1771 et seq.; the Richard B. Russell National School Lunch Act, 42 U.S.C. § 1751 et seq.; 7 C.F.R. Parts 210, 215, 220 and 225; and other applicable federal law.

(b) Breakfast and lunch meals served to students in each public school and public charter school shall meet the following nutritional requirements:

(1) Calories:

(A) Between 350 and 550 for breakfast for Pre-Kindergarten through Grade 8;

(B) Between 450 and 600 for breakfast for Grades 9 through 12;

(C) Between 550 and 700 for lunch for Pre-Kindergarten through Grade 8;

(D) Between 750 and 850 for lunch for Grades 9 through 12;

(2) Saturated Fat: Fewer than 10% of total calories;

(3) Trans Fat: Zero grams; and

(4) Sodium: Fewer than **Needs to be determined** mg.

(c) Breakfast and lunch meals served to students in each public school and public charter school shall meet the serving requirements of the United State Department of Agriculture's HealthierUS School Challenge program at the Gold Award Level for vegetables, fruits, whole grains, milk, and other foods served in school meals.

(d) The Office of the State Superintendent of Education, public schools, and public charter schools may adopt standards that exceed the requirements of this section.

(e) The Office of the State Superintendent of Education shall randomly and without prior notice obtain one school meal from a cafeteria in one public school or public charter school once per month, send it to a laboratory for analysis to determine whether the meal meets the requirements of this section, and post the results of the analysis on its website.

Sec. 203. Additional requirements for public school meals.

(a) Public schools and public charter schools shall offer free universal breakfast to all students.

(b) Public elementary schools and public charter elementary schools with a free and reduced-price meal rate that exceeds 40% shall offer breakfast in the classroom each day. Public middle and high schools and public charter middle and high schools with a free and reduced-price meal rate that exceeds 40% shall offer alternative serving models, such as breakfast in the classroom, grab and go carts, or other innovative models, each day to increase breakfast participation.

(c) Public schools and public charter schools shall not charge students ~~for meals if they~~ qualify for reduced-price meals.

(d) Cold, filtered water shall be made available free to students, through water fountains or other means, when meals are served to students in public schools and public charter schools.

(e) Public schools and public charter schools shall provide meals that meet the dietary needs of children with diagnosed medical conditions as required by a physician.

(f) Public schools and public charter schools shall solicit input from students, faculty, and parents, through taste tests, comment boxes, surveys, a student Nutrition Advisory Council, or other means, regarding nutritious meals that appeal to students.

Deleted: local school nutritional standards set forth in subsection (c) according to the following timetable:¶
Date . . . Percentage of Meals at Each
Public School and Public ¶
Charter School¶
. August 1, 2010 . 60%¶
. August 1, 2012 . 80%¶
. August 1, 2014 . 100%¶
(c) Local school nutritional standards are as follows:¶
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(d) Cold, filtered water shall be made available free to students, through water fountains or other means, when meals are served to students in public schools and public charter schools. ¶

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(g) Public schools and public charter schools shall promote healthy eating to students, faculty, staff, and parents.

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(h) Public schools and public charter schools shall provide at least 30 minutes for students to eat lunch.

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(i) Public schools and public charter schools shall participate in federal nutritional and commodity foods programs whenever possible.

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(a) Except as provided by subsection (b), all beverages and snack foods provided by or sold in public schools and public charter schools or provided by organizations participating in the Afterschool Meal Program, whether through vending machines, fundraisers, snacks, after-school meals, or other means, shall meet the following nutritional standards:¶
(1) The following beverages may be provided or sold:¶
(A) Fruit or vegetable based drinks containing:¶
(i) 100% fruit juice and/or vegetable juice;¶
(ii) No additional caloric sweeteners;¶
(iii) At least 10% of the recommended daily value for three or more vitamins and minerals; and¶
(iv) No more than 120 kcal per 8 ounces.¶
(B) Water or seltzer water, including water flavored with only natural flavorings; and¶
(C) Low-fat or fat-free regular and flavored milk containing no more than 150 kcal per 8 ounces, including nutritionally equivalent milk alternatives, as defined by USDA, such as soy milk, rice milk, and other similar dairy or nondairy calcium-fortified milks.¶
(2) The following beverages shall not be provided or sold:¶
(A) Soft drinks, sports drinks, punches, and iced teas;¶
(B) Fruit-based drinks containing less than 100% real fruit juice or containing additional caloric sweeteners; and¶
(C) Drinks containing caffeine, excluding low-fat or fat-free chocolate milk.¶
(3) All snacks, sweets, or side dishes sold or served on the school site through means other than the federal school meal programs, except fruits and vegetables, shall meet all of the following standards, according to the Nutrition Facts panel for the whole package for individually-packed products or the labeled serving size for goods purchased in bulk:¶
(A) Contain no more than 35% of its total calories from fat, for items other than nuts, seeds, and nut butters;¶
(B) Contain no more than 10% of its total calories from saturated fat, or 1 gram of saturated fat, whichever is greater;¶
(C) Contain zero grams of trans fat, as labeled;¶
(D) Contain no more than 35% of its weight from sugars, excluding sug ... [1]

Sec. 204. Local funding for public school meals.

(a) The Office of the State Superintendent of Education shall provide an additional reimbursement of 10 cents per breakfast meal and 10 cents per lunch meal when the meals meet the requirements of Sections 202 and 203.

(b) The Office of the State Superintendent of Education may withhold local funds provided by subsection (a) from public schools that do not meet the requirements of Sections 202 and 203.

Sec. 205. Central kitchen.

(a) The District of Columbia Public Schools shall establish a central facility in the District to prepare, process, and store healthy and nutritious meals for schools and non-profit organizations.

(b) This facility shall be used to develop nutrition education programs;

(c) This facility shall be used to provide job training programs for students and District residents;

(d) The Office of Public Education Facilities Modernization and the Department of Real Estate Services shall partner with the District of Columbia Public Schools to convert real property owned by the District into this central facility.

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Sec. 206. Public disclosure.

(a) Food service providers shall provide the following information to public schools and public charter schools:

- (1) The menu for each breakfast and lunch meal served;
- (2) The nutritional content of each menu item;
- (3) The ingredients for each menu item; and
- (4) The location where fruits and vegetables served in schools are grown and

processed and whether growers are engaged in sustainable agriculture practices.

(b) Public schools and public charter schools shall make the information provided to them under subsection (a) available to parents in the public school's office. Public schools and public charter schools are strongly encouraged to post this information online.

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Sec. 207. Healthy vending, fundraising, and prizes in public schools.

(a) Except as provided by subsection (b), all beverages and snack foods provided by or sold in public schools and public charter schools or provided by organizations participating in the Afterschool Meal Program, whether through vending machines, fundraisers, snacks, after-school meals, or other means, shall meet the shall meet the requirements of the United State Department of Agriculture's HealthierUS School Challenge program at the Gold Award Level for competitive foods.

(b) The requirements of subsection (a) are not applicable to:

(1) Food and drinks available only to faculty and staff members; provided, that school employees are encouraged to model healthy eating;

(2) Food provided at no cost by parents;

(3) Food sold or provided at official after-school events; and

(4) Schools in which all of the students are at least 18 years of age.

(c) The Office of the State Superintendent of Education, public schools, and public charter schools may adopt standards that exceed the requirements of subsection (a) and (b).

(d) Foods and beverages sold in public school and public charter school stores shall meet the requirements of subsection (a).

(e) Public schools and public charter schools shall not permit third parties other than school-related organizations and school meal service providers, to sell food or beverages of any type to students on school premises, including the school grounds, at any time.

(f) Foods and beverages that do not meet the nutritional requirements of subsection (a) may not be used as incentives, prizes, or awards in public schools or public charter schools.

(g) Foods and beverages that do not meet the nutritional requirements of subsection (a) may be neither advertised nor marketed in public schools and public charter schools through posters, signs, book covers, scoreboards, supplies, equipment, or other means.

(h) The Office of the State Superintendent of Education may impose a fine, not greater than \$500 per day, on public schools and public charter schools that violate this section.

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Sec. 208. Triennial review

The Healthy Schools and Youth Commission shall review school nutrition and the requirements of this title at least every 3 years and recommend improvements to the Mayor and the Council.

Sec. 209. Effective date.

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The provisions of this title shall apply as of August 1, 2010.

TITLE III – Farm-to-School Program

Sec. 301. Local food sourcing, reimbursement, and education.

(a) Public schools and public charter schools shall serve locally-grown, locally-processed, and unprocessed foods from growers engaged in sustainable agriculture practices whenever possible. Preference shall be given to fresh foods grown or processed in Maryland or Virginia.

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(b) The Office of the State Superintendent of Education shall provide an additional 5 cents per lunch meal reimbursement when at least one serving of fruits and vegetables in a lunch meal is locally-grown and unprocessed. It is strongly encouraged that these foods served in public schools and public charter schools are from growers engaged in sustainable agriculture practices.

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Sec. 302. Programs.

The Office of the State Superintendent of Education shall partner with the District the Department of Health, the Department of Parks and Recreation, District Department of the Environment, and the University System of the District of Columbia, community organizations, food service providers, public schools, and public charter schools to:

(a) Teach students and food service staff about the benefits of locally-grown, locally-processed, and unprocessed foods that are from growers engaged in sustainable agriculture practices.

(b) Develop programs to promote the benefits of purchasing and eating locally-grown and unprocessed foods that are from growers engaged in sustainable agriculture practices. At minimum, the agencies shall establish at least one program per year, such as an annual local flavor week or a harvest of the month program.

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Sec. 303. Mandatory reporting.

By September 30 of each year, the Office of the State Superintendent of Education shall submit to the Mayor, the Council, and the Healthy Schools and Youth Commission a

comprehensive report on the District's farm-to-school initiatives and recommendations for improvement. This report may be contracted out to community organizations, graduate students, or other entities.

TITLE IV – Physical and Health Education

Sec. 401. Physical ~~activity~~ requirements.

(a) ~~It shall be the goal of the District of Columbia for children to engage in physical activity for 60 minutes each day.~~

(b) ~~Public schools and charter schools shall promote the goal of 60 minutes of physical activity per day and shall seek to maximize their students' physical activity.~~

(c) ~~The targets for physical education in the District of Columbia are as follows:~~

~~(1) For students in kindergarten through grade 5:~~

~~(A) School year 2010 to 2011: 30 minutes per week;~~

~~(B) School year 2011 to 2012: 60 minutes per week;~~

~~(C) School year 2012 to 2013: 90 minutes per week;~~

~~(D) School year 2013 to 2014: 120 minutes per week; and~~

~~(E) School year 2014 to 2015: 150 minutes per week.~~

~~(2) For students in grades 6 through 8:~~

~~(A) School year 2010 to 2011: 45 minutes per week;~~

~~(B) School year 2011 to 2012: 90 minutes per week;~~

~~(C) School year 2012 to 2013: 135 minutes per week;~~

~~(D) School year 2013 to 2014: 180 minutes per week; and~~

~~(E) School year 2014 to 2015: 225 minutes per week.~~

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(c) Public schools and public charter schools shall devote at least 50% of physical education class time to actual physical activity, with as much class time as possible spent in moderate-to-vigorous physical activity.

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~~(d)~~ Public schools and public charter schools shall seek to increase physical activity by ~~considering extending the school day,~~ encouraging students to walk or bike to school, promoting active recess, including physical activity in after-school activities, supporting athletic programs, integrating movement into classroom instruction, and other alternate means.

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~~(e)~~ A student with disabilities shall have suitably adapted physical education incorporated as part of the individualized education program developed for the student. ~~With a written note~~ from a physician, public schools and public charter schools may provide suitably adapted physical education for any ~~other~~ student with special needs that preclude the student from participating in regular physical education instruction.

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~~(f)~~ ~~Requiring or withholding physical activity shall not be used to punish students.~~
~~Sec. 402. Grants.~~
~~When funds are appropriated, the Office of the State Superintendent of Education shall make grants available through a competitive process to public schools and public charter schools, for increasing physical activity in schools. As a condition of receiving these funds, schools shall commit to increasing the amount of physical activity that their students engage in by a measurable amount.~~

Deleted: (c) The Office of the State Superintendent of Education may exempt individual public schools and public charter schools from the requirements of section 401 until August 2012 upon a showing that the school lacks the resources to implement them.¶
Sec. 403. Punishment¶

Sec. ~~403.~~ Access to public facilities.

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(a) The Department of Parks and Recreation shall provide equal access and shall charge equal fees to both public schools and public charter schools for the use of its recreation centers, fields, playgrounds, and other facilities.

(b) Section 717.1 of Title 19 of the District of Columbia Municipal Regulations is amended to read as follows: “The recreational use of properties under the direct control of the Department shall have direct precedence over use for other purposes, except where recreation

properties in the immediate vicinity of a public school or charter school are the only recreation facilities available for school use.”.

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Sec. 404. Health education requirements.

(a) Beginning in August 2010, every student enrolled in a public school or a public charter school shall receive health education. Students in kindergarten through grade 2 shall receive health education for at least 40 hours during each school year. Students in grades 3 through 12 shall receive health education for at least 80 hours during each school year.

(b) Health education instruction shall meet the academic content standards for health education adopted by the State Board of Education, which are applicable to both public schools and public charter schools.

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Sec. 405. Mandatory reporting.

Beginning in 2011, by September 30 of each year, the Office of the State Superintendent of Education shall report to the Mayor, the Council, and the Healthy Schools and Youth Commission annually about the compliance of public schools and public charter schools with the physical and health education requirements in this title.

TITLE V – Environment

Sec. 501. Environmental programs.

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(a) The District of Columbia Public Schools, the Office of Public Education Facilities Modernization, the Department of Public Works, the District Department of the Environment, and the University of the District of Columbia shall collaborate and support the programs of this section.

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(b) The Office of Public Education Facilities Modernization shall:

(1) Establish ~~contracts~~, to recycle paper, bottles, cans, and cardboard at all public schools, including food services, by December 31, 2010, and provide technical assistance to public charter schools about recycling;

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(2) ~~Establish~~ an Integrated Pest Management Program;

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(3) ~~Use~~ environmentally friendly cleaning supplies in public schools;

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(4) ~~Test~~ drinking water in public schools for lead and post the results on its

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website; and

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(5) ~~Implement the Environmental Protection Agency's Indoor Air Quality Tools~~

for Schools Program to reduce exposure to environmental factors that impact asthma among children and adults in the District's public schools,

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(c) The District Department of the Environment shall:

(1) ~~Develop a plan to measure and reduce energy consumption in public schools by 10% by August 1, 2015;~~

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(2) ~~Make grants available through a competitive process, when funds are appropriated, to achieve this goal; and~~

(3) ~~Establish a program to provide organizational support and educational resources for school recycling programs.~~

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(d) The District of Columbia Public Schools shall:

(1) ~~Use environmentally friendly cleaning supplies in public schools;~~

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(2) ~~Seek to use sustainable products in serving meals to students; and~~

(3) ~~Discontinue using Styrofoam trays and other non-recyclable goods in food service after October 1, 2014.~~

~~(e)~~ By December 31, 2010, the ~~Mayor~~ shall prepare and transmit to the Council a comprehensive report about waste, recycling, composting, pest management, and cleaning supplies in public schools, and include recommendations and a timeline for reducing waste, reducing energy consumption, improving air quality, using green cleaning products, and making public schools more environmentally friendly. This report shall include a thorough, school-by-school breakdown of the waste stream in public schools, including tonnages, components, and diversion rates.

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~~Sec. 502.~~ Greener schools.

(a) The Green Building Act of 2006, effective March 08, 2007 (D.C. Law 16-234; D.C. Official Code §§ 6-1451.01 to -1451.11) is amended as follows:

Deleted: Sec. 502. Sustainable products.¶
Public schools and public charter schools are encouraged to use only sustainable products in serving meals to students. Styrofoam trays and other non-recyclable goods are strongly discouraged and shall be prohibited after October 1, 2014.¶
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(1) Section 3(b)(1)(C)(iii) (D.C. Official Code § 6-1451.02(b)(1)(C)(iii)) is amended by adding the following to the end of the existing text:

“For newly constructed and substantially improved public schools, the District shall aspire to meet LEED for Schools certification at the Gold level or higher.”.

(2) Section 4(b)(2)(B) (D.C. Official Code § 6-1451.03(b)(2)(B)) is amended by adding the following to the end of the existing text:

“Schools shall aspire to meet LEED for Schools certification at the Gold level or higher.”.

(b) A new subsection 3 of section 1 of Chapter 35 of Title 20 of the District of Columbia Municipal Regulations is added to read as follows:

Deleted: Prior to commencing construction, if public schools are unable to meet LEED for Schools Gold certification, the Office of Public Education Facilities Modernization shall provide written certification to the Council as to why this standard cannot be met.

“3501.3 For both newly constructed and substantially improved public schools, the District shall aspire to meet LEED for Schools certification at the Gold level or higher.”.

Sec. ~~503.~~ Environmental literacy plan.

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The District of Columbia Public Schools, Department of Parks and Recreation, District Department of the Environment, Office of the State Superintendent of Education, and the University of the District of Columbia shall develop an Environmental Literacy Plan for the public schools and public charter schools.

Sec. ~~504~~. School gardens program.

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(a) A School Gardens Program is established within the Office of the State Superintendent of Education. This program shall coordinate the efforts of community organizations, the Department of Parks and Recreation, the District Department of the Environment, the District of Columbia Public Schools, ~~the Office of Public Education Facilities~~ Modernization, and the University of the District of Columbia to establish gardens as central components in public schools and public charter schools. This program shall compliment the Food Production and Urban Gardens Program, provided by D.C. Official Code § 48-402.

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(b) The School Gardens Program shall:

- (1) Convene a Garden Advisory Committee of community organizations, agencies, and other interested stakeholders;
- (2) Collect data on the location and types of gardens in public schools and public charter schools;
- (3) Provide horticultural guidance and technical assistance;
- (4) Coordinate curricula for school gardens and related projects; and
- (5) Provide training, support, and assistance to gardens in public schools and public charter schools.

(c) When funds are appropriated, the School Gardens Program shall partner with community organizations to make grants available through a competitive process to public

schools, public charter schools, and other organizations to enable them to develop gardens at public schools.

(d) By December 31, 2010, the School Gardens Program shall issue a report to the Mayor, the Council, and the Healthy Schools and Youth Commission about the state of school gardens in the District of Columbia, plans for expanding them, and recommendations for improving the program.

(e) The University System of the District of Columbia shall assist the School Gardens Program by providing technical expertise, curricula, and soil testing for school gardens.

(f) As permitted by federal law, when tests show that the soil is safe and when produce is handled safely, produce grown in school gardens may be identified and served to students at the school, including in the cafeteria. Produce grown in school gardens may be sold and the proceeds from such sales shall benefit the public school where the produce was grown.

(g) School gardens shall include a demonstration compost pile when feasible.

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(h) Section 3 of the Food Production and Urban Gardens Program Act of 1986, effective Feb. 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-402 (3)(D)) is amended by striking “Board of Education of the District of Columbia” and inserting “Office of the State Superintendent of Education” in its place.

TITLE VI – Health and Wellness

Sec. 601. Local wellness policies.

(a) As required by federal law, each local educational agency shall collaborate with parents, students, food service providers, and community organizations to develop, adopt, and

update a comprehensive local wellness policy. Local wellness policies shall be revised at least once every three years.

(b) Local wellness policies shall include not only the requirements set forth in federal law, but also goals for improving the environmental sustainability of schools and increasing the use of locally-grown, locally-processed, and unprocessed foods from growers engaged in sustainable agriculture practices.

(c) Public schools and public charter schools shall promote the local wellness policy to faculty, staff, parents, and students. A copy shall be posted on each school's website, shared with food service staff members, distributed to the parent/teacher organization, and made available in each school's office.

(d) The Office of the State Superintendent of Education shall review each local wellness policy to ensure that it complies with federal requirements and should examine whether schools comply with their policies.

Sec. 602. Data collection and reporting.

(a) Public schools and public charter schools shall collect the following information for each student every school year:

(1) The body mass index;

(2) The waist-to-hip ratio; and

(3) The estimated amount of physical activity in which students engage.

(b) Upon the written request of a parent or guardian, public schools and public charter schools may exempt students from the requirements of subsection (a).

(c) The information collected through subsection (a) shall remain confidential;

(d) The Department of Health and the Office of the State Superintendent of Education shall develop a plain language explanation in English and Spanish of body mass index and waist-to-hip ratio, their significance, how to interpret a student's test results, the consequences of an unhealthy body mass index and waist-to-hip ratio, the steps can be taken to improve body mass index and waist-to-hip ratio, and where additional resources can be found.

(e) Public schools and public charter schools shall transmit each student's body mass index and waist-to-hip ratio along with the explanation required by subsection (b) to each student's parent or guardian by May 1 of each year.

(f) Public schools and public charter schools shall transmit the body mass index and waist-to-hip results for every student by school and by grade, without any identifying information, along with the estimated amount of physical activity in which their students engage to the Office of the State Superintendent of Education by May of each year.

Sec. 603, School health centers.

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(a) The Department of Health, the District of Columbia Public Schools, and the Office of Public Education Facilities Modernization shall develop a plan to establish and operate school health centers in public high schools by 2015.

(b) The plan shall include the following:

(1) A needs assessment to determine where school health centers shall be located, including a justification for any determination that a school health center is not needed at a public high school, and

(2) A proposal for financial sustainability for the school health centers.

(c) The plan shall be submitted to the Mayor, the Council, and the Healthy Schools and Youth Commission by December 31, 2010.

Sec. ~~604~~. ~~School~~ nurses

~~The size of the nurse's suite shall not be a determining factor as to whether or not a school nurse is placed at a public charter school.~~

Sec. 605. Air quality.

Subsection 2148.3 of Title 18 and 900.1 of Title 20 of the District of Columbia Municipal

Regulations, are amended to read as follows:

~~“No person owning, operating, or having control over the engine of a gasoline or diesel powered motor vehicle on public or private space, including the engine of a public vehicles for hire, buses with a seating capacity of twelve (12) or more persons, and school buses or any vehicle transporting students, shall allow that engine to idle for more than three (3) minutes while the motor vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment in those vehicles, except as follows:~~

~~“(a) To operate private passenger vehicles;~~

~~“(b) To operate power takeoff equipment including, dumping, cement mixers, refrigeration systems, content delivery, winches, or shredders; or~~

~~“(c) To idle the engine for no more than five (5) minutes to operate heating equipment when the ambient air temperature is thirty-two degrees Fahrenheit (32°F) or below.”~~

Sec. 606. Health certificates.

~~Section 3 (a) of the Student Health Care Act of 1985, effective December 3, 1985 (D.C. Law 6 -66; D.C. Code § 38-602 (a)), is amended to read as follows: “Except as provided in section 4 of this act, each student attending prekindergarten through grade 12 in a public, public charter, private, or independent school in the District of Columbia shall furnish the school annually with a certificate of health completed and signed by a physician or advanced practice~~

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Deleted: Asthma certification for

Deleted: (a) Section 2(a) of the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-621) is amended as follows:¶

. (1) Designate the existing text as paragraph (1).¶

. (2) A new paragraph (2) is added to read as follows:¶

. “(2) For school nurses hired after October 1, 2010, preference shall be given to nurses possessing national certification as asthma educators.”¶

(b) The Department of Health shall examine the feasibility of requiring all nurses to be certified as asthma educators by October 1, 2012.¶

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Deleted: Sec. 604. Allergy plans.¶ By December 31, 2010, each public school and public charter school shall develop a comprehensive allergy plan, appoint an allergy coordinator at each school, and create a system to obtain information from parents about each child's allergens and allergic reactions. A school's allergy records shall be shared with the school's nurse and food service provider. Schools shall update student allergy records each year. ¶

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Deleted: (1) The existing text is designated as subsection (a) and paragraphs (1), (2), and (3).¶

. (2) A new subsection (b) is added to read as follows:¶

. “(b) No person operating or having control over the engine of a public or private gasoline or diesel powered motor vehicle or the engine of a public vehicle for hire, including buses, shall allow that engine to idle for more than one (1) minute while the motor vehicle is parked, stopped, or standing within 100 feet of a school, including for the purpose of operating air conditioning equipment in those vehicles, on public or private space, except on those days that the National Weather Service issues a Excessive ... [2]

Deleted: (c) By January 1, 2010, public schools shall implement the Environmental Protection Agency's Indoor Air Quality Tools for Scho ... [3]

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nurse who has examined the student within the calendar year immediately preceding the first day of the school year or the date of the student's enrollment in the school, whichever occurs later. The examination shall cover all items required by the certificate 1 of health 2 form for the student's particular age group.”.

TITLE VII – Healthy Youth and Schools Commission

Sec. 701. Establishment of the Healthy Youth and Schools Commission.

(a) There is established a Healthy Youth and Schools Commission with the purpose of advising the Council and Mayor on health, wellness, and nutritional issues concerning youth and schools in the District.

(b) Specific functions of the Commission shall include the following:

(1) Advising on the operations of all District health, wellness, and nutrition programs;

(2) Reviewing and advising on the “best practices” in health, wellness, and nutrition programs across the United States;

(3) Recommending standards, or revisions to existing standards, concerning the health, wellness, and nutrition of youth and schools in the District;

(4) Advising on the development of on-going program of public information and outreach programs on health, wellness, and nutrition;

(5) Making recommendations on enhancing the collaborative relationship between the District government, the federal government, the University of the District of Columbia, local non-profit organizations, colleges and universities, and the private sector in connection with health, wellness, and nutrition; and

(6) Identifying gaps in funding and services, or methods of expanding services to District residents.

(c) By September 30 of each year, the Commission shall submit to the Mayor and the Council a comprehensive report on the health, wellness, and nutrition of youth and schools in the District. The report shall:

(1) Explain the efforts made within the preceding year to improve the health, wellness, and nutrition of youth and schools in the District;

(2) Discuss the steps that other states have taken to address the health, wellness, and nutrition of youth and schools; and

(3) Make recommendations about how to further improve the health, wellness, and nutrition of youth and schools in the District.

Sec. 702. Composition and organization of the commission.

(a) The Commission shall be a nonpartisan Commission composed of 13 members who are experts in health, wellness, or nutrition: ~~parents; and students.~~ The Mayor shall appoint 10 members, no more than 5 of whom shall be District employees representing the Department of Health, Office of the Deputy Mayor for Education, Office of the State Superintendent of Education, District of Columbia Public Schools, Department of Human Services, and the Department of Parks and Recreation. The Chairperson of the Council shall appoint one member. The Chairperson of the Council Committee with oversight of education shall appoint one member. The Chairperson of the Public Charter School Board shall appoint one member.

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(b) Members shall serve three-year terms on the Commission, except that:

~~(1) Of the Mayor's first 10 persons appointed, 4 shall be appointed to serve three-~~
year terms, 3 shall be appointed to serve two-year terms, and 3 shall be appointed to serve one-
year terms; and

~~(2) Students shall serve for 1 year,~~

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(c) The Mayor shall designate one member of the Commission to serve as its Chairperson.

(d) A member shall serve for no more than two consecutive, full terms.

(e) Unless excused by the Chairperson, any member who fails to attend three consecutive meetings shall be deemed to be removed from the Commission, creating a vacancy.

(f) Each member of the Commission shall serve without compensation. Each member, however, may be reimbursed for actual expenses pursuant to section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08).

Sec. 703. Rules of procedure and powers.

(a) The Chairperson of the Commission, or his or her designated representative, who must be a member of the Commission, shall convene all meetings of the Commission. Six members of the Commission shall constitute a quorum. Voting by proxy shall not be permitted.

(b) All meetings, reports, and recommendations shall be a matter of public record.

(c) The Commission shall establish its meeting schedule, provided that the Commission shall meet at least four times during each calendar year.

(d) The Commission may establish subcommittees as needed. Subcommittees may include persons who are not members of the Commission provided that each subcommittee is chaired by a Commission member.

Sec. 704. Administration.

The Office of the State Superintendent of Education shall provide administrative and technical support to the Commission as necessary and as supported by budget appropriation and authority.

TITLE VIII

Sec. 801. Rulemaking.

The Mayor may issue rules to implement the provisions of this act.

Sec. 802. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 803. Effective date.

Except where otherwise provided, this act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Sec. 202. Healthy vending, fundraising, and prizes in schools.

(a) Except as provided by subsection (b), all beverages and snack foods provided by or sold in public schools and public charter schools or provided by organizations participating in the Afterschool Meal Program, whether through vending machines, fundraisers, snacks, after-school meals, or other means, shall meet the following nutritional standards:

(1) The following beverages may be provided or sold:

(A) Fruit or vegetable based drinks containing:

(i) 100% fruit juice and/or vegetable juice;

(ii) No additional caloric sweeteners;

(iii) At least 10% of the recommended daily value for three or more vitamins and minerals; and

(iv) No more than 120 kcal per 8 ounces.

(B) Water or seltzer water, including water flavored with only natural flavorings; and

(C) Low-fat or fat-free regular and flavored milk containing no more than 150 kcal per 8 ounces, including nutritionally equivalent milk alternatives, as defined by USDA, such as soy milk, rice milk, and other similar dairy or nondairy calcium-fortified milks;

(2) The following beverages shall not be provided or sold:

(A) Soft drinks, sports drinks, punches, and iced teas;

(B) Fruit-based drinks containing less than 100% real fruit juice or containing additional caloric sweeteners; and

(C) Drinks containing caffeine, excluding low-fat or fat-free chocolate milk.

(3) All snacks, sweets, or side dishes sold or served on the school site through means other than the federal school meal programs, except fruits and vegetables, shall meet all of the following standards, according to the Nutrition Facts panel for the whole package for individually-packed products or the labeled serving size for goods purchased in bulk:

(A) Contain no more than 35% of its total calories from fat, for items other than nuts, seeds, and nut butters;

(B) Contain no more than 10% of its total calories from saturated fat, or 1 gram of saturated fat, whichever is greater;

(C) Contain zero grams of trans fat, as labeled;

(D) Contain no more than 35% of its weight from sugars, excluding sugars occurring naturally in fruits, vegetables, and dairy ingredients;

(E) Contain no more than 230 mg of sodium per serving, except that low-fat and fat-free dairy products may contain no more than 480 mg of sodium per serving;

(F) Dairy products must be non-fat or low-fat;

(G) Contain no more than 100 kcal, except that soups may contain no more than 150 kcal in elementary schools, 180 kcal in middle schools, and 200 kcal in high schools if they also contain at least two of the following: at least 2 grams of fiber; at least 5 grams of protein; at least 10% Daily Values of Vitamin A, Vitamin C, Vitamin E, folate, calcium, magnesium, potassium, or iron; or, at least 1/4 cup of fruit or vegetables;

(H) Reduced fat or part-skim cheese less than or equal to 1.5 ounces may be served; and

(I) One egg with no added fat or an equal amount of egg equivalent with no added fat may be served.

(4) Portion sizes of foods and beverages sold individually shall be limited as follows:

(A) One and one-quarter ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky;

(B) One ounce for cookies;

(C) Two ounces for cereal bars, granola bars, pastries, muffins, doughnuts, bagels, and other bakery items;

(D) Four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;

(E) Eight ounces for non-frozen yogurt; and

(F) Twelve fluid ounces for beverages, excluding water, in high schools; ten fluid ounces for beverages, excluding water, in middle schools; and eight fluid ounces for beverages, excluding water, in elementary school.

(5) Fruits and non-fried vegetables are exempt from portion-size limits.

(6) Fruits and vegetables shall be offered for sale at every location at each school where foods are sold. Such items may include fresh fruits and vegetables; 100% fruit or vegetable juice; cooked, dried, or canned fruits (canned in fruit juice or light syrup); and cooked, dried, or canned vegetables. Fruits and vegetables are subject to the following nutritional standards per serving:

(A) Fresh fruits and vegetables shall have no calorie limits;

(B) Fruits and vegetables packaged in their own juice or dried shall contain no more than 150 kcal per serving in elementary school, no more than 180 kcal per serving in middle schools, and no more than 200 kcal per serving in high schools.

(C) Fruits and vegetables shall contain no more than 230 mg of sodium, except that they may contain no more than 480 mg of sodium if they also contain at least one of the following: at least 2 grams of fiber; at least 5 grams of protein; at least 10% Daily Values of Vitamin A, Vitamin C, Vitamin D, folate, calcium, magnesium, potassium, or iron; or, at least 1/4 cup of fruit or vegetables; and

(D) Vegetables with sauce shall contain no more than 100 kcal, except that they may contain no more than 150 kcal in elementary schools, 180 kcal in middle schools, and 200 kcal in high schools if they also contain at least two of the following: at least 2 grams of fiber; at least 5 grams of protein; at least 10% Daily Values of Vitamin A, Vitamin C, Vitamin E, folate, calcium, magnesium, potassium, or iron; or, at least 1/4 cup of fruit or vegetables.

(b) The requirements of subsection (a) are not applicable to:

(1) Food and drinks available only to faculty and staff members, provided however, that school employees are encouraged to model healthy eating;

(2) Food provided at no cost by parents;

(3) Food sold or provided at official after-school events; and

(4) Schools in which all of the students are at least 18 years of age.

(c) Public schools and public charter schools may adopt standards that exceed the requirements of subsection (a).

(d) Foods and beverages sold in public school and public charter school stores shall meet the requirements of subsection (a).

(e) Public schools and public charter schools shall not permit third parties other than school-related organizations, outside of school meal service providers, to sell food or beverages of any type to students on school premises, including the school grounds, at any time.

(f) Foods and beverages that do not meet the nutritional requirements of subsection (a) may not be used as incentives, prizes, or awards in public schools.

(g) Foods and beverages that do not meet the nutritional requirements of subsection (a) may be neither advertised nor marketed in public schools and public charter schools through posters, signs, book covers, scoreboards, supplies, equipment, or other means.

(h) The Office of the State Superintendent of Education may impose a fine, not greater than \$500 per day, on public schools and public charter schools that violate this section..

Sec. 203. Participation in federal programs.

Public schools and public charter schools shall participate in federal nutritional and commodity foods programs whenever possible.

(1) The existing text is designated as subsection (a) and paragraphs (1), (2), and (3).

(2) A new subsection (b) is added to read as follows:

“(b) No person operating or having control over the engine of a public or private gasoline or diesel powered motor vehicle or the engine of a public vehicle for

hire, including buses, shall allow that engine to idle for more than one (1) minute while the motor vehicle is parked, stopped, or standing within 100 feet of a school, including for the purpose of operating air conditioning equipment in those vehicles, on public or private space, except on those days that the National Weather Service issues a Excessive Heat Warning or a Winter Weather Advisory for the District.”.

(b) Subsection 900.1 of Title 20 of the District of Columbia Municipal Regulations, is amended as follows:

(1) The existing text is designated as subsection (a) and paragraphs (1), (2), and (3).

(2) A new subsection (b) is added to read as follows:

“(b) The engine of a public or private gasoline or diesel powered motor vehicle, the engine of a public vehicle for hire, including buses, shall not idle for more than one (1) minute while the motor vehicle is parked, stopped, or standing within 100 feet of a school, including for the purpose of operating air conditioning equipment in those vehicles, on public or private space, except on those days that the National Weather Service issues a Excessive Heat Warning or a Winter Weather Advisory for the District.”.

(c) By January 1, 2010, public schools shall implement the Environmental Protection Agency’s Indoor Air Quality Tools for Schools Program to reduce exposure to environmental factors that impact asthma among children and adults in the District’s schools.