

**Council of the District of Columbia  
Committee on Government Operations and the Environment  
Working Draft Committee Print  
April 13, 2010**

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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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

**Comment [DU1]:** The long title will be updated to reflect the current draft of the legislation.

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 2010".

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**TITLE I. – DEFINITIONS; ESTABLISHMENT OF HEALTHY SCHOOLS FUND.**

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Sec. 101. Definitions.

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For the purposes of this act, the term:

(1) “Healthy Schools Fund” means the fund established by section 102.

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(2) “Healthy Schools and Youth Commission” means the body established by section 701.

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

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

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

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(6) “Moderate-to-vigorous physical activity” means movement resulting in a substantially increased heart rate and breathing.

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(7) “Public charter school” means a school chartered under the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1800.01 et seq.). The term “public charter school” shall not include private or parochial schools.

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(8) “Public school” means a school operated by the District of Columbia Public Schools, established by section 102 of the District of Columbia Public Schools Agency Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-171).

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(9) “Sustainable agriculture” means an integrated system of plant and animal production practices having a site-specific application that will, over the long-term—

(A) Satisfy human food and fiber needs;

(B) Enhance environmental quality and the natural resource base upon which the agriculture economy depends;

(C) Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;

(D) Sustain the economic viability of farm operations; and

(E) Enhance the quality of life for farmers and society as a whole.

(10) (A) “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.

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(B) For the purposes of this paragraph, food, which undergoes the following processes, shall be deemed to be unprocessed:

(i) Cooling, refrigerating, or freezing;

(ii) Size adjustment through size reduction made by peeling,

slicing, dicing, cutting, chopping, shucking, or grinding;

(iii) Drying or dehydration;

(iv) Washing;

(v) The application of high water pressure or “cold pasteurization”;

(vi) Packaging, such as placing eggs in cartons, and vacuum packing and bagging, such as placing vegetables in bags;

(vii) Butchering livestock, fish, or poultry; and

(viii) The pasteurization of milk.

Sec. 102. Establishment of Healthy Schools Fund.

(a) There is established as a nonlapsing fund the Healthy Schools Fund, which shall be used solely as provided in subsection (c) of this section. The Fund shall be funded by annual appropriations, which shall be deposited into the Fund.

(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(c) The funds in the Fund shall be used as follows:

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(1) To provide additional funding for healthy school meals, the Office of the State Superintendent of Education shall reimburse public schools and public charter schools as follows:

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(A) Ten cents for each breakfast meal served that meets the requirements of sections 202 and 203; and

(B) Ten cents for each lunch meal served that meets the requirements of sections 202 and 203.

(2) To provide free breakfast meals in public charter schools under section 203(a), the Office of the State Superintendent of Education shall reimburse public charter schools as follows:

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(A) Thirty cents for each breakfast meal served to students who qualify for reduced-price meals; and

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(B) The difference between the free and paid rates for breakfasts served in severe needs schools in the District of Columbia, as determined by the U.S. Department of Agriculture, to students who qualify for neither free nor reduced-price meals.

(3) To eliminate the reduced-price copayment under section 203(c), the Office of the State Superintendent of Education shall reimburse public schools and public charter schools in the amount of 40 cents for each lunch meal served to students who qualify for reduced-price meals.

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(4) To provide resources to implement the breakfast-in-the-classroom program under section 203(b), only during the 2010-2011 school year, the Office of the State Superintendent of Education shall provide \$7 per student to public schools and public charter

schools participating in the National School Lunch Program, in which more than 40% of students qualify for free or reduced-price meals.

(5) To encourage local foods to be served in schools, the Office of the State Superintendent of Education shall provide an additional 5 cents per lunch meal reimbursement to public schools and public charter schools when at least one component of a reimbursable lunch meal is locally-grown and unprocessed; provided, that the schools report the name and address of the farms where the locally-grown foods were grown to the Office of the State Superintendent of Education.

(6) To increase physical activity in schools, the Office of the State Superintendent of Education shall make grants available through a competitive process to public schools and public charter schools; provided, that schools shall meet the requirements of section 402 and seek to increase the amount of physical activity in which their students engage.

(7) To support school gardens, the Office of the State Superintendent of Education shall make grants available through a competitive process to public schools, public charter schools, and other organizations.

(d) The Office of the State Superintendent of Education may withhold local funds provided by subsection (c) of this section from public schools that do not meet the requirements of sections 202, 203, 206, and 207.

## **TITLE II. – SCHOOL NUTRITION**

Sec. 201. Goals.

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(a) There is established as a nonlapsing fund the Healthy Schools Fund, which shall be used solely to improve health, wellness, and nutrition in public schools and public charter schools. ¶  
X programs shall be ¶  
(b) All funds deposited into the Healthy Schools Fund, and any interest earned thereon, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.¶  
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(a) Public schools and public charter schools shall serve healthy and nutritious meals to students. Schools are strongly encouraged to consider serving vegetarian food options each week.

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(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.

(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:

(1) The Child Nutrition Act of 1996, approved October 11, 1996 (80 Stat. 885; 42 U.S.C. § 1771 *et seq.*);

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(2) The Richard B. Russell National School Lunch Act, approved June 4, 1946 (60 Stat. 230; 42 U.S.C. § 1751 *et seq.*);

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(3) 7 C.F.R. Parts 210, 215, 220, and 225; and

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(4) Other applicable federal law.

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(b) In addition to the requirements of subsection (a) of this section, breakfast and lunch meals served to students in each public school and public charter school shall meet or exceed:

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(1) The following nutritional requirements per serving:

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(A) Calories:

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(i) Between 350 and 550 for breakfast for Pre-Kindergarten

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through Grade 8;

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

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Grade 8;

(iii) Between 550 and 700 for lunch for Pre-Kindergarten through

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

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(v) Provided, that the requirements of this subparagraph may be assessed as a weekly average.

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

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(C) Trans Fat: Zero grams; and

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(D) Sodium:

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(i) For breakfast meals:

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(I) Less than 430 mg for Grades Kindergarten through 5;

(II) Less than 470 mg for Grades 6 through 8; and

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(III) Less than 500 mg for Grades 9 through 12.

(ii) For lunch meals:

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(I) Less than 640 mg for Grades Kindergarten through 5;

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(II) Less than 710 mg for Grades 6 through 8; and

(III) Less than 740 mg for Grades 9 through 12.

(iii) The requirements of this subparagraph shall not apply until

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August 1, 2020; provided, that public schools and public charter schools shall gradually reduce the amount of sodium served in school meals.

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(2) The serving requirements of the United State Department of Agriculture's

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HealthierUS School Challenge program at the Gold Award Level for vegetables, fruits, whole grains, milk, and other foods served in school meals.

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(c) The Office of the State Superintendent of Education may adopt standards that exceed the requirements of this section.

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Sec. 203. Additional requirements for public school meals.

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

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(b) If more than 40% of the students at a school qualify for free or reduced-price meals:

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(1) A public elementary schools and a public charter elementary school shall offer

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breakfast in the classroom each day; and

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(2) A public middle and high school and a public charter middle and high school

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shall offer alternative serving models, such as breakfast in the classroom or grab and go carts,

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each day to increase breakfast participation.

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

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(d) Public schools and public charter schools are encouraged to make cold, filtered water

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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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(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.

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(f) Public schools and public charter schools shall solicit input from students, faculty, and

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parents, through taste tests, comment boxes, surveys, a student nutrition advisory council, or other means, regarding nutritious meals that appeal to students.

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(g) Public schools and public charter schools shall promote healthy eating to students,

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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.

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

Sec. 205. Central kitchen.

(a) The District of Columbia Public Schools shall establish a central facility in the

District to:

(1) Prepare, process, grow, and store healthy and nutritious meals for schools and nonprofit organizations;

(2) Support nutrition education programs; and

(3) Provide job-training programs for students and District residents.

(b) The District of Columbia Public Schools shall provide reasonable access to charter schools who wish to use the facility.

(c) The Department of Real Estate Services shall assist the District of Columbia Public Schools in selecting real property for the facility and the Office of Public Education Facilities Modernization shall to convert the real property into the facility.

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

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(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 post the information provided to them under subsection (a) of this section:

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(1) In the school's office; and

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(2) Online if the school has a website.

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

(a) Except as provided by subsection (b) of this section, 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) of this section shall not apply to:

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

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(2) Food provided at no cost by parents;

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

(4) Public schools or public charter schools in which all of the students are at least 16 years of age.

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(c) The Office of the State Superintendent of Education may adopt standards that exceed the requirements set forth in subsections (a) and (b) of this section.

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

(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 property from 90 minutes before the school day begins until 90 minutes after the school day ends.

(f) Foods and beverages that do not meet the nutritional requirements of subsection (a) of this section shall not be:

(1) Used as incentives, prizes, or awards in public schools or public charter schools; or

(2) Advertised or marketed in public schools and public charter schools through posters, signs, book covers, scoreboards, supplies, equipment, or other means.

(g) The Office of the State Superintendent of Education may impose a penalty, not to exceed \$500 per day paid to the Healthy Schools Fund, on public schools and public charter schools that violate this section, subject to the right to a hearing requested within 10 days after the notice of imposition of the penalty is sent,

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.

### TITLE III. – FARM-TO-SCHOOL PROGRAM

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

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

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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 and processed in the District of Columbia, Maryland, and Virginia.

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Sec. 302. Programs.

The Office of the State Superintendent of Education shall, in conjunction with the Department of Health, the Department of Parks and Recreation, the 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, 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 Office of the State Superintendent of Education shall conduct at least one program per year, such as an annual local flavor week or a harvest of the month program.

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(a) Teach

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Subsection 729.3 of Title 19 of the District of Columbia Municipal Regulations is created to read as follows: "729.3 The provisions of this section shall not preclude the use of public recreation facilities by programs to provide community access to healthy foods, such as farmers markets." ¶

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Sec. 303. Mandatory reporting.

On or before 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 prepared pursuant to a contract.

Sec. 304.

Section 729 of Title 19 of the District of Columbia Municipal Regulations is amended by adding a new subsection 792.3 to read as follows:

"729.3 The provisions of this section shall not preclude the use of public recreation facilities by programs to provide community access to healthy foods, such as farmers' markets."

**TITLE IV. – PHYSICAL AND HEALTH EDUCATION**

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Sec. 401. Physical activity goals.

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(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 public charter schools shall promote this goal.

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(c) Public schools and public charter schools shall seek to maximize physical activity by

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means including:

(1) Extending the school day;

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(2) Encouraging students to walk or bike to school;

(3) Promoting active recess;

(4) Including physical activity in after-school activities;

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(5) Supporting athletic programs; and

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(6) Integrating movement into classroom instruction.

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Sec. 402. Physical and health education requirements.

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(a) Public schools and public charter schools shall provide physical education as follows:

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- - (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

(1) For students in Kindergarten through Grade 5:

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(A) School year 2010-2011: at least 30 minutes per week; and

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(B) School year 2014-2015 and after: at least 150 minutes per week;

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(2) For students in Grades 6 through 8:

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(A) School year 2010-2011: at least 45 minutes per week; and

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- - (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;

(B) School year 2014-2015 and after: at least 225 minutes per week.

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(3) At least 50 percent of physical education class time shall be devoted to actual physical activity, with as much class time as possible spent in moderate-to-vigorous physical activity.

(b) Public schools and public charter schools shall provide health education to students in Grades Kindergarten through 8 as follows:

(1) School year 2010-2011: at least 15 minutes per week; and

(2) School year 2014-2015 and after: at least 75 minutes per week;

(c) The State Board of Education, with assistance from the Office of the State Superintendent of Education, shall consider ways to expand physical education in high schools.

Sec. 403. Additional requirements.

(a) 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.

(b) Requiring or withholding physical activity shall not be used to punish students; provided, that students who are not wearing appropriate athletic clothing may be prohibited from participating in physical activity until properly dressed.

Sec. 404. Access to public facilities.

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.

Sec. 405. Mandatory reporting.

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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.¶

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Deleted: (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." ¶

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 in both public schools and public charter schools shall meet the academic content standards for health education adopted by the State Board of Education

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Beginning in 2011, ~~on or before~~ 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.

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Sec. 406. Conforming amendment.

Section 717.1 of Title 19 of the District of Columbia Municipal Regulations is amended to read as follows: "717.1 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."

**TITLE V. – ENVIRONMENT**

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Sec. 501. Environmental programs office.

(a) An environmental programs office is established in the Office of Public Education Facilities Modernization and shall;

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(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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Deleted: the Department of Public Works, the District Department of the Environment, and the University System of the District of Columbia shall collaborate and support the programs of this section.¶  
(b) The Office of Public Education Facilities Modernization shall:

(2) Develop a plan to measure energy consumption in each public school and reduce that amount by 20% by August 1, 2015;

(3) Establish an Integrated Pest Management program;

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(4) Test drinking water in public schools for lead, and promptly take any remedial

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action required;

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~~(5) Comply with the Environmental Protection Agency's Lead; Renovation, Repair, and Painting Program, 40 C.F.R. Part 745;~~

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~~(6) Post the results of its environmental testing online; and~~

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~~(7) Promote 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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~~(b) The District of Columbia Public Schools shall:~~

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- (c) The District Department of the Environment shall: ¶  
(1) Develop a plan to measure

~~(1) Use environmentally friendly cleaning supplies in public schools; provided, that the agency may exhaust its current supply of conventional cleaners; and~~

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Deleted: energy consumption in each public schools and reduce that amount by

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~~(2) Prepare and transmit to the Mayor, the Council, and the Healthy Schools and~~

Deleted: 20% by August 1, 2015; ¶  
(2) Make grants available through a competitive process, when funds are appropriated, to achieve

~~Youth Commission, on or before December 31, 2010, a plan to use sustainable products in serving meals to students.~~

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

~~(c) On or before December 31, 2010, the Mayor shall prepare and transmit to the Council~~

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~~a comprehensive report describing the implementation of recycling, composting, energy-reduction, pest management, air quality, and environmentally friendly cleaning supplies~~

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

~~programs in public schools. The report shall include recommendations and a timeline for further implementing these programs and a thorough, school-by-school breakdown of the waste stream~~

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~~in public schools, including tonnages, components, and diversion rates.~~

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Deleted: reducing waste, reducing energy consumption, improving air quality, using green cleaning products, and making public schools more environmentally friendly

Sec. 502. Greener schools.

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(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:

(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:

“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.

The ~~Office of the State Superintendent of Education, in conduction with the~~ District of Columbia Public Schools, ~~the~~ District Department of the Environment, ~~the Department of Parks and Recreation, the Public Charter School Board, the State Board of Education,~~ and the University ~~System~~ of the District of Columbia, shall develop an Environmental Literacy Plan for public schools and public charter schools.

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Sec. 504. School gardens program.

(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, ~~the Public Charter School Board,~~ and the University ~~System~~ of the District of Columbia to establish gardens as ~~integral~~ components ~~of~~ public schools and public charter

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schools. This program shall compliment the Food Production and Urban Gardens Program, provided by D.C. Official Code § 48-402.

(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.

(e) 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.

**Deleted:** (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.

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(f) 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.

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(g) 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.

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

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(i) 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.

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**TITLE VI. – HEALTH AND WELLNESS**

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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 3 years.

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(b) Local wellness policies shall include:

(1) The requirements set forth in federal law; and

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(2) Goals for:

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(A) Improving the environmental sustainability of schools;

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(B) Increasing the use of locally-grown, locally-processed, and

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unprocessed foods from growers engaged in sustainable agriculture practices; and

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(C) Increasing physical activity.

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(c) Public schools and public charter schools shall promote the ir local wellness policy to faculty, staff, parents, and students. A copy shall be:

(1) Posted on each school’s website, if it has one;

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(2) Distributed to food service staff members;

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(3) Distributed to the school’s parent/teacher organization, if it has one; and

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(4) 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 shall examine whether schools comply with their policies.

Sec. 602. School health profiles.

(a) The Office of the State Superintendent of Education shall create a healthy schools profile form that shall contain at least the following information:

(1) Health programs:

(A) Whether the school has full-time, part-time, or no nurse coverage;

(B) The name and contact information of the school's nurse;

(C) Whether the school has school-based mental health program or offers

similar services on site; and

(D) Whether there is a certified health teacher on staff;

(2) Nutrition programs:

(A) The name of the school's food service vendor;

(B) Whether the school's meals meet the nutritional standards required by

federal and District law;

(C) Where the information required by section 206 can be found;

(D) Whether the school participates in the District's farm-to-school

program under section 301; and

(E) Whether the school participates in the District's School Gardens

program under section 503;

(3) Physical activity:

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- Deleted: 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
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- Deleted: 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 that can be taken to improve body mass index and waist-to-hip ratio, and where additional resources can be found. This document shall be considered a "vital document" and translated pursuant to section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Code § 2-1933(a)).¶  
(e) Public schools and public charter schools shall transmit each student's body mass index and waist...
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- Deleted: d) to each student's parent or guardian by May 1 of each year.¶
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- Deleted: and the nurse's office phone number, if it has a nurse
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(A) The average amount of weekly physical education that students receive in each grade; and

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(B) The average amount of weekly health education that students receive in each grade; and

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(C) How the school promotes physical activity;

(4) Wellness policy:

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(A) Whether the school is in compliance with its local wellness policy;

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and

(B) Where a copy of the school's local wellness policy can be found,

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(b) The Office of the State Superintendent of Education may amend the requirements of subsection (a) of this section through rulemaking.

(c) On or before January 15 of each year, each public school and public charter school shall:

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(1) Complete the form created by subsection (a) of this section;

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(2) Make the form available to parents in its office;

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(3) Post this form online if the school has a website; and

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(4) Submit the form to the Office of the State Superintendent of Education.

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(d) The Office of the State Superintendent of Education shall post the forms created by subsection (a) of this section and completed by schools in on its website.

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Sec. 603. School health centers.

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(a) The Department of Health, in conjunction with the Department of Healthcare Finance,

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the District of Columbia Public Schools, the Office of Public Education Facilities Modernization,

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and the Public Charter School Board, shall develop a plan to establish and operate school health centers in public high schools on or before December 31, 2015.

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(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

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(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 on or before December 31, 2010.

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Sec. 604. School nurses.

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The square footage of a nurse's suite shall not be a determining factor as to whether or not a school nurse is placed at a public charter school; provided, that all other conditions as required by the Department of Health are met.

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Sec. 605. Health certificates.

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The Student Health Care Act of 1985, effective December 3, 1985 (D.C. Law 6-66; D.C. Official Code § 38-602), is amended as follows:

(1) Section 3 (a) is amended to read as follows:

“(a) 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 nurse who has examined the student within the calendar year immediately preceding the 1st 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 of health form for the student's particular age group.”.

(2) Section 3 (c) is amended to read as follows:

“(c) The Mayor shall develop standard forms for certificates of health, testing for lead poisoning and dental health and shall make blank forms available in sufficient quantities to carry out the purposes of this subchapter. The certificate of health form shall contain, at a minimum, the following:

“(A) All items required by the American Academy of Pediatrics for each relevant age group; and

“(B) A plain language explanation of the following:

“(i) Body mass index;

“(ii) How to access health insurance programs; and

“(iii) How to contact school nurses.”.

Sec. 606. Air quality.

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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.”.

**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 Mayor and the Council on health, wellness, and nutritional issues concerning youth and schools in the District, including:

- (1) School meals;
- (2) Farm-to-school programs;
- (3) Physical activity and physical education;
- (4) Health education;
- (5) Environmental programs;
- (6) School gardens;
- (7) Sexual health programming;
- (8) Chronic disease prevention;
- (9) Emotional, social, and mental health services;
- (10) Substance abuse; and
- (11) Violence prevention.

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

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Deleted: 607. Health certificates.¶  
Section 3 (a) of the Student Health Care Act of 1985, effective December 3, 1985 (D.C. Law 6

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Deleted: -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 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.”.¶

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programs;

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

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nutrition programs across the United States;

(2) Reviewing and advising on the “best practices” in health, wellness, and

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health, wellness, and nutrition of youth and schools in the District;

(3) Recommending standards, or revisions to existing standards, concerning the

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and outreach programs on health, wellness, and nutrition;

(4) Advising on the development of an ongoing program of public information

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the District government, the federal government, the University System of the District of Columbia, local nonprofit organizations, colleges and universities, and the private sector in connection with health, wellness, and nutrition;

(5) Making recommendations on enhancing the collaborative relationship between

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District residents; and

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

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Engaging students in improving health, wellness, and nutrition in schools.

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(c) On or before September 30 of each year, the Commission shall submit to the Mayor

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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 composed of 13 members who are experts in health, wellness, or nutrition, parents, teachers, or students. The Mayor shall appoint 10 members, no more than 5 of whom shall representing the District agencies. The Chairperson of the Council shall appoint one member. The chairperson of the Council committee with oversight of education shall appoint one member. The Chair of the Public Charter School Board shall appoint one member.

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(b) Members shall serve 3-year terms on the Commission, except that:  
(1) Of the Mayor's first 10 persons appointed, 4 shall be appointed to serve 3-year terms, 3 shall be appointed to serve 2-year terms, and 3 shall be appointed to serve one-year terms; and

(2) Students shall serve for one 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 2 consecutive, full terms.

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(e) Unless excused by the Chairperson, any member who fails to attend 3 consecutive meetings shall be deemed to be removed from the Commission, creating a vacancy.

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(f) Each member of the Commission shall serve without compensation; provided, that each member 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).

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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. ~~Seven~~ members of the Commission shall constitute a quorum. Voting by proxy shall not be permitted.

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(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 ~~4~~ times during each calendar year.

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

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Sec. 704. Administration.

~~Subject to appropriations,~~ the Office of the State Superintendent of Education shall provide administrative and technical support to the Commission as necessary.

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**TITLE VIII.**

Sec. 801. Rulemaking.

~~The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules to implement the provisions of this act.~~

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~~Sec. 802. Applicability.~~

~~This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.~~

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Sec. 803. Fiscal impact statement.

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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. 80~~4~~. Effective date.

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~~This act shall take effect following approval by the Mayor (or in the event of veto by the~~

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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.