

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

**2010 Fall
Supp.**

**West Group
Publisher**

To establish a Healthy Schools Fund to fund certain programs and requirements under this act; 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 require 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 amend section 19-717 of the District of Columbia Municipal Regulations to make a conforming amendment; 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, to require District of Columbia Public Schools 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 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 amend the Green Building Act of 2006 to encourage school construction to achieve LEED Gold certification; to amend the Food Production and Urban Gardens Program Act of 1986, the Office of Public Education Facilities Modernization Establishment Act of 2007, and section 20-3501 of the District of Columbia Municipal Regulations to make conforming

amendments; 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 require information regarding health programs, nutrition programs, physical and health education programs, and wellness policy to be reported to the State Superintendent of Education, to require a plan to establish and operate school health centers by 2015; to amend the Student Health Care Act of 1985 to change the requirements for certificates of health; to amend sections 18-2148 and 20-900 of the District of Columbia Municipal Regulations to prohibit vehicles from idling near schools; to implement the Indoor Air Quality Tools for Schools program; to establish the 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 set forth rules of procedure, to provide administrative and technical support, and to provide rulemaking authority.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Healthy Schools Act of 2010".

TITLE I. DEFINITIONS; ESTABLISHMENT OF HEALTHY SCHOOLS FUND.

Sec. 101. Definitions.

For the purposes of this act, the term:

- (1) "Healthy Schools Fund" means the fund established by section 102.
- (2) "Healthy Schools and Youth Commission" or "Commission" means the body established by section 701.
- (3) "Locally grown" means grown in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, or West Virginia.
- (4) "Locally processed" means processed at a facility in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, or West Virginia.
- (5) "Meals" means breakfast, lunch, or after-school snacks served as a part of the National School Lunch Program, School Breakfast Program, or Summer Food Service Program, or after-school meals served as part of the Child and Adult Care Food Program.
- (6) "Moderate-to-vigorous physical activity" means movement resulting in a substantially increased heart rate and breathing.
- (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.
- (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).

(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 agricultural 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.

(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 the Healthy Schools Fund.

(a) There is established as a nonlapsing fund the Healthy Schools Fund (“Fund”), which shall be used solely as provided in subsection (c) of this section and administered by the Office of the State Superintendent of Education. 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:

(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:

(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:

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

(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 do not qualify for free or reduced-price meals.

(3) To eliminate the reduced-price copayment under section 203(b)(1), the Office of the State Superintendent of Education shall reimburse public schools and public charter schools 40 cents for each lunch meal served to students who qualify for reduced-price meals.

(4) To provide resources to implement the breakfast-in-the-classroom program under section 203(a)(2), for 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 comprised entirely of locally grown and unprocessed foods; 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, by rule, increase the amounts, as set forth in subsection (c) of this section, to further improve the quality and nutrition of school meals.

(e) The Office of the State Superintendent of Education may withhold local funds

provided by subsection (c) of this section from public schools and public charter schools that do not meet the requirements of sections 202, 203, 205, and 206.

TITLE II. SCHOOL NUTRITION.

Sec. 201. Goals.

(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.

(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.*);

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

(3) 7 C.F.R. Parts 210, 215, 220, 225, and 226; and

(4) Other applicable federal law.

(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:

(1) The following nutritional requirements per serving:

(A) Saturated fat: Fewer than 10% of total calories;

(B) Trans fat: Zero grams; and

(C)(i) Sodium:

(I) For breakfast meals:

(aa) Less than 430 milligrams for Grades

Kindergarten through 5;

(bb) Less than 470 milligrams for Grades 6

through 8; and

(cc) Less than 500 milligrams for Grades 9

through 12; and

(II) For lunch meals:

(aa) Less than 640 milligrams for Grades

Kindergarten through 5;

(bb) Less than 710 milligrams for Grades 6

through 8; and

(cc) Less than 740 milligrams for Grades 9 through 12.

(ii) The requirements of this subparagraph shall not apply until August 1, 2020; provided, that public schools and public charter schools shall gradually reduce the amount of sodium served in school meals; and

(2) 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, as may be revised from time to time, notwithstanding any termination of the program.

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

Sec. 203. Additional requirements for public school meals.

(a)(1) Public schools and public charter schools shall offer free breakfast to all students.

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

(A) A public elementary school and a public charter elementary school shall offer breakfast in the classroom each day; and

(B) A public middle and high school and a public charter middle and high school shall offer alternative serving models, such as breakfast in the classroom or grab-and-go carts, each day to increase breakfast participation.

(b) Public schools and public charter schools shall:

(1) Not charge students for meals if the students qualify for reduced-price meals;

(2) Provide meals that meet the dietary needs of children with diagnosed medical conditions as required by a physician;

(3) 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;

(4) Promote healthy eating to students, faculty, staff, and parents;

(5) Provide at least 30 minutes for students to eat lunch; and

(6) Participate in federal nutritional and commodity foods programs whenever possible.

(c) Public schools and public charter schools are encouraged to make cold, filtered water available free to students, through water fountains or other means, when meals are served to students in public schools and public charter schools.

Sec. 204. 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 foods 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 that 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 convert the real property into the facility.

Sec. 205. 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)(1) Public schools and public charter schools shall post the information provided to them under subsection (a) of this section:

(A) In the school's office; and

(B) Online if the school has a website.

(2) Public schools and public charter schools shall inform families that vegetarian food options and milk alternatives are available upon request.

Sec. 206. 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 requirements of the United States Department of Agriculture's HealthierUS School Challenge program at the Gold Award Level for competitive foods, as may be revised from time to time and notwithstanding any termination of the HealthierUS School Challenge program.

(b) The requirements of subsection (a) of this section shall not apply to:

(1) Food and drinks available only to faculty and staff members; provided, that school employees shall be 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) Adult education programs.

(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.

(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 foods 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) After first issuing a warning, 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. 207. 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.

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 unprocessed agricultural products grown and processed in the District of Columbia, Maryland, and Virginia.

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, the University 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, in collaboration with other District agencies and nonprofit organizations.

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.

Sec. 304. Section 19-729 of the District of Columbia Municipal Regulations (19 DCMR § 729) is amended by adding a new subsection 729.3 to read as follows: Amend
DCMR

“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.

Sec. 401. Physical activity goals.

(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.

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

- (1) Extending the school day;
- (2) Encouraging students to walk or bike to school;
- (3) Promoting active recess;
- (4) Including physical activity in after-school activities;
- (5) Supporting athletic programs; and
- (6) Integrating movement into classroom instruction.

Sec. 402. Physical and health education requirements.

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

(1) For students in Kindergarten through Grade 5:

(A) School years 2010-2011 to 2013-2014: an average of at least 30 minutes per week or the same level of physical education as provided in school year 2009-2010, whichever is greater; and

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

(2) For students in Grades 6 through 8:

(A) School years 2010-2011 to 2013-2014: an average of at least 45 minutes per week or the same level of physical education as provided in school year 2009-2010, whichever is greater; and

(B) School year 2014-2015 and after: an average of at least 225 minutes

per week.

(3) At least 50% 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 years 2010-2011 to 2013-2014: an average of at least 15 minutes per week or the same level of health education as provided in school year 2009-2010, whichever is greater; and

(2) School year 2014-2015 and after: an average of 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.

(d) The physical education and health education required by this section shall meet the curricular standards adopted by the State Board of Education.

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.

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 regarding:

(1) Compliance of public schools and public charter schools with the physical and health education requirements in this title; and

(2) Student achievement with respect to health and physical education standards.

Sec. 406. Conforming amendment.

Section 19-717.1 of the District of Columbia Municipal Regulations (19 DCMR § 717.1) 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.

Sec. 501. Environmental programs office.

(a)(1) An environmental programs office is established in the Office of Public Education Facilities Modernization and shall:

(A) Contract with vendors to recycle all materials required by District law at all public schools, including food services, by December 31, 2010, and provide technical assistance to public charter schools about recycling.

(B) Develop a master recycling plan for public schools on or before December 31, 2010 to reach a system-wide diversion rate of 45% by August 1, 2015;

(C) Analyze utility usage at each public school and develop a plan to reduce that amount by 20% on or before August 1, 2015;

(D) Establish an integrated pest management program;

(E) Test drinking water in public schools for lead and promptly take any remedial action required;

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

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

(H) 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 public schools.

(2) The contracts under paragraph (1)(A) of this subsection shall be negotiated to provide a financial incentive to reduce the amount of waste created in public schools and, when possible, to increase diversion rates in public schools;

(b) The District of Columbia Public Schools shall:

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

(2) Prepare and transmit to the Mayor, the Council, and the Healthy Schools and Youth Commission, on or before December 31, 2010, a plan to use sustainable products in serving meals to students.

(c) On or before December 31, 2010, the Mayor shall prepare and transmit to the Council a comprehensive report describing the implementation of recycling, composting, energy-reduction, pest management, air quality, and environmentally friendly cleaning supplies

programs in public schools. The report shall include:

- (1) A thorough, school-by-school breakdown of the waste stream in public schools, including tonnages, components, and diversion rates;
- (2) Baseline energy usage, an analysis of usage patterns, and savings achieved;
- (3) Recommendations and a timeline for further implementing these programs;

and

(4) A proposal for recognizing and rewarding schools that significantly improve their environmental portfolio.

Sec. 502. Environmental literacy plan.

The District Department of the Environment, in conjunction with the District of Columbia Public Schools, the Department of Parks and Recreation, the Public Charter School Board, the Office of the State Superintendent of Education, 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.

Sec. 503. School Gardens Program.

(a) A School Gardens Program is established within the Office of the State Superintendent of Education. The School Gardens Program shall:

(1) 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 schools;

(2) Complement the Food Production and Urban Gardens Program, established by section 3 of the Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-402);

(3) Establish and convene a Garden Advisory Committee, composed of community organizations, District government agencies, and other interested persons;

(4) Collect data on the location and types of gardens in public schools and public charter schools;

(5) Provide horticultural guidance and technical assistance to public schools and public charter schools;

(6) Coordinate curricula for school gardens and related projects; and

(7) Provide training, support, and assistance to gardens in public schools and public charter schools.

(b) On or before June 30, 2011, 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.

ENROLLED ORIGINAL

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

(d) 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 be expended for the benefit of the public school where the produce was grown.

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

Sec. 504. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), is amended as follows:

(a) Section 3(b)(1)(C)(iii) (D.C. Official Code § 6-1451.02(b)(1)(C)(iii)) is amended by adding a new sentence at the end to read as follows:

Amend
§ 6-1451.02

“Notwithstanding the foregoing sentence, the District shall meet LEED for Schools certification at the Gold level or higher if sufficient funding for the construction or renovation is provided.”.

(b) Section 4(b)(2)(B) (D.C. Official Code § 6-1451.03(b)(2)(B)) is amended by adding a new sentence at the end to read as follows:

Amend
§ 6-1451.03

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

Sec. 505. Section 3(3)(D) of the Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-402 (3)(D)), is amended by striking the phrase “Board of Education of the District of Columbia” and inserting the phrase “Office of the State Superintendent of Education” in its place.

Amend
§ 48-402

Sec. 506. Section 20-3501 of the District of Columbia Municipal Regulations (20 DCMR § 3501) is amended by adding a new subsection 3501.3 to read as follows:

Amend
DCMR

“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. 507. Section 704 of the Office of Public Education Facilities Modernization Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453), is amended by adding a new paragraph (7B) to read as follows:

Amend
§ 38-453

“(7B) Direct and supervise the environmental programs office established pursuant to section 501 of the Healthy Schools Act of 2010, passed on 2nd reading on May 4, 2010 (Enrolled version of Bill 18-564).”.

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 3 years.

(b) Local wellness policies shall include:

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

(2) Goals for:

(A) Improving the environmental sustainability of schools;

(B) Increasing the use of locally grown, locally processed, and unprocessed foods from growers engaged in sustainable agriculture practices; and

(C) Increasing physical activity.

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

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

(2) Distributed to food service staff members;

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

(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) On or before January 15 of each year, each public school and public charter school shall submit the following information to the Office of the State Superintendent of Education regarding each of its campuses:

(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 a school-based mental health program or offers similar services on site;

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

(E) Whether there is a school-based health center;

(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 205 can be found;

(D) Whether the school participates in the farm-to-school program under section 301; and

(E) Whether the school participates in the School Gardens Program under section 503;

- (3) Physical and health education:
 - (A) The average amount of weekly physical education that students receive in each grade;
 - (B) The average amount of weekly health education that students receive in each grade; and
 - (C) How the school promotes physical activity;
 - (4) Wellness policy:
 - (A) Whether the school is in compliance with its local wellness policy; and
 - (B) Where a copy of the school's local wellness policy can be found.
- (b) The Office of the State Superintendent of Education may, by rule, change the information, as set forth in subsection (a) of this section, to be included in the healthy schools profile form.
- (c) On or before January 15 of each year, each public school and public charter school shall post the information required by subsection (a) of this section online if the school has a website and make the form available to parents in its office.
- (d) The Office of the State Superintendent of Education shall post the information required by subsection (a) of this section on its website within 14 days of receipt.

Sec. 603. School health centers.

- (a) The Department of Health, in conjunction with the Department of Healthcare Finance, the District of Columbia Public Schools, the Office of Public Education Facilities Modernization, and the Public Charter School Board, shall develop a plan to establish and operate school health centers in public schools and public charter schools on or before December 31, 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 on or before December 31, 2010.

Sec. 604. School nurses.

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.

Sec. 605. Section 3 of 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:

Amend
§ 38-602

(a) Subsection (a) is amended to read as follows:

“(a) Except as provided in section 4, 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 during the 12-month period 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.”.

(b) Subsection (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 act. The certificate of health form shall contain, at a minimum, the following:

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

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

“(A) Body mass index;

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

“(C) How to contact school nurses.”.

Sec. 606. Sections 18-2148.3 and 20-900.1 of the District of Columbia Municipal Regulations (18 DCMR § 2148.3 and 20 DCMR § 900.1) are amended to read as follows:

Amend
DCMR

“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 the 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:

- (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 an ongoing 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 nonprofit organizations, colleges and universities, and the private sector in connection with health, wellness, and nutrition;
- (6) Identifying gaps in funding and services, or methods of expanding services to District residents; and
- (7) Engaging students in improving health, wellness, and nutrition in schools.

(c) On or before 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 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 represent District agencies. The Chairman of the Council shall

appoint one member. The chair of the Council committee with oversight of education shall appoint one member. The Chair of the Public Charter School Board shall appoint one member.

(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.

(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.

(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.

(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).

Sec. 703. Rules of procedure.

(a) The Chairperson of the Commission, or his or her designated representative, who shall 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.

(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.

(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.

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.

**TITLE VIII. RULES; APPLICABILITY;
FISCAL IMPACT STATEMENT; EFFECTIVE DATE.**

Sec. 801. Rules.

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.

Sec. 802. Applicability.

(a) Title II shall apply as of August 1, 2010.

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

Sec. 803. 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. 804. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia