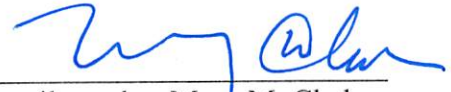




Councilmember Charles Allen



Councilmember Mary M. Cheh

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Healthy Schools Act of 2010 to add an annual subsidy for schools implementing breakfast in the classroom, to repeal the reimbursement for meeting the school lunch nutrition guidelines, to strengthen nutrition requirements for sodium, milk, and whole grains, to require vegetarian food options each week, to encourage schools to procure food in a manner consistent with the Good Food Purchasing Program (“GFPP”), to require that certain schools permit breakfast after the bell, to authorize OSSE to grant temporary waivers to schools that want to use alternative serving models to increase breakfast participation, to require the Office of the State Superintendent of Education (“OSSE”) to develop recommendations for the Mayor on best practices for building and managing a central kitchen, to require the Mayor to develop a central kitchen based on OSSE recommendations, to require schools to post menu, nutrition, and sourcing information for school meals on their websites, to require that all food available at schools outside of meals meet the federal United States Department of Agriculture Smart Snacks regulations, to require District of Columbia Public Schools to conduct a baseline assessment for the GFPP, increase purchasing of food that meets GFPP standards, and complete a follow up assessment, to establish certain physical education and physical activity goals for different age groups, to require OSSE to provide professional development for school personnel to incorporate physical activity into the school day, to authorize OSSE to review local wellness policies and deem schools ineligible for Healthy Schools Funds grants when not in compliance with federal or local requirements, to include one Healthy Youth and Schools Commission member in OSSE’s grant review process for the Healthy Schools Fund, and to combine all OSSE reports related to compliance with the Healthy Schools Act of 2010 into one annual comprehensive report.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Healthy Students Amendment Act of 2017”.

Sec. 2. The Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01 *et seq.*), is amended to read as follows:

(a) Section 101 (D.C. Official Code § 38-821.01) is amended to read as follows:

43 (1) Paragraph (1) is redesignated as paragraph (1F).

44 (2) New paragraphs (1), (1A), (1B), (1C), and (1D) are added to read as follows:

45 “(1) “Alternative serving model” means a model of serving breakfast that has
46 been proven to increase student participation relative to the traditional serving model, where
47 breakfast is served in the cafeteria before the start of the school day.

48 “(1A) “Breakfast after the bell” means an alternative serving model where
49 breakfast is available and easily accessible to every student after the start of the school day.

50 “(1B) “Breakfast in the classroom” means an alternative serving model where
51 students eat breakfast in the classroom after the start of the school day.

52 “(1C) “Good Food Purchasing Program’s core values” means the five core values
53 established by the Center for Good Food Purchasing for its Good Food Purchasing Program:
54 local economics, nutrition, valued workforce, environmental sustainability, and animal welfare.

55 “(1D) “Health education” means instruction of the Office of the State
56 Superintendent of Education Health Education Standards by a certified health teacher.”.

57 (3) New paragraphs (6B) and (6C) are added to read as follows:

58 “(6B) “Physical activity” means bodily movement, including walking, dancing, or
59 gardening.

60 “(6C) “Physical education” means instruction based on the OSSE Physical
61 Education Standards, of which at least 50% of the time is spent in moderate to vigorous physical
62 activity.”.

63 (4) Paragraph (9) is amended to read as follows:

64 “(9) “Sustainable agriculture” means agricultural practices that meet one or more of the
65 certifications and claims accepted by the Good Food Purchasing Program as indicators of

66 environmental sustainability.”. (b) Section 102 (D.C. Official Code § 38-821.02) is amended as
67 follows:

68 (1) Subsection (c) is amended as follows:

69 (A) Paragraph (1) is amended to read as follows:

70 “(1) To provide additional funding for healthy school meals, the Office of the
71 State Superintendent of Education shall reimburse public schools, public charter schools,
72 participating private schools, and organizations participating in the Summer Food Service
73 Program in the amount of twenty cents for each breakfast meal served that meets the
74 requirements of sections 202 and 203.”.

75 (B) Paragraph (3) is amended by striking the phrase “40 cents for each
76 lunch meal” and inserting the phrase “either 40 cents or the difference between the USDA
77 reimbursement rate for a free lunch and a reduced-price lunch, whichever is greater, for each
78 lunch meal” in its place.

79 (C) Paragraph (4) is amended to read as follows:

80 “(4) To provide resources to implement breakfast in the classroom under section
81 203(a)(2), the Office of the State Superintendent of Education shall provide an annual subsidy of
82 \$2 per student to public schools, public charter schools, and private schools, in which more than
83 40% of students qualify for free or reduced-price meals, that are serving breakfast in the
84 classroom and that participate in the National School Lunch Program.”.

85 (2) Subsection (g) is amended by striking the phrase “at the end of a fiscal year”
86 and inserting the phrase “on May 31st of each year” in its place.

87 (c) Section 201 (D.C. Official Code § 38-822.01) is amended as follows:

88 (1) The section heading is amended to read as follows:

89 “Sec. 201. General goals and standards.”.

90 (2) Subsection (a) is amended as follows:

91 (A) Strike the phrase “healthy and nutritious” and insert the phrase
92 “nutritious and well-balanced” in its place.

93 (B) Strike the phrase “are strongly encouraged to consider serving” and
94 insert the phrase “shall serve” in its place.

95 (3) Subsection (b) is amended to read as follows:

96 “(b) Public schools, public charter schools, and participating private schools are strongly
97 encouraged to procure food in a manner consistent with the Good Food Purchasing Program’s
98 core values.”.

99 (d) Section 202 (D.C. Official Code § 38-822.02) is amended as follows:

100 (1) Subsection (a)(1) is amended to read as follows:

101 “(1) The Child Nutrition Act of 1996, approved October 11, 1966 (80 Stat. 889;
102 42 U.S.C. § 1771 *et seq.*);”.

103 (2) Subsection (b) is amended as follows:

104 (A) Paragraph (1)(C) is amended to read as follows:

105 “(C)(i) Beginning in School Year 2017-2018, sodium levels must be:

106 “(I) For breakfast meals:

107 “(aa) Less than 485 milligrams for Grades Kindergarten
108 through 5;

109 “(bb) Less than 535 milligrams for Grades 6 through 8; and

110 “(cc) Less than 570 milligrams for Grades 9 through 12;

111 and

112 “(II) For lunch meals:
113 “(aa) Less than 935 milligrams for Grades Kindergarten
114 through 5;
115 “(bb) Less than 1,035 milligrams for Grades 6 through 8;
116 and
117 “(cc) Less than 1,080 milligrams for Grades 9 through 12.

118 “(ii) Beginning in School Year 2022-2023, sodium levels must be:

119 “(I) For breakfast meals:
120 “(aa) Less than 430 milligrams for Grades Kindergarten
121 through 5;
122 “(bb) Less than 470 milligrams for Grades 6 through 8; and
123 “(cc) Less than 500 milligrams for Grades 9 through 12;
124 and

125 “(II) For lunch meals:
126 “(aa) Less than 640 milligrams for Grades Kindergarten
127 through 5;
128 “(bb) Less than 710 milligrams for Grades 6 through 8; and
129 “(cc) Less than 740 milligrams for Grades 9 through 12.”.

130 (B) A new paragraph (1A) is added to read as follows:

131 “(1A) The following nutrition requirements:

132 “(A) Milk shall not contain added sweeteners or artificial flavorings.

133 “(B)(i) Grain products shall be 100% whole grain-rich.

134 “(ii) For the purposes of this subparagraph, the phrase “whole grain-rich”
135 means that the product is 100% percent whole grain or contains a blend of whole-grain meal
136 and/or flour and enriched meal and/or flour of which at least 50% is whole grain, and that meets
137 any other relevant requirements for whole grain-rich products established by the USDA.”.

138 (e) Section 203 (D.C. Official Code § 38-822.03) is amended as follows:

139 (1) Subsection (a)(2) is amended as follows:

140 (A) Subparagraph (B) is amended by striking the phrase “; and” and
141 inserting a semicolon in its place.

142 (B) A new subparagraph (B-i) is added to read as follows:

143 “(B-i) All public, public charter, and participating private schools subject
144 to subparagraphs (A) and (B) of this paragraph shall offer breakfast after the bell; and”.

145 (C) A new paragraph (3) is added to read as follows:

146 “(3) OSSE shall have the authority to grant a waiver to a school required to serve
147 breakfast in the classroom under paragraph (2) of this section for one semester of one school year
148 if the school submits a written action plan to OSSE showing a strategy to pilot an alternate
149 serving model that will enable the school reach the breakfast participation rate in subparagraph
150 (2)(C) of this section. Schools that do not meet the participation rate in subparagraph (2)(C) after
151 the waiver period has ended shall implement breakfast in the classroom again at the start of the
152 next semester.”.

153 A school required to serve breakfast in the classroom under paragraph (2) of this section shall be
154 eligible for a waiver for one semester of one school year if the school submits a written action
155 plan to OSSE describing a strategy to use an alternate serving model that will help the school
156 reach the participation rate in paragraph (2)(C) of this subsection.”.

157 (3) Subsection (b)(6) is amended by striking the phrase “commodity foods” and
158 inserting the phrase “Child Nutrition USDA foods” in its place.

159 (f) Section 204 (D.C. Official Code § 38-822.04) is amended as follows:

160 (1) Subsection (a) is amended by striking the phrase “The District of Columbia
161 Public Schools shall establish a central facility in the District to” and inserting the phrase “By
162 May 1, 2018, the Office of the State Superintendent of Education shall submit a report to the
163 Mayor and the Council describing best practices for developing a central kitchen in the District
164 to:” in its place.

165 (2) Subsection (b) is amended to read as follows:

166 “(b) The report required by subsection (a) of this section shall include:

167 “(1) Research and case studies on central kitchen facilities in other jurisdictions;

168 “(2) Identify what agency or agencies should design, build, and manage a central
169 kitchen facility; and

170 “(3) Consider how a central kitchen facility could serve other facilities that serve
171 meals, such as child development centers, senior centers, recreation centers, and corrections
172 facilities.”.

173 (3) Subsection (c) is amended to read as follows:

174 “(c) Based on the findings of the OSSE report required in subsection (a) of this Section
175 and within three years of the report’s publication, the Mayor shall establish a central kitchen
176 facility.

177 “(1) The Mayor shall provide reasonable access to charter schools that wish to use
178 the facility.

179 (4) Subsection (d) is amended to read as follows:

180 “(d) On or before December 31 of each year after the publication of the Office of the
181 Superintendent of Education report required in subsection (a) of this Section and until the project
182 is completed, the Mayor shall issue a report to the Council documenting progress on the
183 development of the central kitchen.

184 (g) Section 205 (D.C. Official Code § 38-822.05(a)) is amended as follows:

185 (1) Subsection (a) is amended as follows:

186 (A) Paragraph (3) is amended by striking the phrase “; and” and inserting
187 a semicolon in its place.

188 (B) Paragraph (4) is amended to read as follows:

189 “(4) The name of the farm of origin or location where fruits and vegetables, milk
190 and dairy, meat and poultry, seafood, and grains served in schools are grown and processed and
191 whether the growers are engaged in sustainable agriculture practices; and”.

192 (2) Subparagraph (b)(1)(B) is amended by striking the phrase “Online, if the
193 school has a website” and inserting the phrase “on the school’s website” in its place.

194 (h) Section 206(a) (D.C. Official Code § 38-822.06(a)) is amended by striking the phrase
195 “shall meet the requirements of the United States Department of Agriculture’s HealthierUS
196 School Challenge program at the Gold Award Level for competitive foods, as may be revised
197 from time to time and notwithstanding any termination of the HealthierUS School Challenge
198 program” and inserting the phrase “shall meet, at a minimum, the federal competitive food
199 service and standards described in 7 C.F.R. 210.11(c)-(m)” in its place.

200 (i) A new section 208 is added to read as follows:

201 “Sec. 208. DC Free Summer Meals Program study.

202 “The Office of the State Superintendent of Education and the Department of Parks and
203 Recreation shall submit a joint report to the Mayor and the Council on strategies to increase
204 participation in the DC Free Summer Meals Program by January 1, 2018.”.

205 (j) A new section 301b is added to read as follows:

206 “Sec. 301b. Good Food Purchasing Program.

207 “(a) Before December 31, 2017, the District of Columbia Public Schools (“DCPS”) shall
208 conduct a Good Food Purchasing Program (“GFPP”) baseline assessment to determine how
209 DCPS could better meet the GFPP core values.

210 “(b) Before December 31, 2019, DCPS shall use findings from the assessment required
211 under subsection (a) of this section to increase food procurement consistent with the GFPP and
212 complete a follow up assessment to demonstrate progress toward the GFPP core values.”.

213 (k) Section 303 (D.C. Official Code § 38-823.03) is amended to read as follows:

214 “Sec. 303. Mandatory reporting.

215 “On or before September 30 of each year, the Office of the State Superintendent of
216 Education shall submit to the Mayor, the Council, and the Healthy Schools and Youth
217 Commission a comprehensive report on the District’s compliance with this act, including an
218 update on farm-to-school initiatives and recommendations for improving these initiatives, and
219 the required information in section 405 and section 502.

220 (l) Section 401 (D.C. Official Code § 38-824.01) is amended as follows:

221 (1) Subsection (a) is amended by striking the phrase “60 minutes each day” and
222 inserting the phrase “at least 60 minutes each day, or for the time period recommended for
223 specific age groups in section 402” in its place.

224 (2) Subsection (c) is amended as follows:

225 (A) Paragraph (4) is amended by striking the phrase “after-school
226 activities” and inserting the phrase “before-school and after-school activities” in its place.

227 (B) Paragraph (5) is amended by striking the phrase “; and” and inserting a
228 semicolon in its place.

229 (C) Paragraph (6) is amended by striking the phrase “classroom
230 instruction” and inserting the phrase “classroom instruction and classroom instructional breaks”
231 in its place.

232 (D) New paragraphs (7) and (8) are added to read as follows:

233 “(7) Entering into shared use agreements with organizations that provide physical
234 activity programming for children outside of the normal school day.

235 “(8) Using physical activity as a reward for student achievement and good
236 behavior.”.

237 (m) Section 402 (D.C. Official Code § 38-824.02) is amended as follows:

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

239 “(a) Public schools and public charter schools shall schedule physical education classes
240 for all students on a weekly basis throughout the full school year as follows:

241 “(1)(A) For students in Kindergarten through Grade 5, it shall be the goal of all
242 schools to provide 150 minutes of physical education per week;

243 “(B) For schools providing less than 100 minutes per week of physical
244 education for more than one full week during each school year, schools shall submit an action
245 plan to OSSE before the beginning of the next school year detailing efforts to increase physical
246 education and work with OSSE to increase the amount of time provided for physical education
247 each week;

248 “(2)(A) For students in Grades 6 through 8, it shall be the goal of all schools to
249 provide 225 minutes of physical education per week;

250 “(B) For schools providing less than 150 minutes per week of physical
251 education for more than one full week during each school year, schools shall submit an action
252 plan to OSSE detailing efforts to increase physical education and work with OSSE to increase
253 physical education minutes.

254 “(3) At least 50% of physical education class time shall be devoted to moderate-
255 to-vigorous physical activity.”.

256 (2) Subsection (b)(2) is amended by striking the phrase “an average of at least 75
257 minutes per week” and inserting the phrase “at least 75 minutes per week throughout the full
258 school year” in its place.

259 (3) Subsection (c) is amended by striking the phrase “The State Board of
260 Education” and inserting the phrase “The Healthy Youth and Schools Commission” in its place.

261 (n) Section 402a (D.C. Official Code § 38-824.02a) is repealed.

262 (o) A new section 402b is added to read as follows:

263 “Sec. 402b. Physical activity requirements for Pre-K 3 and Pre-K 4.

264 “Public schools and public charter schools shall:

265 “(1) Provide 60 minutes of moderate-to-vigorous physical activity per day to Pre-
266 K 3 and Pre-K 4 students;

267 “(2) Endeavor to provide 90 minutes of physical activity per day; and

268 “(3) Provide at least two 20-minute sessions of outdoor physical activity per day,
269 weather and space permitting.”.

270 (p) Section 403 (D.C. Official Code § 38-824.03) is amended by adding new subsections
271 (c) and (d) to read as follows:

272 “(c) OSSE shall provide and coordinate annual professional development sessions for
273 school personnel, provided by a certified instructor and based on nationally-recognized standards
274 related to incorporating physical activity into classroom instruction, classroom instruction
275 breaks, and active recess.

276 (q) Section 405 (D.C. Official Code § 38-824.05) is amended as follows:

277 (1) Striking the phrase “Beginning in 2011, on or before September 30 of each
278 year, the Office of the State Superintendent of Education shall report to the Mayor, the Council,
279 and the Healthy Schools and Youth Commission annually regarding:” and inserting the phrase
280 “Beginning in 2017 and annually thereafter, the Office of the State Superintendent shall include
281 in the comprehensive report required in section 303 information regarding the following:” in its
282 place.

283 (2) Paragraph (1) is amended by striking the phrase “; and” and inserting a
284 semicolon in its place.

285 (3) Paragraph (2) is amended by striking the period and inserting the phrase “;
286 and” in its place.

287 (4) A new paragraph (3) is added to read as follows:

288 “(3) Beginning in 2018, compliance of public schools and public charter schools
289 with the physical activity for Pre-K students and professional development requirements of this
290 title.”.

291 (r) Section 502 (D.C. Official Code § 38-825.02) is amended as follows:

292 (1) Subsection (a) is amended by adding a new paragraph (6) to read as follows:

293 “(6) Assist public schools and public charter schools in receiving certification as
294 U.S. Department of Education Green Ribbon Schools.”.

295 (2) Subsection (c) is amended as follows:

296 (A) Strike the phrase “One year after December 17, 2014” and insert the
297 phrase “Before July 15, 2017” in its place.

298 (B) Strike the phrase “shall issue a report” and insert the phrase “shall
299 include in the comprehensive report required by section 303” in its place.

300 (s) Section 503 (D.C. Official Code § 38-825.03) is amended as follows:

301 (1) Subsection (a)(8) is repealed.

302 (2) Subsection (d) is amended by striking the phrase “the public school where the
303 produce was grown” and inserting the phrase “the school garden program at the school where the
304 produce is grown” in its place.

305 (t) Section 601(d) (D.C. Official Code § 38-826.01(d)) is amended by striking the phrase
306 “policies.” and inserting the phrase “policies. OSSE shall have the authority to deem a school
307 ineligible for grants under the Healthy Schools Fund if the school is found to have a local
308 wellness policy that does not conform with these standards or found to not comply with its local
309 wellness policy .” in its place.

310 (u) Section 701(b) (D.C. Official Code § 38-827.01(b)) is amended as follows:

311 (1) Paragraph (6) is amended by striking the phrase “; and” and inserting a
312 semicolon in its place.

313 (2) Paragraph (7) is amended by striking the period and inserting the phrase “;
314 and” in its place.

315 (3) A new paragraph (8) is added to read as follows:

316 “(8) On a rotating basis, one commissioner shall participate in OSSE’s grant
317 review process to award grants under the Healthy Schools Fund.”.

318 Sec. 3. Fiscal impact statement.

319 The Council adopts the fiscal impact statement in the committee report as the fiscal
320 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
321 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

322 Sec. 4. Effective date.

323 This act shall take effect following approval by the Mayor (or in the event of veto by the
324 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
325 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
326 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
327 Columbia Register.