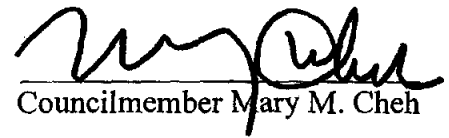
  
Chairman Vincent C. Gray

  
Councilmember Mary M. Cheh

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Councilmember Mary M. Cheh and Chairman Vincent C. Gray co-introduced the following bill, which was referred to the Committee on \_\_\_\_\_.

To establish local nutritional standards for school meals, to establish healthy vending, fundraising, and prize requirements in public schools, to require public schools to participate in federal meal programs to the greatest extent possible, to solicit feedback about healthy meals, to require disclosures of ingredients and allergens in 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 foods that are locally-grown, locally-processed, and minimally-processed from growers engaged in sustainable practices, to require teaching about the economic, environmental, and nutritional benefits of fresh, local foods, to prohibit public schools from entering into contracts that prevent the purchase of local foods, to require the disclosure of the origin of foods served in public schools, to provide for grants to create a local farm-to-school distribution system, to establish a local flavor week and a harvest of the month programs, 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 chronic health problems, or schools that lack the facilities, to prohibit physical education to be used as punishment, and to require an annual report about the compliance with these requirements; to amend the Public Education Reform Amendment Act of 2007 to establish a recycling program at each school, to amend the Public Education Reform Amendment Act of 2007 to establish a composting program at each school, to create a pilot composting program, to encourage schools to use more sustainable products in their meal service, to require an annual report and recommendations on sustainability, 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, 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 establish a school gardens program, to issue grants to support the development of school gardens, to require

a report and recommendations about school gardens, and to permit the sale and consumption of food grown in school gardens when safe; to require schools to collaborate to adopt local wellness policies and update them triennially, to require the inclusion of sustainability and farm-to-school initiatives in local wellness policies, to require local wellness policies to be promoted and shared, to empower the State Superintendent of Education with the authority to verify compliance with their local wellness policies, to require a plan to place a school wellness center at every comprehensive DCPS high school 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; and to establish a Healthy Youth and Schools Commission, to define its function, to require an annual report and recommendations, to set forth the composition and organization of the commission, to define its rules of procedure and powers, and to provide administrative and technical support.

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

#### **TITLE I – Definitions**

Sec. 101. Definitions.

For the purposes of this act:

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

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

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

(4) “Minimally-processed” means foods that are nearest their whole, raw, and natural state, and contain no artificial flavors or colors, synthetic ingredients, chemical preservatives, or dyes.

(5) “Moderate physical activity” means movement resulting in an increased heart rate and breathing.

(6) “Public School” means a school operated by the District of Columbia Public Schools, D.C. Code §§ 38-171 to 175, and a school chartered pursuant to D.C. Code §§ 38-1802.01 to 1802.15. This term does not include private or parochial schools.

(7) “Sustainable practices” means those agricultural techniques that minimize carbon emissions and other environmental degradation, regenerate soil nutrients through crop rotation or other methods that minimize environmental impact, avoid the use of chemical fertilizers, synthetic pesticides and herbicides, or avoid non-therapeutic antibiotics and hormones.

## **TITLE II – School Nutrition**

Sec. 201. Nutritional standards and requirements for meals served in public schools.

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

(b) Breakfast and lunch meals served to students in each public school shall meet the local school nutritional standards set forth in subsection (c) according to the following timetable:

<u>Date</u>	<u>Percentage of Meals at Each Public School</u>
August 1, 2010	60%
August 1, 2012	80%
August 1, 2014	100%.

(c) Local school nutritional standards are as follows:

**District of Columbia  
Local School Nutrition Standards**

Nutritional Requirements Per Meal	BREAKFAST		LUNCH	
	Grades K-8	Grades 9-12	Grades K-8	Grades 9-12
Calories	350 to 550	450 to 600	550 to 700	750 to 850
Total Fat	25 - 35% of total calories	25 - 35% of total calories	25 - 35% of total calories	25 - 35% of total calories
Saturated Fat	Less than 10% of total calories	Less than 10% of total calories	Less than 10% of total calories	Less than 10% of total calories
Trans Fat	Zero grams	Zero grams	Zero grams	Zero grams
Cholesterol	Less than 66 mg	Less than 66 mg	Less than 96 mg	Less than 96 mg
Protein	10.2 to 21.6 grams	10.2 to 21.6 grams	16.2 to 32.2 grams	32.6 grams
Sodium	Less than 473 mg	Less than 495 mg	Less than 704 mg	Less than 736 mg
<b>Serving Requirements Per Week</b>				
Fruits	5 cups	5 cups	2.5 cups	5 cups
Vegetables	--	--	3.75 cups, at least one-half cup should be each of dark green vegetables, orange vegetables, and legumes	5 cups, at least one-half cup should be each of dark green vegetables, orange vegetables, and legumes
Grains	8-10 ounce equivalents, at least half of which must be	9-10 ounce equivalents, at least half of which must be	9-10 ounce equivalents, at least half of which must be	12-13 ounce equivalents, at least half of which must be
Meats, Beans, Cheese and Yogurt	5 ounce equivalents	7-10 ounce equivalents	8-10 ounce equivalents	10-13 ounce equivalents
Fat Free or 1% Fat Milk	5 cups	5 cups	5 cups	5 cups

(d) Cold, filtered water shall be made available free to students when meals are served to students in public schools.

(e) Public schools shall offer free universal breakfast to all students.

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

(g) Public schools shall not charge students who qualify for reduced-price meals.

(h) Public schools shall provide meals that meet the dietary needs of children with diagnosed medical conditions who qualify for free and reduced-price meals.

(i) Public schools shall solicit input from students, faculty, and parents, through taste tests, comment boxes, surveys, or other means, regarding nutritious meals that appeal to students.

(j) Public schools shall maximize participation in federal nutritional programs and promote healthy eating to students.

(k) Each public school shall maintain a regularly updated list of each ingredient and allergen in all meals served to students. This list shall be available to parents in the public school's office upon request.

(l) Public schools shall provide at least 30 minutes for students to eat lunch.

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

(a) Except as provided by subsection (b), all beverages and snack foods provided by or sold in public schools or provided by organizations participating in the Afterschool Meal

Program, whether through vending machines, fundraisers, snacks, after-school meals, or other means, shall meet the following nutritional standards:

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

(A) Fruit or vegetable based drinks containing:

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

(ii) No additional caloric sweeteners;

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

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

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

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

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

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

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

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

(3) All snacks, sweets, or side dishes sold or served on the school site through means other than the federal school meal programs, except fruits and vegetables, shall meet all of

the following standards, according to the Nutrition Facts panel for the whole package for individually-packed products or the labeled serving size for goods purchased in bulk:

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

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

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

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

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

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

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

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

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

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

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

(B) One ounce for cookies;

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

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

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

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

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

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

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

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

(C) Fruits and vegetables shall contain no more than 230 mg of sodium, except that they may contain no more than 480 mg of sodium if they also contain at least one of

the following: at least 2 grams of fiber; at least 5 grams of protein; at least 10% Daily Values of Vitamin A, Vitamin C, Vitamin D, folate, calcium, magnesium, potassium, or iron; or at least 1/4 cup of fruit or vegetables; and

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

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

- (1) Food and drinks available only to faculty and staff members;
- (2) Food provided at no cost by parents; and
- (3) Food sold or provided at sporting events.

(c) Foods and beverages sold in public schools stores shall meet the requirements of subsection (a).

(d) Public schools shall not permit third parties to sell food or beverages of any type to students on school premises, including the school grounds, at any time.

(e) Street vendors shall not sell food within 200 yards of a school from one hour prior to when the school is in session through one hour after the school day ends.

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

(g) The Office of the State Superintendent of Education shall impose a fine, not greater than \$500 per violation, on public schools who violate this section.

Sec. 203. Participation in federal programs.

(a) Public schools, which are eligible to participate in the federal Fresh Fruit and Vegetable Program, shall enroll by January 1, 2011.

(b) Public schools shall participate in the federal Schools and Child Nutrition Commodity Programs whenever possible.

Sec. 204. Effective Date.

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

### **TITLE III – Farm-to-School Program**

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

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

(b) The Office of the State Superintendent of Education shall provide an additional 5 cents per meal reimbursement when the fruits and vegetables served in a lunch meal are locally-grown, locally-processed, and minimally-processed, and are from growers engaged in sustainable practices.

(c) Public schools shall collaborate with the Office of the State Superintendent of Education, community organizations, and food service providers in teaching students and food service staff about the economic, environmental, and nutritional benefits of purchasing and eating locally-grown, locally-processed, and minimally-processed foods that are from growers engaged in sustainable practices.

(d) Public schools shall not enter into food service contracts that prohibit the purchase of locally-grown, locally-processed, and minimally-processed foods that are from growers engaged in sustainable practices.

(e) Public schools shall require food service providers to identify, disclose, and certify the location where fruits and vegetables served to schools are grown and processed and whether growers are engaged in sustainable practices.

#### Sec. 302. Grants.

When funds are appropriated, the Office of the State Superintendent of Education shall partner with community organizations to make grants available through a competitive process to individuals, public schools, or organizations to enable them to develop innovative solutions to the logistical challenges of operating a farm-to-school program in the District, including the development of a central warehouse and storage facilities for locally-grown foods.

#### Sec. 303. Programs.

The Office of the State Superintendent of Education shall partner with the District Department of the Environment, community organizations, food service providers, and public schools to develop programs to promote the economic, environmental, and nutritional benefits of purchasing and eating locally-grown and minimally-processed foods that are from growers engaged in sustainable practices, such as:

- (a) An annual local flavor week; and
- (b) A harvest of the month program.

#### Sec. 304. Mandatory reporting.

By September 30 of each year, the Office of the State Superintendent of Education shall submit to the Council and the Mayor a comprehensive report on the District's farm-to-school initiatives and recommendations for improvement.

#### **TITLE IV – Childhood Obesity and Physical Education**

##### **Sec. 401. Requirements.**

(a) Beginning in August 2010, every public school student enrolled in kindergarten through grade 8 shall participate in physical education for the entire school year. Students in kindergarten through grade 5 shall participate in physical education for at least 150 minutes during each school week. Students in grades 6 through 8 shall participate in physical education for at least 225 minutes during each school week.

(b) Public schools shall offer instruction in physical education that meets the academic content standards for physical education adopted by the State Board of Education. The instruction shall be a sequential, developmentally appropriate curriculum that is designed, implemented, and evaluated to help students develop the knowledge, motor skills, self-management skills, attitudes, and confidence needed to adopt and maintain physical activity throughout their lives.

(c) Public schools shall devote at least 50 percent of physical education class time to actual physical activity in each school week, with as much class time as possible spent in moderate physical activity.

##### **Sec. 402. Exemptions.**

(a) A student with disabilities shall have suitably adapted physical education incorporated as part of the individualized education program developed for the student.

(b) Upon request of a parent or guardian, public schools may exempt from these physical education requirements any student who has chronic health problems, other disabling conditions, or other special needs that preclude the student from participating in regular physical education instruction.

(c) The Office of the State Superintendent of Education may exempt individual public schools from the requirements of Section 401 until August 2012 upon a bona fide showing that the school lacks the resources to implement them.

**Sec. 403. Punishment**

Neither requiring nor withholding physical activity shall be used to punish students.

**Sec. 404. Mandatory reporting.**

Beginning in 2011, by September 30 of each year, the Office of the State Superintendent of Education shall report to the Council annually about the compliance of public schools with these physical education requirements.

**TITLE V – Environment**

**Sec. 501. School recycling.**

(a) Section 105 (c) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-171) is amended as follows:

- (1) Strike the word “and” at the end of the paragraph (9).
- (2) Strike the “.” at the end of the paragraph (10) and insert “;” in its place.
- (3) A new paragraph (11) is added to read as follows:

“(11) Establish a program for the recycling of paper, bottles, cans, and cardboard at all DCPS schools, including food services; and”.

(b) This section shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan or a revised revenue estimate certified by the Chief Financial Officer.

Sec. 502. School composting.

(a) Section 105 (c) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-171) is amended by adding a new paragraph (12) to read as follows:

“(12) Establish a program for the composting of food waste at all DCPS schools.”.

(b) The District of Columbia Public Schools, the Department of Public Works, the Office of Public Education Facilities Modernization, and the District Department of the Environment shall work with the District of Columbia Public Schools’ food service provider to establish a pilot program for composting food waste in public schools during the 2010-2011 school year.

(c) This section shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan or a revised revenue estimate certified by the Chief Financial Officer.

Sec. 503. Sustainable products.

Public schools are encouraged to use only sustainable products in serving meals to students. Styrofoam trays and other non-recyclable goods are strongly discouraged and shall be prohibited after October 1, 2014.

Sec. 504. Report on greening schools.

By September 30, 2010, the District of Columbia Public Schools shall prepare and transmit to the Council a comprehensive report about waste, recycling, and composting in the public school system, and include recommendations and a timeline for reducing waste, eliminating products such as Styrofoam, and making public schools more eco-friendly. This