



DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF
EDUCATION

August 01, 2019

Dear **LEA Colleagues**,

The purpose of this letter is to inform you about new amendments to the Healthy Schools Act and offer OSSE's commitment to helping LEAs and schools to understand and meet these requirements. On Jan. 16, 2019, Mayor Muriel Bowser signed the [Healthy Students Amendment Act of 2018](#) (HSAA or Act), and the Act was later funded as part of the [Fiscal Year 2020 Budget Support Act of 2019](#). The HSAA amends the Healthy Schools Act of 2010, with key changes to nutrition, physical education, and physical activity requirements for schools. Please find a summary of the major changes on the next page. The other requirements of the [Healthy Schools Act](#) remain the same. Schools will be expected to meet the new requirements throughout the next two school years. More information on timelines for specific requirements and technical assistance from OSSE is available on the following pages.

OSSE will be communicating with school leaders and health points of contact in the coming weeks about the changes as well as their compliance with the existing requirements in the 2018-19 school year. As illustrated by the CDC's [Whole School, Whole Community, Whole Child \(WSCC\) model](#), we know that health and physical education are integral to ensuring students have healthy bodies and minds, which are the foundation of academic success.

We understand schools may have questions about these changes. Please refer to the attached frequently asked questions document to help answer initial questions schools may have, including implementation timelines. OSSE will share additional resources in the coming months, including a guide and training webinars, to support schools with understanding and implementing these updates. OSSE is committed to supporting schools in implementing the HSAA and anticipates questions and concerns as additional details become available. Please feel free to contact OSSE.SchoolHealth@dc.gov with any concerns, citing "HSAA" in the subject line.

Sincerely,

Heidi Schumacher, MD
Assistant Superintendent, Health & Wellness
Office of the State Superintendent of Education

Major Changes in the Healthy Students Amendment Act

School Meal and Nutrition Requirements

- Creates a new annual \$2.00 per-student subsidy for schools that implement an alternative breakfast serving model, such as breakfast in the classroom or grab-and-go carts, to purchase equipment and supplies to operate the alternative breakfast model;
- Allows elementary schools to apply for a waiver to the Breakfast in the Classroom requirement;
- Increases the breakfast reimbursement to 20 cents per meal served;
- Requires schools to provide daily vegetarian options for breakfast and lunch at all grade levels;
- Requires schools to provide reasonable accommodations for religious and non-medical dietary restrictions;
- Requires all milk to be unflavored; and
- Requires that all grain products be whole-grain rich.

Physical Education and Physical Activity Requirements

- Reduces the physical education instruction time requirement to a minimum of 90 minutes per week for kindergarten through grade 5;
- Reduces the physical education instruction time requirement to a minimum of 135 minutes per week for grades 6-8;
- Requires at least 50 percent of physical education instruction time be devoted to moderate-to-vigorous physical activity;
- Encourages schools to schedule at least 20 minutes of recess on a daily basis for students in kindergarten through grade 8;
- Requires students in pre-K3 and pre-K4 receive an average of 60 minutes of moderate-to-vigorous physical activity per day, with at least two 20 minute sessions of outdoor physical activity; and
- Requires schools to submit an annual action plan to OSSE if they were unable to meet the weekly physical education instruction time requirements for the previous school year.

Healthy Students Amendment Act of 2018

Frequently Asked Questions for School Meal and Nutrition Requirements

Q1: When will there be trainings on the school meal and nutrition requirements?

A: OSSE will host its annual nutrition training on July 19 and Aug. 2, 2019. Additional webinars and technical assistance will be available to schools during the 2019-20 school year. OSSE will build future trainings on nutrition requirements based on School Food Authority feedback. A complete guide to the Healthy Schools Act, including the HSAA changes, will be made available in the 2019-20 school year.

Q2: When will schools begin receiving the increased 20 cents per breakfast served reimbursement?

A: In order to increase breakfast participation and further support schools in providing healthy and nutritious breakfasts for all students, the HSAA increased the breakfast reimbursement to 20 cents per breakfast served. This increased reimbursement will be implemented after the start of Fiscal Year 2020, in October 2019.

Q3: When will schools begin receiving the new annual \$2.00 per student subsidy for implementing an alternative breakfast model, and what can this subsidy be used to purchase?

A: In order to make breakfast available to more students and increase breakfast participation at all schools, the HSAA created a new annual subsidy for schools that utilize an alternative breakfast model. Schools may apply for this new subsidy after the start of Fiscal Year 2020, in October 2019. OSSE will provide more information in the 2019-20 school year. **Schools may only use this subsidy to purchase equipment and supplies to operate the alternative breakfast model.** The HSAA defines an alternative breakfast model as a mode of serving breakfast both before and after the start of the school day in a manner that increases participation, such as grab-and-go carts or breakfast in the classroom. The Healthy Schools Act requires schools to implement an alternative breakfast model if they serve more than 40 percent of

students that qualify for free or reduced-price meals and have a breakfast participation rate lower than 75 percent of their average daily attendance. In the 2019-20 school year, OSSE will identify schools required to implement an alternative breakfast model and those schools will be required to implement alternative breakfast models beginning in the 2020-21 school year.

Q4: When will schools be required to implement new nutrition standards for school meals, and what should be done about current food service contracts?

A: OSSE understands School Food Authorities (SFA) have already executed food service contracts for the upcoming school year. Schools will not be required to implement the new nutrition standards until the 2020-21 school year. This timing will allow SFAs to understand the new requirements when executing new food service contracts in spring 2020. Schools should continue to follow the existing nutrition standards. OSSE will provide additional information for schools throughout the 2019-20 school year in order to be prepared to meet the new nutrition standards in the 2020-21 school year.

Q5: What happens if a school chooses not to follow the new nutrition standards?

A: Beginning in the 2020-21 school year, schools must meet all nutrition requirements in order to receive local meal reimbursements, including the new milk and whole grain requirements. If a school fails to meet any of the nutrition requirements, including the milk or whole grain requirements, OSSE may take corrective action, up to and including the loss of local meal funds. Schools must also continue to remain in compliance with all federal U.S. Department of Agriculture nutrition standards in order to receive federal National School Lunch Program funding ([7 C.F.R. § 210](#)).

Healthy Students Amendment Act of 2018

Frequently Asked Questions for Physical Education and Physical Activity Requirements

Q1: What are the new weekly minute requirements for physical education?

A: Students in kindergarten through grade 5 must receive an average of 90 minutes of physical education per week. The goal for schools is to provide an average of 150 minutes of physical education per week, but 90 minutes is the minimum. Students in grades 6-8 must receive an average of 135 minutes of physical education per week. While the goal for schools is to provide an average of 225 minutes of physical education per week, 135 minutes is the minimum. Physical education means instruction based on the District of Columbia [physical education standards](#), of which at least 50 percent of time must be spent on moderate-to-vigorous physical activity. Schools must begin implementing the new minute requirements beginning in the 2019-20 school year.

Q2: What happens if a school does not meet the physical education requirements?

A: OSSE will identify schools that do not meet the minimum physical education minute requirements via the annual [School Health Profile](#). OSSE will begin monitoring schools for the new minute requirements beginning with the 2019-20 School Health Profile. Schools that do not meet the minimum physical education minute requirement will be required to submit an action plan to OSSE. The action plan will outline strategic steps the school will take to improve their physical education outcomes and performance for the next school year, beginning with the 2020-21 school year. OSSE will use these action plans to provide schools with additional professional development and technical assistance to support increased performance. Schools will receive more information about physical education action plans later in the 2019-20 school year.

Q3: What is the requirement for recess and physical activity?

A: It shall be the goal of schools to incorporate at least 20 minutes of daily recess for students in kindergarten through grade 8. This is a goal, not a requirement for schools. Schools that serve students in pre-K3 and pre-K4 must provide at least 60 minutes of daily physical activity to students those grades, including at least two 20-minute outdoor activity sessions, weather and space permitting. This is a new requirement for schools that serve students in grades pre-K3 and pre-K4.

Q4: What counts as physical activity and what is moderate-to-vigorous physical activity?

A: Physical activity is any bodily movement, including walking, dancing, and gardening. Schools can maximize opportunities for students to be physically active through before and after-school activities, encouraging students to walk or bike to school, promoting active recess, supporting athletic programs, physical activity breaks during classroom instructional time, and the use of physical activity as a reward for student achievement and good behavior. Moderate-to-vigorous physical activity means movement resulting in substantially increased heart rate and breathing.

Q5: Is there local funding available to support physical education and physical activity?

A: The [Nutrition Education and Physical Activity \(NEPA\)](#) grant supports physical activity initiatives in District schools.

Q6: What professional development and technical assistance will OSSE provide?

A: OSSE offers a variety of professional development opportunities to support physical education including [Comprehensive School Physical Activity Programs \(CSPAP\)](#), [OSSE's Physical Education Standards](#), [Physical Education Curriculum Analysis Tool \(PECAT\)](#), and out-of-school time training. OSSE understands the existing challenges around scheduling, building space, and dedicated physical education teachers can create barriers to meeting the physical education minute requirements. OSSE will continue to create new resources in the 2019-20 school year to assist schools in mitigating these challenges. Please contact Charles Rominiyi (Charles.Rominiyi@dc.gov) for more information.