



District of Columbia
Office of the State Superintendent of Education

Healthy Schools Act Informational Guide

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Introduction

The Healthy Schools Act (HSA), originally passed in 2010, ensures District of Columbia Public Schools (DCPS), public charter schools, and participating private schools are a healthy place for all students.¹ It includes the following health and nutrition requirements, programs, and standards for District schools and agencies:

- Nutrition and food-sourcing standards, local meal reimbursement rates, and public disclosure requirements for meals;
- Requirements for vending, fundraising, and prizes in schools;
- Programs for promoting farm-to-school, locally-grown, and sustainable agriculture practices;
- Physical education and health education requirements and standards;
- The Environmental Literacy and School Gardens programs; and
- The authority for OSSE to administer school health-related grants.

As outlined below, the Healthy Students Amendment Act of 2018 (HSAA) recently made key changes to the law's nutrition, physical education, and physical activity requirements.

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;

¹ "Participating private school" means a private school that participates in the National School Lunch Program, established by the Richard B. Russell National School Lunch Act, approved June 4, 1946 (60 Stat. 230; 42 U.S.C. § 1771 et seq.), and elects to participate in the Healthy Schools Act program.

- 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.

Throughout this guide, “HSA” will be used to refer to the law, including all amendments, as codified at [DC Code §§38-821.01 et seq.](#) This guide is designed to help local education agencies (LEAs), school staff, and vendors understand and meet the requirements of the HSA.

School Nutrition²

The HSA includes many requirements for meal standards. Public schools, public charter schools, and participating private schools (collectively referred to as “covered schools”) are eligible to receive meal reimbursements and subsidies, provided that the meals meet all of the requirements outlined in the HSA. Failure to comply with the nutritional standards and requirements may result in corrective action, including the withholding of future HSA reimbursements. Compliance will be verified by OSSE during each School Food Authority’s (SFA’s) Administrative Review, via the annual [School Health Profiles](#), and through the collection and review of documentation, such as the Locally Grown Food Item Tracking Log and applications or waivers related to alternative breakfast serving models referenced in this document. OSSE provides annual training and technical assistance and guidance for SFAs regarding school nutrition.

Nutritious Meals

The HSA requires that covered schools serve nutritious and well-balanced meals to students every day. The following subsections detail those requirements.

Vegetarian Meals and Plant-Based Food Options³

Covered schools must meet the following requirements for vegetarian meals and plant-based food options:

- Covered schools must provide meals with vegetarian food options as the main course for breakfast and lunch every day at all grade levels.
- Covered schools must rotate the main course vegetarian food options daily in order to avoid repetition.
- Vegetarian food options must be clearly labeled or identified as vegetarian.

² DC Code §38-822.01 *et seq.* Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/38/chapters/8A/subchapters/II/>

³ DC Code §38-822.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-822.01.html>

- Covered schools are encouraged to serve plant-based food options as the main course at breakfast and lunch each day to each student.

Accommodations⁴

Schools must accommodate students with disabilities in the implementation of their school food programs, as required by a licensed healthcare professional. For more information on accommodating students with disabilities, please consult the [USDA's Accommodating Disabilities in the School Meal Programs: Guidance and Q&As](#).

Schools must also reasonably accommodate religious and non-medical dietary restrictions. SFAs may not require a student requesting a plant-based food option or other non-medical dietary accommodation to obtain a note from a doctor.

Nutritional Standards⁵

All meals must meet or exceed the federal [USDA nutrition standards](#). The HSA includes the following standards that go beyond current USDA meal pattern requirements:

- All milk must be unflavored; and
- All grain products must be whole grain-rich, meaning that the product contains at least 50 percent whole grains and the remaining grains in the product must be enriched.

The HSA also requires covered schools to solicit input regarding nutritious meals that appeal to students from students, faculty, and parents through taste tests, comment boxes, surveys, a student nutrition advisory council, or other means.⁶

Healthy Eating⁷

Schools must promote healthy eating to students, faculty, staff, and parents.

Schools must provide at least 30 minutes for students to eat lunch and sufficient time during the lunch period for every student to pass through the food service line.

When meals are served to students, schools must make cold, filtered water available free to students through water fountains or other means.

Meal Pricing⁸

The HSA requires that schools offer free breakfast to all students (see also: [HSA Reimbursements and Subsidies](#)).

⁴ Ibid.

⁵ DC Code §38-822.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-822.02.html>

⁶ DC Code §38-822.03. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-822.03.html>

⁷ Ibid.

⁸ Ibid.

Students who qualify for reduced-price meals shall not be charged for meals. OSSE reimburses schools 40 cents (or the difference between the USDA reimbursement rate for a free lunch and a reduced-price lunch) for each reduced-price lunch meal served (see also: [HSA Reimbursements and Subsidies](#)).⁹

Breakfast Serving Models¹⁰

Breakfast Requirements

If more than 40 percent of the students at a school qualify for free or reduced-price meals, and the school's current breakfast participation is below 75 percent of its average daily attendance, then:

- Elementary schools must offer breakfast in the classroom (BIC) each day (see also: [BIC Waiver](#)).
- Middle schools and high schools must offer alternative breakfast serving models each day.

An alternative breakfast serving model is a method of serving breakfast, such as breakfast in the classroom (BIC) or breakfast on grab-and-go carts, in which breakfast is offered in one or more high student traffic locations other than the cafeteria. With alternative breakfast serving models, breakfast is also available after the start of the school day or both before and after the start of the school day. The model must be proven to increase student participation in breakfast relative to the traditional serving model of serving breakfast in the cafeteria before the start of the school day. Alternative serving models other than the ones listed here may be used, but may require approval by OSSE. OSSE will collect information about the alternative breakfast serving model that schools choose to implement via the annual subsidy application (see also: [Alternative Breakfast Serving Model Annual Subsidy](#)).

BIC Waiver¹¹

BIC is an alternative breakfast serving model where students eat breakfast in the classroom after the start of the school day. Elementary schools may request of OSSE a one-year waiver to the BIC requirement. Waiver requests must include a strategy that will enable the school to reach a breakfast participation rate exceeding 75 percent of its average daily attendance. BIC waiver requests are school-specific, and must be submitted to OSSE via a written action plan. Schools that do not demonstrate incremental progress toward meeting the 75 percent participation rate will be required to implement BIC at the start of the next school year.

Procurement¹²

Schools must participate in federal nutritional and [food distribution programs](#) whenever possible. These programs include the [National School Lunch Program \(NSLP\)](#), the [School Breakfast Program \(SBP\)](#), the [Afterschool Snack Program \(ASP\)](#), the [Child and Adult Care Food Program \(CACFP\)](#), the [Summer Food Service Program \(SFSP\)](#), the [Fresh Fruit and Vegetable Program \(FFVP\)](#), the [USDA Foods in Schools Program](#), and the [Special Milk Program \(SMP\)](#).

⁹ DC Code §38-821.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-821.02.html>

¹⁰ DC Code §38-822.03. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-822.03.html>

¹¹ Ibid.

¹² Ibid.

Good Food Purchasing Program (GFPP)

Schools are strongly encouraged to procure food in a manner consistent with the GFPP's core values of local economies, nutrition, valued workforce, environmental sustainability, and animal welfare.¹³ The core values are established by the Center for Good Food Purchasing.¹⁴

Additionally, the HSA requires DCPS Central Office to conduct a baseline assessment to determine how DCPS could better meet the GFPP's core values.¹⁵ DCPS Central Office is required to use the findings from the assessment to increase food procurement consistent with the GFPP's core values. DCPS Central Office is also obligated to complete annual follow-up assessments to demonstrate progress toward the GFPP's core values.

Food Sourcing¹⁶

Local Food Sourcing¹⁷

Schools shall serve locally-grown, locally-processed, and unprocessed foods from growers engaged in sustainable agriculture practices whenever possible. Schools shall give preference to fresh unprocessed agricultural products grown and processed in the District of Columbia, Maryland, and Virginia.

Local Foods¹⁸

Schools are reimbursed five cents per day when at least one component of a reimbursable breakfast or lunch meal is comprised entirely of locally-grown and unprocessed food. Milk does not qualify for the purposes of this reimbursement.

OSSE typically reimburses schools five cents for each lunch meal that meets this requirement, as schools typically serve more lunch meals than breakfast meals. In order to receive this additional reimbursement, SFAs must provide OSSE with the name and address of the farms where the locally-grown foods were grown via the quarterly "Locally Grown Food Item Tracking Log," which must be submitted to OSSE.LG@dc.gov.

Public Disclosure¹⁹

Food service providers are required to provide the following information to schools and upon request to OSSE:

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 if requested by parents and legal guardians; and

¹³ DC Code §38-822.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-822.01.html>

¹⁴ Center for Good Food Purchasing (2019). Center for good food purchasing. Retrieved from: <https://goodfoodpurchasing.org/>

¹⁵ DC Code §38-823.01b. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-823.01b.html>

¹⁶ DC Code §38-823.01 *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/8A/subchapters/III/>

¹⁷ DC Code §38-823.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-823.01.html>

¹⁸ DC Code §38-821.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-821.02.html>

¹⁹ DC Code §38-822.05. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-822.05.html>

4. The location where fruits and vegetables served in schools are grown and processed.

Schools are required to then make this information available in the school's office, on the school's website, and to parents and legal guardians upon request. Schools are also required to inform families that vegetarian food options and milk alternatives are available upon request.

Competitive Foods²⁰

All beverages and snack foods provided by or sold in schools, whether through vending machines, fundraisers, snacks, after-school meals, or other means, must meet or exceed the federal standards. This requirement does not apply to the following:

- Food and drinks available only to faculty and staff members, provided that school employees shall be encouraged to model healthy eating;
- Food provided at no cost by parents;
- Food sold or provided at official after-school events;
- Adult education programs; and
- Food not consumed by or marketed to students.

Foods and beverages sold in school stores must meet or exceed the federal requirements.

Schools shall not permit third parties, other than school-related organizations and school meal providers, to sell food or beverages of any type to students on school property from 90 minutes before the school day begins until 90 minutes after the school day ends.

The HSA prohibits food and beverages that do not meet the nutritional requirements of the [NSLP competitive food service and standards](#) from being used as incentives, prizes, or awards in school. It also prohibits such food and beverages from being advertised or marketed in schools through posters, signs, book covers, scoreboards, supplies, equipment, or other means. Special exemptions may be requested from OSSE on an infrequent basis.

After first issuing a warning, OSSE may impose a penalty, not to exceed \$500 per day, paid to the Healthy Schools Fund, on schools that violate these requirements, subject to the right to a hearing requested within 10 days after the notice of imposition of the penalty is sent.

HSA Reimbursements and Subsidies²¹

The HSA establishes the Healthy Schools Fund (the Fund). Administered by OSSE, the Fund supplements federal support for healthy meals to covered schools and to organizations participating in the [Summer Food Service Program](#). Covered schools participating in the National School Lunch Program are eligible for these additional local meal reimbursements and subsidies, provided that the meals meet all of the requirements outlined in the HSA. Failure to comply with the HSA nutritional standards and requirements may result in corrective action, including the withholding of future HSA reimbursements.

²⁰ DC Code §38-822.06. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-822.06.html>

²¹ DC Code §38-821.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-821.02.html>

Compliance will be verified during each SFA’s Administrative Review. The chart below identifies the HSA supplemental reimbursements that covered schools may receive.

HSA REIMBURSEMENTS & SUBSIDIES
20 cents for each breakfast meal served that meets the HSA requirements.
10 cents for each lunch meal served that meets the HSA requirements.
40 cents for each reduced-price lunch meal served that meets the HSA requirements <i>(or the difference between the USDA free lunch and reduced-price lunch reimbursement)</i> .
2 dollar annual subsidy per student to provide resources for implementation to schools implementing an approved alternative breakfast serving model.
5 cents per day when at least one component of a reimbursable breakfast or lunch is comprised entirely of locally-grown and unprocessed foods <i>(does not include milk)</i> . OSSE typically reimburses schools five cents for each lunch meal that meets this requirement.

Breakfast and Lunch Meal Reimbursements²²

As of Oct. 1, 2019, schools meeting HSA requirements are eligible to receive a 20 cent reimbursement for each breakfast meal served and a 10 cent reimbursement for each lunch meal served. Claims for reimbursement must be submitted to OSSE.

Reduced-Price Meal Reimbursements²³

Students who qualify for reduced-price meals shall not be charged for meals. Schools meeting HSA requirements are eligible to receive 40 cents (or the difference between the USDA reimbursement rate for a free lunch and a reduced-price lunch) for each reduced-price lunch meal served. Claims for reimbursement must be submitted to OSSE.

Alternative Breakfast Serving Model Annual Subsidy²⁴

The HSAA created an annual subsidy of two dollars per student for schools that implement an approved alternative breakfast serving model. These funds must be used to purchase equipment or supplies to operate the alternative breakfast serving model. Schools are required to submit an annual subsidy application in order to receive the funds.

Local Foods Reimbursement²⁵

Schools are reimbursed five cents for up to one meal per day when at least one component of a reimbursable breakfast or lunch meal is comprised entirely of locally-grown and unprocessed food. Milk does not qualify for the purposes of this reimbursement. In order to receive this additional reimbursement, SFAs must provide OSSE with the name and address of the farms where the locally-grown foods were grown via the quarterly “[Locally Grown Food Item Tracking Log](#),” which should be submitted to OSSE.LG@dc.gov.

²² Ibid.

²³ Ibid.

²⁴ DC Code §38-821.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-821.02.html>

²⁵ Ibid.

Nutrition Grants²⁶

The Fund provides OSSE with support to issue nutrition-related grants. OSSE issues grants for the acquisition of kitchen equipment and to provide training sessions for school cafeteria workers and food service vendors on knowledge, training, and tools they need to plan, prepare, and purchase healthy products to create nutritious, safe, and enjoyable school meals.

Cafeteria Staff Training Grant

The Cafeteria Staff Training Grant provides school foodservice/nutrition employees with knowledge, training, and tools they need to plan, prepare, and purchase healthy products to create nutritious, safe, and enjoyable school meals. These grants support training sessions for school foodservice/nutrition employees at schools participating in the NSLP and HSA.

NSLP Equipment Assistance Grant

The NSLP Equipment Assistance Grant provides equipment assistance to SFAs participating in the NSLP. These grants support the purchase of capital equipment used to do the following: serve healthier meals; meet the nutritional standards with emphasis on more fresh fruits and vegetables in school meals; improve food safety; and expand accessibility to food services.

Nutrition Education and Physical Activity (NEPA) Grant

NEPA grants build the capacity of schools to provide quality nutrition education and physical activity programming and services. NEPA grants support technical assistance and training that enable schools to build, develop, and sustain quality nutrition education and physical activity programming and services. NEPA grants also support the delivery of training and professional development to educators in schools in order to consistently increase the delivery of nutrition education and physical activity programming and services to students.

Farm-to-School Program²⁷

The HSA authorizes the Farm-to-School Program that encourages schools to serve locally-grown, locally-processed, and unprocessed foods from local growers engaged in sustainable agriculture processes. It also requires OSSE to sponsor annual programs that promote the benefits of purchasing and eating locally-grown and unprocessed foods. OSSE's Farm-to-School Program assists schools in procuring and serving local foods by incorporating farm-to-school concepts into the school environment through teacher training, technical assistance, and District-wide events such as Growing Healthy Schools Month and Strawberries and Salad Greens Day. The OSSE Farm-to-School Program website provides SFAs with resources, such as the "Choose What's in Season" poster, to assist in implementing farm to school strategies.

²⁶ Ibid.

²⁷ DC Code §38-823.01 *et seq.* Retrieved from:
<https://code.dccouncil.us/dc/council/code/titles/38/chapters/8A/subchapters/III/>

Local Foods²⁸

Schools shall serve locally-grown, locally-processed, and unprocessed foods from growers engaged in sustainable agriculture practices whenever possible. Schools shall give preference to fresh unprocessed agricultural products grown and processed in the District of Columbia, Maryland, and Virginia. The [“Is That Local?” fact sheet](#) assists SFAs in determining which items they are serving that are both locally grown and unprocessed, and should therefore be reported to OSSE using the [“Locally Grown and Unprocessed Food Item Tracking Log.”](#) (See also: [Food Sourcing](#)).

Annual Nutrition Programs²⁹

OSSE, in conjunction with the Department of Health (DC Health), the Department of Parks and Recreation (DPR), the Department of Energy and Environment (DOEE), the University System of the District of Columbia (UDC), community organizations, food service providers, and schools must develop programs to promote the benefits of purchasing and eating locally-grown and unprocessed foods that are from growers engaged in sustainable agriculture practices. The HSA requires that, at minimum, OSSE conducts at least one program per year, such as an annual flavor week or a harvest of the month program. The following represent some of the events that OSSE sponsors and participates in throughout the year.

National Nutrition Month®

Created by the Academy of Nutrition and Dietetics, [National Nutrition Month®](#) is a nutrition education and information campaign that takes place annually in March to emphasize the importance of making informed food choices and developing sound eating and physical activity habits. To celebrate National Nutrition Month OSSE focuses on different topics each week and provides suggestions for various activities, games, and lesson plans to do with students.

National School Breakfast Week

Typically, the first week of March is [National School Breakfast Week](#), and OSSE uses this time to celebrate the benefits of breakfast. Schools across the District welcome OSSE staff and special guests into their schools to celebrate the National School Breakfast Program by having school breakfast with students. Visit the DC Hunger Solutions [website](#) for more information and resources for National School Breakfast Week.

Hear the Crunch

In March [“Hear the DC Crunch”](#) highlights the important role school breakfast plays in ensuring that all children have access to the healthy food they need. Participants take a picture of themselves while biting into an apple and post it on social media using the hashtag #HearTheCrunch. Visit the DC Hunger Solutions [website](#) for more information and resources for Hear the Crunch.

²⁸ DC Code §38-823.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-823.01.html>

²⁹ DC Code §38-823.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-823.02.html>

Strawberries and Salad Greens Day

Schools across the District participate in [Strawberries & Salad Greens Day](#) as a way to showcase locally-grown produce in school meals. This event educates students about both the health and environmental benefits of eating locally grown fruits and vegetables and how healthy eating leads to healthy educational outcomes. All child development facilities, public, public charter, and private schools have the opportunity to participate in the event by serving local strawberries and local salad greens during the lunch meal service in June. Schools can also sign up to host an “education station” table for students to visit in and around the cafeteria to identify where their food comes from.

OSSE provides schools and child care centers with resource packets and materials to use for the event. The resource packet includes a planning checklist, morning announcements, sample social media posts, and activity lessons for all ages. Materials provided typically include a sample letter to parents, volunteer talking points, stickers, recipe cards, t-shirts, and strawberry plants.

Growing Healthy Schools Month

Each October, [Growing Healthy Schools Month](#) celebrates the health of students in schools throughout the District. During the annual celebration, schools collaborate with local community-based organizations, District government agencies, farmers, athletes, and chefs to coordinate inspiring activities aimed at engaging students with topics concerning nutrition, the environment, and being active.

National School Lunch Week

Typically, the third week of October is National School Lunch Week (NSLW), and OSSE uses this time to celebrate the National School Lunch Program. Each year, the [School Nutrition Association](#) creates a theme for NSLW and provides activities and resources that align with the theme. During NSLW schools across the District welcome OSSE staff and special guests into their schools to celebrate the NSLP by having school lunch with students.

Health Education, Physical Education and Physical Activity

The HSA creates health education, physical education, and physical activity goals and requirements for District schools. Schools are encouraged to achieve the goals set in the HSA, and OSSE works to support schools in this undertaking through the provision of technical assistance, resources and guidance, and annual professional development trainings. OSSE uses a physical activity cadre to assist schools in meeting the requirements and connects cadre participants with community-based organizations and various grantees. Compliance will be verified by OSSE via the annual School Health Profiles³⁰ and through the collection and review of documentation, such as physical education and physical activity action plans referenced in this section.

³⁰ Healthy Schools Act School Health Profiles. Retrieved from: <https://osse.dc.gov/service/healthy-schools-act-school-health-profiles>

Physical Activity Goals³¹

The District of Columbia's goal shall be for children to engage in physical activity at least 60 minutes each day for specific age groups.³² Public and public charter schools are responsible for promoting this goal by seeking to maximize activity, including through:

- Extending the school day;
- Encouraging students to walk or bike;
- Promoting 20 minutes of daily active recess;
- Including physical activity in before-school and after-school activities;
- Supporting athletic programs;
- Integrating movement into classroom instruction and classroom instructional breaks;
- Entering into shared-use agreements with organizations that provide physical activity programming for children outside of the normal school day; and
- Using physical activity as a reward for student achievement and good behavior.

Physical Activity, Physical Education, and Health Education Goals and Requirements³³

Physical Activity and Recess

Pre-K3 and Pre-K4

All public and public charter schools shall provide students in pre-K3 and pre-K4 with an average of 60 minutes of moderate-to-vigorous physical activity each day and shall set a goal of providing an average of 90 minutes of moderate-to-vigorous physical activity each day. Additionally, all schools shall provide to its pre-K3 and pre-K4 students two 20-minute outdoor recess periods each day, weather and space permitting, which may count toward the 60 minutes of physical activity per day requirement. Any school providing less than an average of 60 minutes per day of physical activity to its pre-K3 and pre-K4 students shall submit an action plan to OSSE detailing efforts it will take to increase physical activity before the beginning of the next school year and shall work with OSSE to increase the amount of time provided for physical activity each week.

Recess

It shall be the goal for all public and public charter schools that serve students in grades kindergarten through grade 8 to provide one recess of at least 20 minutes per school day.

Physical Education³⁴

All physical education shall meet the curricular standards adopted by the State Board of Education (SBOE).

³¹ DC Code § 38–824.01. Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/38/chapters/8A/subchapters/IV/>

³² DC Code § 38–824.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-824.01.html>

³³ DC Code §38-824.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-824.02.html>

³⁴ DC Code §38–824.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-824.02.html>

Kindergarten through Grade 5

All public and public charter schools shall set a goal to provide students in grades kindergarten through 5 with an average of 150 minutes of physical education each week. At least 50% of this physical education time shall be devoted to actual physical activity, classified as “moderate-to-vigorous” physical activity. Any school that provides to students in kindergarten through grade 5 less than an average of 90 minutes per week of physical education in a school year shall submit an action plan to OSSE detailing efforts it will take to increase physical education before the beginning of the next school year and shall work with OSSE to increase the amount of time provided for physical education each week.

Grades 6-8

All public and public charter schools shall set a goal to provide students in grades 6-8 with an average of 225 minutes of physical activity per week. At least 50% of this physical education time shall be devoted to actual physical activity, classified as “moderate-to-vigorous” physical activity. Any school that provides to students in grades 6-8 less than an average of 135 minutes per week of physical education in a school year shall submit an action plan to OSSE detailing efforts it will take to increase physical education before the beginning of the next school year and shall work with OSSE to increase the amount of time provided for physical education each week..

Health Education³⁵

All health education shall meet the curricular standards adopted by the State Board of Education (SBOE).

Kindergarten through Grade 8

All public and public charter schools shall provide at least 75 minutes of health education to students in kindergarten through grade 8 each week.

Grades 9-12

At the beginning of the ninth grade, students shall develop a graduation plan pacing the courses they will take to complete high school. A total of 1.5 Carnegie Units in physical education/health shall be required for graduation.³⁶ Instruction in cardiopulmonary resuscitation (CPR) shall be included in at least one health class necessary for graduation (grades 9 through 12).³⁷ The instruction may be a program developed by the American Heart Association, the American Red Cross, or another nationally recognized program that follows the most current, evidence-based guidelines on CPR. The program shall include students learning the appropriate use of an automated external defibrillator (AED), and a video may suffice to meet this requirement. The program shall also include hands-on practice to compliment cognitive learning. Instruction provided by Fire and Emergency Medical Services Department (FEMS) meets the standards to fulfill this requirement.

CPR instruction may be provided by the public or public charter school directly, or it can be provided through partnership with available community-based partners, such as Serve DC. This instruction does

³⁵ DC Code §38–824.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-824.02.html>

³⁶ DC State Board of Education High School Graduation Requirements. Retrieved from: <https://sboe.dc.gov/page/high-school-graduation-requirements-information>

³⁷ DC Code §38–824.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-824.02.html>

not have to be provided by a teacher and a teacher providing this instruction does not have to be a certified trainer. Additionally, students are not required to earn a certification to complete these requirements.

Additional Physical Education Requirements³⁸

Adapted Physical Education

Any student with a disability shall have suitably adapted physical education incorporated as part of the individualized education program (IEP) developed for the student. Public and public charter schools shall provide suitably adapted physical education or supplementary aids for any other student with special needs that preclude them from participating in regular physical education instruction, as required by [Section 504 of the Rehabilitation Act of 1973](#).

Withholding as Punishment

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.

Access to public facilities³⁹

DPR shall provide equal access and charge equal fees to both public and public charter schools for use of its recreation centers, fields, playgrounds, and other facilities. LEAs interested in using DPR facilities may do so by completing the [application for a permit](#) through the DPR website.

Physical Activity Grants⁴⁰

The Healthy Schools Fund provides OSSE with funding to award competitive or formula grants to schools and organizations that provide technical assistance to schools to incorporate nutrition education and increase the amount of physical activity in the school day.

Nutrition Education and Physical Activity (NEPA) Grant

[NEPA grants](#) build the capacity of schools to provide quality nutrition education and physical activity programming and services. NEPA grants support technical assistance and training that enable schools to build, develop, and sustain quality nutrition education and physical activity programming and services. NEPA grants also support the delivery of training and professional development to educators in schools in order to consistently increase the delivery of nutrition education and physical activity programming and services to students.

Environment

The HSA creates environmental literacy, school garden, and environmental sustainability goals and requirements for the District's public and public charter schools. The HSA requires the Department of General Services (GSA) to establish waste reduction and disposal plans, drinking water tests, integrated

³⁸ DC Code §38-824.03. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-824.03.html>

³⁹ DC Code §38-824.04. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-824.04.html>

⁴⁰ DC Code §38-821.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-821.02.html>

pest management programs, efforts to improve indoor air quality, an environmental literacy program that OSSE supports through a leadership cadre, and a school gardens program. OSSE partners with several agencies to implement and manage these programs at public and public charter schools in the District.

Environmental Programs Office⁴¹

The HSA established an environmental programs office in the former District Office of Public Education Facilities Modernization (OPEFM), the activities of which were assumed by the DGS' Sustainability and Energy Division and Facilities Management. DGS contracts with vendors to recycle all materials at DCPS as required by District law, including food services materials, and provides technical assistance to public charter schools about recycling. Per HSA, all contracts with vendors shall be negotiated to provide a financial incentive to reduce the amount of waste created in DCPS and, when possible, to increase diversion rates. Per HSA, DGS developed programs for recycling in all DCPS schools and analyzing utility usage at each school. The HSA also requires GSA to do the following:

- Establish an integrated pest management program;
- Comply with the EPA's Lead Renovation, Repair, and Painting Program;
- Post environmental testing results online; and
- Promote the EPA's Tools for Schools Program to reduce the exposure to environmental factors that impact asthma among children and adults in public schools.

The HSA supports schools in meeting the Leadership in Energy and Environmental Design (LEED) for Schools certification at the Gold or higher level where funding allows for construction to do so and to aspire toward meeting that goal, as per the Green Building Act of 2016.

The HSA also requires DCPS to use environmentally friendly cleaning supplies in their schools, provided they exhaust the existing supply of conventional cleaners.

Environmental Literacy Program⁴²

The HSA establishes an environmental literacy program within OSSE. This program coordinates the efforts of DOEE, DCPS, Public Charter School Board (PCSB), OSSE, SBOE, the University of the District of Columbia (UDC), DPR, DGS, and the Department of Employment Services (DOES) to triennially develop an environmental literacy plan for schools. The plan shall include the following:

- Relevant teaching and learning standards adopted by the SBOE;
- Professional development opportunities for teachers;
- Suitable metrics to measure environmental literacy;
- Suitable metrics to increase environmental literacy;
- Governmental and nongovernmental entities that can assist schools in the achievement of goals; and

⁴¹ DC Code §38–825.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-825.01.html>

⁴² DC Code §38–825.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-825.02.html>

- A proposed implementation method for the plan.

The program also establishes an Environmental Literacy Advisory Committee, composed of community organizations, District government agencies, and other interested persons. OSSE convenes these meetings, collects data on the location and types of environmental education programs in schools, and provides environmental education guidance and technical assistance to schools. The program also provides training, support, and assistance for environmental literacy programs in schools. Finally, the program assists schools in receiving certification as [US Department of Education Green Ribbon Schools](#).

The triennial HSA [report](#) shall include an update about the state of environmental education in the District, plans for expansion, and recommendations for improving the program.

Environmental Literacy Cadre

The HSA requires OSSE to establish an Environmental Literacy Cadre (cadre), comprised of teachers at public schools and public charter schools. Each teacher in the cadre shall do the following:

- Create, if applicable, and help maintain a garden at the teacher's school;
- Implement composting and recycling programs at the teacher's school;
- Implement the environmental literacy plan and other OSSE-approved guidance at the teacher's school; and
- Assist other teachers at the teacher's school with incorporating science standards.

OSSE provides each teacher selected to participate in the cadre with a stipend. OSSE also provides grants to nonprofit and community-based organizations to support the schools represented in the cadre by providing or coordinating programs and activities related to school-based environmental literacy programs.

School Gardens Program⁴³

The HSA establishes the school gardens program at OSSE. The school gardens program coordinates the efforts of community organizations, DPR, DOEE, DCPS, DGS, PCSB, and UDC to establish gardens as integral components of public schools and public charter schools. It complements the Food Production and Urban Gardens Program. OSSE establishes and convenes a School Garden and Farm-to-School Advisory Committee, composed of community organizations, District government agencies, and other interested persons. OSSE also collects data on the location and types of gardens in schools, provides technical assistance to schools, and coordinates curricula for school gardens and related projects. The program provides training, support, and assistance to gardens in schools. UDC assists the school gardens program by providing technical expertise, curricula, and soil testing for school gardens.

The school gardens program shall issue a [biennial report](#) to the Mayor, DC Council, and the Healthy Youth and Schools Commission about the state of school gardens in the District, plans for expanding them, and recommendations for improving the program.

⁴³ DC Code § 38–825.03. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-825.03.html>

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 school garden program at the school where the produce is grown.

When feasible, school gardens include a demonstration compost pile.

Environmental Grants⁴⁴

The Healthy Schools Fund provides OSSE with funding to make grants available through a competitive or formula grants process or a formula grants process to support school gardens, promote health education, and develop and implement the Environmental Literacy Program.

School Garden Grant (SGG)

The School Garden Grant (SGG) funds staff that oversee all aspects of the school garden program, including instruction, program management, and garden care. The purpose of the grant is to:

- Increase the number of students that participate in school garden programs;
- Increase the number of classroom teachers that are including garden-based teaching into their teaching practice;
- Increase the number of schools with garden programs; and
- Institutionalize school garden programs to continue the gardens at schools.

Environmental Literacy Advancement Grant

The Environmental Literacy Advancement Grant (ELAG) increases the capacity of nonprofit and community-based organizations to provide environmental education programs to District elementary schools represented in the Environmental Literacy Leadership Cadre and alumni schools.

Health and Wellness

The HSA requires the creation of local wellness policies (LWPs) to ensure LEAs follow clear paths to healthier, safer schools. It also requires that schools complete annual school health profiles to provide information on factors in the building that affect student health and physical and health education information.

Local Wellness Policies⁴⁵

As required by federal law, each LEA participating in the National School Lunch Program (NSLP) shall collaborate with parents, students, food service providers, and community organizations to adopt, develop, and update a comprehensive local wellness policy.⁴⁶ These LWPs shall be revised every three years and include the following federal and local requirements:

⁴⁴ DC Code §38-821.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-821.02.html>

⁴⁵ DC Code §38-826.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-826.01.html>

⁴⁶ US Code §1758b. Retrieved from: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section1758b&num=0&edition=prelim>

Federal requirements:

1. Include goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness;
2. Establish nutrition guidelines for all foods available on each campus during the school day;
3. Include policies for the marketing and advertising of food and beverages that meet Smart Snacks Standards, a federal requirement for all foods sold outside the National School Breakfast and Lunch Program;
4. Require that local education agencies (LEAs) involve parents, students, representatives of the school food authority, school staff and administrators, and the public in the development, implementation and review of the school wellness policy;
5. Require that LEAs inform and update parents, students, school food authority representatives, school staff and administrators, and the public about the content and implementation of the local school wellness policy;
6. Require that LEAs assess the LWP, at least every three years, to measure the implementation of the LWP, and make the assessment available to the public; and
7. Require that guidelines for reimbursable school meals are not less restrictive than regulations and guidance applicable to school meals issued by the Secretary of Agriculture.

Local Requirements:

1. Goals for improving the LEA's environmental sustainability of the schools;
2. Goals for increasing the use of locally-grown, locally-processed, and unprocessed foods from growers engaged in sustainable agriculture practices;
3. Goals for increasing physical activity, and
4. Goals for developing and implementing an Environmental Literacy Program.

Public and public charter schools shall promote their LWPs to faculty, staff, parents, and students. Schools are required to post copies of the policy on their websites (whenever they exist), distribute copies to food service staff and parent/teacher organizations (if one exists), and make the policy available in the school's office. OSSE reviews these policies to ensure that they comply with federal and local wellness policy requirements.

School Health Profiles⁴⁷

On or before February 15 of each year, public and public charter schools shall complete a profile questionnaire covering information about their health programs, nutrition programs, physical and health education, wellness policies, and sustainability practices. The information is submitted to OSSE's Health and Wellness Division each February and shall also be made available on the school's website. More information on the questionnaire is available on the [OSSE website](#).

OSSE may update the questionnaire and the information requested through the school health profiles form, as necessary. This may occur: (1) when new programs are implemented on a District-wide level; (2) when local legislation requires updates; or (3) to collect specific data for a greater understanding of

⁴⁷ DC Code § 38-826.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-826.02.html>

trends around a program. On or before January 15 of each year, schools shall post this information on their website and make it available to parents in its office. OSSE also posts the information on the OSSE [website](#) within two weeks of receiving it from schools.

School Nurses⁴⁸

The HSA ensures that nurses shall be placed in public charter schools regardless of the square footage of the nurse’s suite, provided all other requirements by the District of Columbia Department of Health (DC Health) are met. More information on school nurses and health staff in schools is available on the DC Health [School Health Services Program](#) website.

Health Certificates⁴⁹

Students attending school in any grade from pre-K through grade 12 shall provide the school with a health certificate completed and signed by a physician or advanced practice nurse who has examined the student during the 12-month period immediately preceding the first day of the school year or the date of the student’s enrollment in the school, whichever occurs later. The exam shall also cover all items required by the certificate of health form for the student’s age group.

Standard [certificates of health](#) for each student (Universal Health Certificate), lead poison testing, and dental health (Oral Health Assessment) shall be submitted by the parent/guardian to the school. The certificate of health form includes all health items required for school enrollment, including [immunizations](#). The school registrar may be best suited to collect these forms, and registrars are encouraged to work with school nurses to ensure all certificates are properly documented.

Healthy Youth and Schools Commission⁵⁰

The HSA establishes the [Healthy Youth and Schools Commission](#) (HYSC), which advises the Mayor and DC Council on health, wellness, and nutritional issues concerning youth and schools in the District. This includes the following:

- School meals;
- Farm-to-school program;
- Physical activity and physical education;
- Health education;
- Environmental programs;
- School gardens;
- Sexual health programming;
- Chronic disease prevention;
- Emotional, social, and mental health services;

⁴⁸ DC Code § 38–826.04. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-826.04.html>

⁴⁹ DC Code § 38–602. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-602.html>

⁵⁰ DC Code §38-827.01 *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/8A/subchapters/VII/>

- Substance abuse; and
- Violence prevention.

The HYSC undertakes the following functions:

- Advising on the operations of all District health, wellness, and nutrition programs;
- Reviewing and advising on the best practices in health, wellness, and nutrition programs across the United States;
- Recommending standards, or revisions to existing standards, concerning the health, wellness, and nutrition of youth and schools in the District;
- Advising on the development of an ongoing program of public information and outreach programs on health, wellness, and nutrition;
- Making recommendations on enhancing the collaborative relationship between the District government, the federal government, the University System of the District of Columbia, local nonprofit organizations, college and universities, and the private sector in connection with health, wellness, and nutrition;
- Identifying gaps in funding and services, or methods of expanding services to District residents
- Engaging students in improving health, wellness, and nutrition in schools; and
- Participating in the selection process for any grants provided under the Healthy Schools Fund.

The HYSC submits a [comprehensive report](#) on the health, wellness, and nutrition of youth and schools in the District to the Mayor and DC Council annually. This report explains the efforts made within the preceding year to improve the health, wellness, and nutrition of youth and schools in the District. It also discusses the steps that other states have taken to address the health, wellness, and nutrition of youth and schools. Finally, it makes recommendations about how to further improve the health, wellness, and nutrition of youth and schools in the District.

OSSE provides administrative and technical support to the HYSC as necessary. Information on current commissioners, as well as public meeting dates and documents are available on the [Healthy Youth and Schools Commission page of the Open DC website](#).

Composition of the HYSC

The HYSC is composed of 13 members who are experts in health, wellness of nutrition. Parents, teachers, or students may also be members. The Mayor appoints 10 members, no more than five of whom represent District agencies. The Chairmen of the DC Council appoints one member. The chair of the DC Council committee with oversight of education appoints one member. The Chair of the PCSB appoints one member.

Each member serves three-year terms, except students who serve for one year. Members serve for no more than two consecutive full terms. The Mayor designates one member of the Commission to serve as its Chairperson.

Triennial Nutrition Review⁵¹

The HYSC reviews school nutrition requirements at least every three years and recommends improvements to the Mayor and DC Council.

OSSE's Mandatory Reporting Requirements

Beginning Sept. 30, 2020, and biennially thereafter, OSSE shall submit a biennial comprehensive report to the Mayor, DC Council, and the Healthy Youth and Schools Commission (HYSC) on the District's compliance with the HSA. This report shall include the following:

- An update on farm-to-school initiatives and recommendations for improving these initiatives.⁵²
- Information regarding public and public charter school compliance with health education and physical education and activity requirements;⁵³
- Information regarding student achievement with respect to health and physical education and activity standards;⁵⁴ and
- Triennially, an update about the state of environmental education in the District, plans for expansion, and recommendations for improving the program.⁵⁵

Appendix

Definitions

Alternative Breakfast Serving Model

An alternative breakfast serving model is a method of serving breakfast, such as breakfast in the classroom (BIC) or breakfast on grab-and-go carts, in which breakfast is offered in one or more high student traffic locations other than the cafeteria. With alternative breakfast serving models, breakfast is also available after the start of the school day or both before and after the start of the school day. The model must be proven to increase student participation in breakfast relative to the traditional serving model of serving breakfast in the cafeteria before the start of the school day. Other alternative serving models than the ones listed here may be used, but may require approval by OSSE. OSSE will collect information about the model that schools choose to use, as well as evidence that the model is increasing breakfast participation.

Animal Product

An animal product is meat, poultry, seafood, dairy, eggs, honey, and any derivative thereof.

Breakfast in the Classroom

BIC is an alternative breakfast serving model where students eat breakfast in the classroom after the start of the school day.

⁵¹ DC Code §38-822.07. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-822.07.html>

⁵² DC Code §38-823.03. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-823.03.html>

⁵³ DC Code §38-823.05. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-824.05.html>

⁵⁴ DC Code §38-823.05. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-824.05.html>

⁵⁵ DC Code §38-825.02. Retrieved from: [https://code.dccouncil.us/dc/council/code/sections/38-825.02.html#\(c\)](https://code.dccouncil.us/dc/council/code/sections/38-825.02.html#(c))

Good Food Purchasing Program's (GFPP's) Core Values

The GFPP's core values are the following five core values established by the Center for Good Food Purchasing:

1. Local economies,
2. Nutrition,
3. Valued workforce,
4. Environmental sustainability, and
5. Animal welfare.

Health Education

Health education means instruction of the District of Columbia Health Education Standards.

Formal, structured health education consists of any combination of planned learning experiences that provide the opportunity to acquire information and the skills students need to make quality decisions.⁵⁶

Indoor Air Quality⁵⁷

Indoor air quality means the air quality within and around buildings and structures, specifically schools, as it relates to the health and comfort of school staff and students. Health effects from indoor air pollutants may be felt immediately or develop and worsen over time.

Locally-Grown

Locally-grown means food procured from a grower in the District of Columbia, Maryland, Virginia, Delaware, New Jersey, North Carolina, Pennsylvania, or West Virginia.

Locally-Processed

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

Meals

Meals means breakfast, lunch, or after-school snack served as a part of the National School Lunch Program (NSLP), the School Breakfast Program (SBP), or the Summer Food Service Program (SFSP), or after-school meals served as part of the Child and Adult Care Food Program (CACFP).

Moderate-to-Vigorous Physical Activity

Moderate-to-vigorous physical activity means movement resulting in a substantially increased heart rate and breathing.

Physical Activity

⁵⁶ Centers for Disease Control and Prevention (16 September 2019). Retrieved from:

<https://www.cdc.gov/healthyschools/wsc/components.htm>

⁵⁷ United States Environmental Protection Agency (29 January 2018). Introduction to indoor air quality. Retrieved from: <https://www.epa.gov/indoor-air-quality-iaq/introduction-indoor-air-quality>

Physical activity means bodily movement, including walking, dancing, or gardening.

Physical activity promotes normal and healthy growth and development. It can help reduce the risk of chronic disease and improve general health and overall daily function in people who do it regularly ⁵⁸

Physical Education

Physical education means instruction based on the District of Columbia Physical Education Standards, of which at least 50% of the time is spent in moderate to vigorous physical activity.

As SHAPE America explains, “physical education provides students with a planned, sequential, K through 12 standards-based program of curricula and instruction designed to develop motor skills, knowledge and behaviors for active living, physical fitness, sportsmanship, self-efficacy and emotional intelligence.”⁵⁹

Plant-Based Food Option

Plant-based food options are food or beverages that are free of animal products and with respect to the meat/meat alternate component of a meal, provide a source recognized by the United States Department of Agriculture (USDA) as a meat alternate free of animal products for the purposes of the NSLP.

Sustainable Agriculture

Sustainable agriculture means an integrated system of plant and animal production practices having a site-specific application that will, over the long term:

1. Satisfy human food and fiber needs;
2. Enhance environmental quality and the natural resource base upon which the agricultural economy depends;
3. Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;
4. Sustain the economic viability of farm operations; and
5. Enhance the quality of life for farmers and society as a whole.

Unprocessed

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. Food that undergoes the following processes is considered unprocessed:

1. Cooling, refrigerating, or freezing;
2. Size adjustment through size reduction made by peeling, slicing, dicing, cutting, chopping, shucking, or grinding;

⁵⁸ Centers for Disease Control and Prevention (16 September 2019). Adapted from:

<https://www.cdc.gov/physicalactivity/about-physical-activity/index.html>

⁵⁹ Shape America. CSPAP: Comprehensive school physical activity program?. Retrieved from:

<https://www.shapeamerica.org/cspap/what.aspx#targetText=Physical%20education%20provides%20students%20with,-efficacy,%20and%20emotional%20intelligence.>

3. Drying or dehydration;
4. Washing;
5. The application of high water pressure or “cold pasteurization;”
6. Packaging, such as placing eggs in cartons, and vacuum packing and bagging, such as placing vegetables in bags;
7. Butchering livestock, fish, or poultry; and
8. The pasteurization of milk.

Vegetarian Food Option

Vegetarian food options are food or beverages that are free of meat, poultry, and seafood and with respect to the meat/meat alternate component of a meal, provide a source recognized by the USDA as a meat alternate free of meat, poultry, and seafood for the purposes of the NSLP.