

AN ACT

*Codification
District of
Columbia
Official Code*

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2011 Fall
Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Healthy Schools Act of 2010 to allow private schools in the National School Lunch Program to have the option of participating in the Health Schools Act program, to clarify the definition of unprocessed foods, the requirements for serving school meals and the applicability of the nutritional requirements, the assessment of health education, and the environmental literacy plan, to expand school health profiles and permit the Office of the State Superintendent of Education to modify them, and to provide that school campuses are tobacco-free.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Healthy Schools Amendment Act of 2011”.

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

(a) Section 101 (D.C. Official Code § 38-821.01) is amended to add a new paragraph (6A) to read as follows:

Amend
§ 38-821.01

“(6A) “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.”.

(b) Section 102(c) (D.C. Official Code § 38-821.02(c)) is amended as follows:

Amend
§ 38-821.02

(1) Paragraph (1) is amended by striking the phrase “public schools and public charter schools” and inserting the phrase “public schools, public charter schools, and participating private schools” in its place.

(2) Paragraph (3) is amended by striking the phrase “public schools and public charter schools” and inserting the phrase “public schools, public charter schools, and participating private schools” in its place.

(3) Paragraph (5) is amended as follows:

(A) Designate the existing text as subparagraph (A).

(B) The newly designated subparagraph (A) is amended as follows:

(i) Strike the phrase “public schools and public charter schools” and insert the phrase “public schools, public charter schools, and participating private schools” in its place.

(ii) Strike the phrase “5 cents per lunch meal reimbursement” and insert the phrase “5 cents per day reimbursement” in its place.

(iii) Strike the phrase “at least one component of a reimbursable lunch meal” and insert the phrase “at least one component of a reimbursable breakfast or lunch meal” in its place.

(C) A new subparagraph (B) is added to read as follows:

“(B) For the purposes of this paragraph, the term “locally grown and unprocessed foods” shall not include milk.”.

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

Amend
§ 38-822.01

(1) Subsection (a) is amended by striking the phrase “Public schools and public charter schools” and inserting the phrase “Public schools, public charter schools, and participating private schools” in its place.

(2) Subsection (b) is amended by striking the phrase “Public schools and public charter schools” and inserting the phrase “Public schools, public charter schools, and participating private schools” in its place.

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

Amend
§ 38-822.02

(1) Subsection (a) is amended by striking the phrase “breakfast, lunch, and after-school meals served to students in public schools and public charter schools or by organizations participating in the Afterschool Meal Program” and inserting the phrase “breakfast, lunch, after-school snacks and suppers, and summer meals served to students in public schools, public charter schools, and participating private schools or by organizations participating in the Afterschool Meal Program or the Summer Food Service Program” in its place.

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

(A) The lead-in language is amended by striking the phrase “breakfast and lunch meals served to students in each public school and public charter school” and inserting the phrase “breakfast, lunch, after-school snacks and suppers, and summer meals served to students in public schools, public charter schools, and participating private schools or by organizations participating in the Afterschool Meal Program or the Summer Food Service Program” in its place.

(B) Paragraph (1)(C)(ii) is amended by striking the phrase “public schools and public charter schools” and inserting the phrase “public schools, public charter schools, and participating private schools” in its place.

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

Amend
§ 38-822.03

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

(A) Paragraph (1) is amended by striking the phrase “Public schools and public charter schools” and inserting the phrase “Public schools, public charter schools, and participating private schools” in its place.

(B) Paragraph (2) is amended as follows:

(i) Subparagraph (A) is amended as follows:

(I) Strike the phrase “public elementary school and a public charter elementary school” and insert the phrase “public elementary school, public charter elementary school, and participating private elementary school” in its place.

(II) Strike the word “and” at the end.

(ii) Subparagraph (B) is amended as follows:

(I) Strike the phrase “public middle and high school and a public charter middle and high school” and insert the phrase “public middle and high school, public charter middle and high school, and participating private middle and high school” in its place.

(II) Strike the phrase “each day to increase breakfast participation.” and insert the phrase “in one or more locations with high student traffic, other than the cafeteria, each day to increase breakfast participation; and” in its place.

(iii) A new subparagraph (C) is added to read as follows:

“(C) The requirements of this paragraph shall not apply to a public school or a public charter school in which the school’s current breakfast participation rate, without breakfast-in-the-classroom, exceeds 75% of its average daily attendance.”.

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

(A) The lead-in language is amended by striking the phrase “Public schools and public charter schools” and inserting the phrase “Public schools, public charter schools, and participating private schools” in its place.

(B) Paragraph (5) is amended by striking the phrase “; and” and inserting the phrase “and sufficient time during the lunch period for every student to pass through the food service line; and” in its place.

(3) Subsection (c) is amended as follows:

(A) Strike the phrase “Public schools and public charter schools” and insert the phrase “Public schools, public charter schools, and participating private schools” in its place.

(B) Strike the phrase “public schools and public charter schools” and insert the phrase “public schools, public charter schools, and participating private schools” in its place.

(f) Section 204 (D.C. Official Code § 38-822.04) is amended by adding a new subsection (d) to read as follows:

Amend
§ 38-822.04

“(d) On or before December 31 of each year until the project is completed, the District of Columbia Public Schools, in consultation with the Department of General Services, shall issue a

report to the Mayor, the Council, and the Healthy Schools and Youth Commission documenting progress on the development of the central kitchen.”.

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

Amend
§ 38-822.05

(1) Subsection (a) is amended by striking the phrase “public schools and public charter schools” and inserting the phrase “public schools, public charter schools, and participating private schools” in its place.

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

(A) Paragraph (1) is amended by striking the phrase “Public schools and public charter schools” and inserting the phrase “Public schools, public charter schools, and participating private schools” in its place.

(B) Paragraph (2) is amended by striking the phrase “Public schools and public charter schools” and inserting the phrase “Public schools, public charter schools, and participating private schools” in its place.

(3) A new subsection (c) is added to read as follows:

“(c) This section shall apply as of January 1, 2012.”.

(h) Section 206 (D.C. Official Code § 38-822.06) is amended as follows:

Amend
§ 38-822.06

(1) Subsection (a) is amended by striking the phrase “public schools and public charter schools” and inserting the phrase “public schools, public charter schools, and participating private schools” in its place.

(2) Subsection (d) is amended by striking the phrase “public school and public charter school” and inserting the phrase “public school, public charter school, and participating private school” in its place.

(3) Subsection (e) is amended by striking the phrase “Public schools and public charter schools” and inserting the phrase “Public schools, public charter schools, and participating private schools” in its place.

(i) Section 501 (D.C. Official Code § 38-825.01) is amended as follows:

Amend
§ 38-825.01

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

(A) Subparagraph (B) is amended by striking the phrase “December 31, 2010” and inserting the phrase “December 31, 2011” in its place.

(B) Subparagraph (G) is amended by striking the word “and” at the end.

(C) Subparagraph (H) is amended by striking the period and inserting the phrase “; and” in its place.

(D) A new subparagraph (I) is added to read as follows:

“(I) Develop an electronic recycling policy for public schools on or before December 31, 2011.”.

(2) Subsection (c) is amended by striking the phrase “December 31, 2010” and inserting the phrase “December 31, 2011” in its place.

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

Amend
§ 38-825.02

(1) Designate the existing text as subsection (a).

ENROLLED ORIGINAL

(2) New subsections (b) and (c) are added to read as follows:

“(b) The environmental literacy plan shall, at minimum, describe the following:

“(1) Relevant teaching and learning standards adopted by the State Board of Education;

“(2) Professional development opportunities for teachers;

“(3) How to measure environmental literacy;

“(4) Governmental and nongovernmental entities that can assist schools; and

“(5) Implementation of the plan.

“(c) The District Department of the Environment shall transmit the environmental literacy plan to the Mayor and the Council by June 30, 2012.”.

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

**Amend
§ 38-825.03**

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

(A) Paragraph (6) is amended by striking the word “and” at the end.

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

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

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

(2) Subsection (b) is amended by striking the phrase “June 30, 2011” and inserting the phrase “June 30, 2012” in its place.

(l) Section 602 (D.C. Official Code § 38-826.02) is amended as follows:

**Amend
§ 38-826.02**

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

(A) The lead-in language is amended by striking the phrase “January 15” and inserting the phrase “February 15” in its place.

(B) Paragraph (1)(D) is amended by striking the phrase “certified health teacher” and inserting the phrase “certified or highly qualified health teacher” in its place.

(C) Paragraph (2) is amended as follows:

(i) Subparagraph (D) is amended by striking the word “and” at end.

(ii) Subparagraphs (F), (G), (H), (I), (J), (K), and (L) are added to read as follows:

“(F) The number of students qualifying for free, reduced-price, and paid meals;

“(G) For the most recent November, the average daily participation in the national school breakfast and school lunch programs with breakdowns for the number of free, reduced-price, and paid students participating in school breakfast and lunch programs on an average daily basis;

“(H) Whether your school participates in Afterschool Meal Snack and Supper Program and if so, the number of children served snacks and suppers on an average daily

basis;

“(I) For elementary schools, whether your school participates in the Fresh Fruit and Vegetable Snack Program;

“(J) Whether your school participates in D.C. Free Summer Meals Program and if so, the number of breakfasts, lunches, suppers, and snacks served on an average daily basis the preceding summer;

“(K) Whether your school has vending machines and if so, how many vending machines, the hours of operation of said vending machines, and what items are sold from the machines; and

“(L) Whether your schools has a school store and if so, what food and beverages are sold and the hours of operation;”.

(2) Subsection (b) is amended by striking the phrase “, by rule,”.

(m) Section 603(c) (D.C. Official Code § 38-826.03(c)) is amended by striking the phrase “December 31, 2010” and inserting the phrase “December 31, 2011” in its place.

Amend
§ 38-826.03

(n) A new section 604a is added to read as follows:

“Sec. 604a. Tobacco-free school campuses.

“(a) Tobacco and tobacco products are prohibited in public school and public charter school buildings, grounds, parking lots, parking garages, playing fields, school buses and other vehicles, and at off-campus, school-sponsored events.

“(b) For a public charter school located in a mixed-use facility, the requirements of subsection (a) of this section shall apply only to the buildings, grounds, parking lots, garages, and fields under the control of the public charter school.”.

Sec. 3. Applicability.

This act shall apply as of August 15, 2011.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia