

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH70159-LD-83C (03/24)

Short Title: Healthier and Greener Schools Act.

(Public)

Sponsors: Representative Harrison.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE HEALTHY SCHOOLS ACT OF 2011.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** This act may be cited as the "Healthy Schools Act of 2011".

5 **SECTION 2.** Subchapter IV of Chapter 115C of the General Statutes is amended
6 by adding a new Article to read:

7 "Article 17A.

8 "Healthy Schools.

9 "Part 1. Definitions; Establishment of Healthy Schools Fund.

10 **"§ 115C-270.1. Definitions.**

11 The following definitions apply in this Article:

12 (1) Healthy Schools Fund. – The fund established in G.S. 115C-270.2.

13 (2) Healthy Youth and Schools Commission. – The body established in
14 G.S. 115C-270.25.

15 (3) Locally grown. – Grown in North Carolina or a contiguous state.

16 (4) Locally processed. – Processed at a facility in North Carolina or a
17 contiguous state.

18 (5) Meals. – Breakfast, lunch, or after-school snacks served at public schools.

19 (6) Moderate to vigorous physical activity. – Movement resulting in a
20 substantially increased heart rate and increased rate of breathing.

21 (7) Sustainable agriculture. – An integrated system of plant and animal
22 production practices having a site-specific application that will, over the
23 long-term, do the following:

24 a. Satisfy human food and fiber needs.

25 b. Enhance environmental quality and the natural resource base upon
26 which the agricultural economy depends.

27 c. Make the most efficient use of nonrenewable resources and on-farm
28 resources and integrate, where appropriate, natural biological cycles
29 and controls.

30 d. Sustain the economic viability of farm operations.

31 e. Enhance the quality of life for farmers and society as a whole.

32 (8) Unprocessed. – Foods that are nearest their whole, raw, and natural state and
33 contain no artificial flavors or colors, synthetic ingredients, chemical
34 preservatives, or dyes. Food that undergoes any of the following processes
35 shall be deemed to be unprocessed:



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- a. Cooling, refrigerating, or freezing.
- b. Size adjustment through size reduction made by peeling, slicing, dicing, cutting, chopping, shucking, or grinding.
- c. Drying or dehydration.
- d. Washing.
- e. The application of high water pressure or cold pasteurization.
- f. Packaging, such as placing eggs in cartons, and vacuum packing and bagging, such as placing vegetables in bags.
- g. Butchering livestock, fish, or poultry.
- h. The pasteurization of milk.

"§ 115C-270.2. Establishment of the Healthy Schools Fund.

(a) There is established as a nonreverting fund the Healthy Schools Fund. The Fund shall be used solely as provided in subsection (b) of this section and administered by the State Board of Education. The Fund shall be funded by annual appropriations which shall be deposited into the Fund.

(b) The Fund shall be used as follows:

- (1) To provide additional funding for healthy school meals, the State Board of Education shall reimburse public schools as follows:
 - a. 10¢ for each breakfast meal served that meets the requirements of G.S. 115C-270.4 and G.S. 115C-270.5.
 - b. 10¢ for each lunch meal served that meets the requirements of G.S. 115C-270.4 and G.S. 115C-270.5.
- (2) To eliminate the reduced price co-payment under G.S. 115C-270.5(b)(1), the State Board of Education shall reimburse public schools forty cents (40¢) for each lunch meal served to students who qualify for reduced price meals.
- (3) To provide resources to implement the school breakfast program under G.S. 115C-270.5(a)(2), for the 2011-2012 school year, the State Board of Education shall provide seven dollars (\$7.00) per student to public schools in which more than (40%) of students qualify for free or reduced price meals.
- (4) To encourage schools to serve local foods, the State Board of Education shall provide an additional five cents (5¢) per lunch meal reimbursement to public schools and public charter schools when at least one component of a reimbursable lunch meal is comprised entirely of locally grown and unprocessed foods; provided, that the schools report the name and address of the farms where the locally grown foods were grown to the Department of Public Instruction.
- (5) To increase physical activity in schools, the State Board of Education shall make grants available through a competitive process to public schools and public charter schools; provided, that schools shall meet the requirements of G.S. 115C-270.14 and seek to increase the amount of physical activity in which their students engage.
- (6) To support school gardens, the State Board of Education shall make grants available through a competitive process to public schools and other organizations.

(c) The State Board of Education may, by rule, increase the amounts, as set forth in subsection (b) of this section, to further improve the quality and nutrition of school meals.

(d) The State Board of Education may withhold local funds provided by subsection (b) of this section from public schools and public charter schools that do not meet the requirements of G.S. 115C-270.4, 115C-270.5, 115C-270.7, and 115C-270.8.

"Part 2. School Nutrition.

"§ 115C-270.3. Goals.

1 (a) Public schools shall serve healthy and nutritious meals to students. Schools are
2 strongly encouraged to consider serving vegetarian food options each week.

3 (b) Public schools are strongly encouraged to participate in the United States
4 Department of Agriculture's HealthierUS School Challenge program and achieve Gold Award
5 Level certification.

6 **"§ 115C-270.4. Nutritional standards for school meals.**

7 (a) All breakfast and lunch meals shall meet or exceed the federal nutritional standards
8 set forth in applicable State and federal law.

9 (b) In addition to the requirements of subsection (a) of this section, breakfast and lunch
10 meals served to students in each public school shall meet or exceed:

11 (1) Each of the following nutritional requirements per serving:

12 a. Saturated fat: fewer than ten percent (10%) of total calories.

13 b. Trans fat: zero grams.

14 c. Sodium:

15 1. For breakfast meals:

16 I. Less than 430 milligrams for grades Kindergarten
17 through 5.

18 II. Less than 470 milligrams for grades 6 through 8.

19 III. Less than 500 milligrams for grades 9 through 12.

20 2. For lunch meals:

21 I. Less than 640 milligrams for grades Kindergarten
22 through 5.

23 II. Less than 710 milligrams for grades 6 through 8.

24 III. Less than 740 milligrams for grades 9 through 12.

25 These requirements shall not apply until August 1, 2020. Schools shall
26 gradually reduce the amount of sodium served in school meals.

27 (2) The serving requirements of the United States Department of Agriculture's
28 HealthierUS School Challenge program at the Gold Award Level for
29 vegetables, fruits, whole grains, milk, and other foods served in school
30 meals, as may be revised from time to time, notwithstanding any termination
31 of the program.

32 (c) The State Board of Education may adopt standards that exceed the requirements of
33 this section.

34 **"§ 115C-270.5. Additional requirements for public school meals.**

35 (a) (1) Public schools shall offer free breakfast to all students.

36 (2) If more than forty percent (40%) of the students at a school qualify for free
37 or reduced price meals:

38 a. An elementary school shall offer breakfast in the classroom each day.

39 b. A middle or high school shall offer alternative serving models, such
40 as breakfast in the classroom or grab-and-go carts, each day to
41 increase breakfast participation.

42 (b) Schools shall do each of the following:

43 (1) Not charge students for meals if the students qualify for reduced price meals.

44 (2) Provide meals that meet the dietary needs of children with diagnosed
45 medical conditions, as required by a physician.

46 (3) Solicit input from students, faculty, and parents, through taste tests,
47 comment boxes, surveys, a student nutrition advisory council, or other
48 means regarding nutritious meals that appeal to students.

49 (4) Promote healthy eating to students, faculty, staff, and parents.

50 (5) Provide at least 30 minutes for students to eat lunch.

- 1 (6) Participate in federal nutritional and commodity foods programs whenever
2 possible.
- 3 (c) Public schools are encouraged to make cold, filtered water available free to students,
4 through water fountains or other means, when meals are served to students in school.

5 **"§ 115C-270.6. Central kitchen.**

6 Each local school administrative unit shall establish a central facility to:

- 7 (1) Prepare, process, grow, and store healthy and nutritious foods for schools
8 and nonprofit organizations.
- 9 (2) Support nutrition education programs.
- 10 (3) Provide job training programs for students and other persons.

11 **"§ 115C-270.7. Public disclosure.**

12 (a) Food service providers shall provide the following information to public schools:

- 13 (1) The menu for each breakfast and lunch meal served.
- 14 (2) The nutritional content of each menu item.
- 15 (3) The ingredients for each menu item.
- 16 (4) The location where fruits and vegetables served in schools are grown and
17 processed and whether growers are engaged in sustainable agriculture
18 practices.
- 19 (b) (1) Public schools shall post the information provided to them under subsection
20 (a) of this section in the school's office and online if the school has a Web
21 site.
- 22 (2) Public schools shall inform families that vegetarian food options and milk
23 alternatives are available upon request.

24 **"§ 115C-270.8. Healthy vending, fund-raising, and prizes in public schools.**

25 (a) Except as provided by subsection (b) of this section, all beverages and snack foods
26 provided by or sold in public schools, whether through vending machines, fund-raisers, snacks,
27 after-school meals, or other means, shall meet the requirements of the United States
28 Department of Agriculture's HealthierUS School Challenge program at the Gold Award Level
29 for competitive foods, as may be revised from time to time and notwithstanding any
30 termination of the HealthierUS School Challenge program.

31 (b) The requirements of subsection (a) of this section shall not apply to:

- 32 (1) Food and drinks available only to faculty and staff members; however,
33 school employees shall be encouraged to model healthy eating.
- 34 (2) Food provided at no cost by parents.
- 35 (3) Food sold or provided at official after-school events.
- 36 (4) Adult education programs.

37 (c) The State Board of Education may adopt standards that exceed the requirements set
38 forth in subsections (a) and (b) of this section.

39 (d) Foods and beverages sold in public school stores shall meet the requirements of
40 subsection (a) of this section.

41 (e) Public schools shall not permit third parties other than school-related organizations
42 and school meal service providers to sell foods or beverages of any type to students on school
43 property from 90 minutes before the school day begins until 90 minutes after the school day
44 ends.

45 (f) Foods and beverages that do not meet the nutritional requirements of subsection (a)
46 of this section shall not be used as incentives, prizes, or awards in schools, or advertised or
47 marketed in public schools through posters, signs, book covers, scoreboards, supplies,
48 equipment, or other means.

49 (g) After first issuing a warning, the State Board of Education may impose a penalty,
50 not to exceed five hundred dollars (\$500.00) per day paid to the Healthy Schools Fund, on

1 public schools that violate this section, subject to the right to a hearing requested within 10
2 days after the notice of imposition of the penalty is sent.

3 **"§ 115C-270.9. Triennial review.**

4 The Healthy Youth and Schools Commission shall review school nutrition and the
5 requirements of this Article at least every three years and recommend improvements to the
6 State Board of Education.

7 "Part 3. Farm-to-School Program.

8 **"§ 115C-270.10. Local food sourcing, reimbursement, and education.**

9 Schools shall serve locally grown, locally processed, and unprocessed foods from growers
10 engaged in sustainable agriculture practices whenever possible. Preference shall be given to
11 fresh, unprocessed agricultural products grown in North Carolina or contiguous states.

12 **"§ 115C-270.11. Programs.**

13 The Department of Public Instruction shall, in conjunction with the Department of Health
14 and Human Services, the Department of Agriculture and Consumer Services, community
15 organizations, food service providers, and public schools, develop programs to promote the
16 benefits of purchasing and eating locally grown and unprocessed foods that are from growers
17 engaged in sustainable agriculture practices. At a minimum, the Department of Public
18 Instruction shall conduct at least one program per year, such as an annual local flavor week or a
19 harvest of the month program, in collaboration with other agencies and nonprofit organizations.

20 **"§ 115C-270.12. Mandatory reporting.**

21 On or before September 30 of each year, the State Board of Education shall submit to the
22 General Assembly a comprehensive report on the farm-to-school initiatives and
23 recommendations for improvement.

24 "Part 4. Physical and Health Education.

25 **"§ 115C-270.13. Physical activity goals.**

26 (a) It is the goal of the State for children to engage in physical activity for 60 minutes
27 each day.

28 (b) Public schools and public charter schools shall promote this goal.

29 (c) Public schools and public charter schools shall seek to maximize physical activity
30 by means including the following:

31 (1) Extending the school day.

32 (2) Encouraging students to walk or bike to school.

33 (3) Promoting active recess.

34 (4) Including physical activity in after-school activities.

35 (5) Supporting athletic programs.

36 (6) Integrating movement into classroom instruction.

37 **"§ 115C-270.14. Physical and health education requirements.**

38 (a) Public schools and public charter schools shall provide physical education as
39 follows:

40 (1) For students in Kindergarten through grade 5:

41 a. School years 2011-2012 to 2014-2015: an average of at least 30
42 minutes per week or the same level of physical education as provided
43 in school year 2009-2010, whichever is greater.

44 b. School year 2015-2016 and after: an average of at least 150 minutes
45 per week.

46 (2) For students in grades 6 through 8:

47 a. School years 2011-2012 to 2014-2015: an average of at least 45
48 minutes per week or the same level of physical education as provided
49 in school year 2009-2010, whichever is greater.

50 b. School year 2015-2016 and after: an average of at least 225 minutes
51 per week.

- 1 factors that impact asthma among children and adults in public
2 schools.
- 3 (2) The contracts under sub-subdivision (1)a. of this subsection shall be
4 negotiated to provide a financial incentive to reduce the amount of waste
5 created in public schools and, when possible, to increase diversion rates in
6 public schools.
- 7 (b) Local school administrative units shall:
- 8 (1) Use environmentally friendly cleaning supplies in public schools; provided,
9 that the agency may exhaust its current supply of conventional cleaners.
- 10 (2) Prepare and transmit to the Department of Public Instruction and the Healthy
11 Youth and Schools Commission on or before December 31, 2011, a plan to
12 use sustainable products in serving meals to students.
- 13 (c) On or before December 31, 2011, the State Board of Education shall prepare and
14 transmit to the General Assembly a comprehensive report describing the implementation of
15 recycling, composting, energy reduction, pest management, air quality, and environmentally
16 friendly cleaning supplies programs in public schools. The report shall include:
- 17 (1) A thorough, school-by-school breakdown of the waste stream in public
18 schools, including tonnages, components, and diversion rates.
- 19 (2) Baseline energy usage, an analysis of usage patterns, and savings achieved.
- 20 (3) Recommendations and a time line for further implementing these programs.
- 21 (4) A proposal for recognizing and rewarding schools that significantly improve
22 their environmental portfolio.
- 23 **§ 115C-270.18. Environmental literacy plan.**
- 24 The Department of Public Instruction, in conjunction with the Department of Environment
25 and Natural Resources, shall develop an environmental literacy plan for public schools and
26 public charter schools.
- 27 **§ 115C-270.19. School Gardens Program.**
- 28 (a) A School Gardens Program is established within the Department of Public
29 Instruction. The School Gardens Program shall:
- 30 (1) Coordinate the efforts of community organizations, the Department of
31 Environment and Natural Resources, and the public schools to establish
32 gardens as integral components of public schools and public charter schools.
- 33 (2) Establish and convene a Garden Advisory Committee, composed of
34 community organizations and other interested persons.
- 35 (3) Collect data on the location and types of gardens in public schools and
36 public charter schools.
- 37 (4) Provide horticultural guidance and technical assistance to public schools and
38 public charter schools.
- 39 (5) Coordinate curricula for school gardens and related projects.
- 40 (6) Provide training, support, and assistance for gardens established in public
41 schools and public charter schools.
- 42 (b) On or before June 30, 2012, the School Gardens Program shall issue a report to the
43 State Board of Education about the state of school gardens in North Carolina, plans for
44 expanding them, and recommendations for improving the program.
- 45 (c) The University of North Carolina shall assist the School Gardens Program by
46 providing technical expertise, curricula, and soil testing for school gardens.
- 47 (d) As permitted by federal law, when tests show that the soil is safe and when produce
48 is handled safely, produce grown in school gardens may be identified and served to students at
49 the school, including in the cafeteria. Produce grown in school gardens may be sold and the
50 proceeds from such sales shall be expended for the benefit of the public school where the
51 produce was grown.

1 (e) School gardens shall include a demonstration compost pile when feasible.

2 "Part 6. Health and Wellness.

3 **"§ 115C-270.20. Local wellness policies.**

4 (a) As required by federal law, each local school administrative unit shall collaborate
5 with parents, students, food service providers, and community organizations to develop, adopt,
6 and update a comprehensive local wellness policy. Local wellness policies shall be revised at
7 least once every three years.

8 (b) Local wellness policies shall include the following:

9 (1) The requirements set forth in federal law.

10 (2) Goals for:

11 a. Improving the environmental sustainability of schools.

12 b. Increasing the use of locally grown, locally processed, and
13 unprocessed foods from growers engaged in sustainable agriculture
14 practices.

15 c. Increasing physical activity.

16 (c) Public schools and public charter schools shall promote their local wellness policy
17 to faculty, staff, parents, and students. A copy shall be:

18 (1) Posted on each school's Web site, if it has one.

19 (2) Distributed to food service staff members.

20 (3) Distributed to the school's parent/teacher organization, if it has one.

21 (4) Made available in each school's office.

22 (d) The Department of Public Instruction shall review each local wellness policy to
23 ensure that it complies with federal requirements and shall examine whether schools comply
24 with State policies.

25 **"§ 115C-270.21. School health profiles.**

26 (a) On or before January 15 of each year, each public school and public charter school
27 shall submit the following information to the department of Public Instruction regarding each
28 of its schools:

29 (1) Health programs:

30 a. Whether the school has full-time, part-time, or no nurse coverage.

31 b. The name and contact information of the school's nurse.

32 c. Whether the school has a school-based mental health program or
33 offers similar services on site.

34 d. Whether there is a certified health teacher on staff.

35 e. Whether there is a school-based health center.

36 (2) Nutrition programs:

37 a. The name of the school's food service vendor.

38 b. Whether the school's meals meet the nutritional standards required by
39 federal and State laws and policies.

40 c. Where the information required by G.S. 115C-270.7 can be found.

41 d. Whether the school participates in the farm-to-school program under
42 G.S. 115C-270.10.

43 e. Whether the school participates in the School Gardens Program
44 under G.S. 115C-270.19.

45 (3) Physical and health education:

46 a. The average amount of weekly physical education that students
47 receive in each grade.

48 b. The average amount of weekly health education that students receive
49 in each grade.

50 c. How the school promotes physical activity.

51 (4) Wellness policy:

1 a. Whether the school is in compliance with its local wellness policy.
2 b. Where a copy of the school's local wellness policy can be found.
3 (b) The State Board of Education may, by rule, change the information, as set forth in
4 subsection (a) of this section, to be included in the healthy schools profile form.

5 (c) On or before January 15 of each year, each public school and public charter school
6 shall post the information required by subsection (a) of this section online if the school has a
7 Web site and make the form available to parents in its office.

8 (d) The Department of Public Instruction shall post the information required by
9 subsection (a) of this section on its Web site within 14 days of receipt.

10 **"§ 115C-270.22. School health centers.**

11 (a) The Department of Health and Human Services, in conjunction with local school
12 administrative units, charter schools, and the Department of Public Instruction, shall develop a
13 plan to establish and operate school health centers in public schools and public charter schools
14 on or before December 31, 2016.

15 (b) The plan shall include the following:

16 (1) A needs assessment to determine where school health centers shall be
17 located, including a justification for any determination that a school health
18 center is not needed at a public high school.

19 (2) A proposal for financial sustainability for the school health centers.

20 (c) The plan shall be submitted to the General Assembly on or before December 31,
21 2011.

22 **"§ 115C-270.23. School nurses.**

23 The square footage of a nurse's suite shall not be a determining factor as to whether or not a
24 school nurse is placed at a public charter school; provided, that all other conditions as required
25 by the Department of Health are met.

26 "Part 7. Healthy Youth and Schools Commission.

27 **"§ 115C-270.24. Establishment of the Healthy Youth and Schools Commission.**

28 (a) There is established the Healthy Youth and Schools Commission with the purpose
29 of advising the State Board of Education and the General Assembly on health, wellness, and
30 nutritional issues concerning youth and schools in the State, including:

31 (1) School meals.

32 (2) Farm-to-school programs.

33 (3) Physical activity and physical education.

34 (4) Health education.

35 (5) Environmental programs.

36 (6) School gardens.

37 (7) Sexual health programming.

38 (8) Chronic disease prevention.

39 (9) Emotional, social, and mental health services.

40 (10) Substance abuse.

41 (11) Violence prevention.

42 (b) Specific functions of the Commission shall include the following:

43 (1) Advising on the operations of all State and local health, wellness, and
44 nutrition programs.

45 (2) Reviewing and advising on the best practices in health, wellness, and
46 nutrition programs across the United States.

47 (3) Recommending standards, or revisions to existing standards, concerning the
48 health, wellness, and nutrition of youth and schools in the State.

49 (4) Advising on the development of an ongoing program of public information
50 and outreach programs on health, wellness, and nutrition.

1 chemicals from cleaners, waxes, deodorizers, and other maintenance
2 products.

3 **"§ 115C-270.29. Use of green cleaning supplies.**

4 (a) When it is economically feasible, all elementary and secondary public schools and
5 all elementary and secondary nonpublic schools with 50 or more students shall establish a
6 green cleaning policy and exclusively purchase and use environmentally sensitive cleaning
7 products pursuant to the guidelines and specifications established under G.S. 115C-270.30.

8 (b) If adopting a green cleaning policy under this section is not economically feasible,
9 the school must provide, until such time that it is economically feasible, annual written
10 notification to the Healthy Youth and Schools Commission on a form provided by the Healthy
11 Youth and Schools Commission that the development and implementation of a green cleaning
12 policy is not economically feasible

13 (c) For purposes of this section, adopting a green cleaning policy is not economically
14 feasible if adopting the policy would result in an increase in the cleaning costs of the school.

15 **"§ 115C-270.30. Green cleaning supply guidelines and specifications.**

16 The Healthy Youth and Schools Commission, the Department of Health and Human
17 Services, the State Board of Education, and a panel of interested stakeholders, including
18 cleaning product industry representatives, nongovernmental organizations, and others, shall
19 establish and amend on an annual basis guidelines and specifications for environmentally
20 sensitive cleaning and maintenance products for use in school facilities. The Healthy Youth and
21 Schools Commission shall provide multiple avenues by which cleaning products may be
22 determined to be environmentally sensitive under the guidelines. Guidelines and specifications
23 must be established after a review and evaluation of existing research and must be completed
24 no later than 180 days after the effective date of this Part. Guidelines and specifications may
25 include implementation practices, including inspection. The completed guidelines and
26 specifications must be posted on the Healthy Youth and Schools Commission's Internet Web
27 site.

28 **"§ 115C-270.31. Dissemination to schools.**

29 (a) Upon the completion of the guidelines and specifications under G.S. 115C-270.30,
30 the Healthy Youth and Schools Commission shall provide each local board of education and
31 each elementary or secondary nonpublic school with 50 or more students in this State with the
32 guidelines and specifications. Each local board of education shall immediately disseminate the
33 guidelines and specifications to every public school in its jurisdiction. Local boards of
34 education and the Healthy Youth and Schools Commission shall provide ongoing assistance to
35 schools to carry out the requirements of this Part.

36 (b) In the event that the guidelines and specifications under G.S. 115C-270.30 are
37 updated by the Healthy Youth and Schools Commission, the Healthy Youth and Schools
38 Commission shall provide the updates to each local board of education for immediate
39 dissemination to each public school. Additionally, the Healthy Youth and Schools Commission
40 shall post all updated materials on its Internet Web site.

41 **"§ 115C-270.32. Rules.**

42 The State Board of Education shall adopt rules to implement this article."

43 **SECTION 3.** Notwithstanding Part 8 of Article 17A of Chapter 115C of the
44 General Statutes, as enacted by Section 2 of this act, a school may deplete its existing cleaning
45 and maintenance supply stocks and implement the new requirements under Part 8 of Article
46 17A of Chapter 115C of the General Statutes in the procurement cycle for the following school
47 year.

48 **SECTION 4.** No State funds shall be appropriated and no State funds are required
49 to implement Part 8 of Article 17A of Chapter 115C of the General Statutes, as enacted by
50 Section 2 of this act.

51 **SECTION 5.** This act is effective when it becomes law.