

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 609
Apr 9, 2015
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH30224-LE-104 (03/27)

Short Title: Healthy and High-Performing Schools. (Public)

Sponsors: Representative Harrison.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE HEALTHY AND HIGH-PERFORMANCE SCHOOLS ACT OF
3 2015.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. This act may be cited as the "Healthy and High-Performance Schools
6 Act of 2015."

7 SECTION 2. Chapter 115C of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 17A.

10 "Healthy Schools.

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

12 "§ 115C-270.1. Definitions.

13 The following definitions apply in this Article:

- 14 (1) Healthy Schools Fund. – The fund established in G.S. 115C-270.2.
15 (2) Healthy Youth and Schools Commission. – The body established in
16 G.S. 115C-270.25.
17 (3) Locally grown. – Grown in North Carolina or a contiguous state.
18 (4) Locally processed. – Processed at a facility in North Carolina or a
19 contiguous state.
20 (5) Meals. – Breakfast, lunch, or after-school snacks served at public schools.
21 (6) Moderate to vigorous physical activity. – Movement resulting in a
22 substantially increased heart rate and increased rate of breathing.
23 (7) Sustainable agriculture. – An integrated system of plant and animal
24 production practices having a site-specific application that will, over the
25 long-term, do the following:
26 a. Satisfy human food and fiber needs.
27 b. Enhance environmental quality and the natural resource base upon
28 which the agricultural economy depends.
29 c. Make the most efficient use of nonrenewable resources and on-farm
30 resources and integrate, where appropriate, natural biological cycles
31 and controls.
32 d. Sustain the economic viability of farm operations.
33 e. Enhance the quality of life for farmers and society as a whole.
34 (8) Unprocessed. – Foods that are nearest their whole, raw, and natural state and
35 contain no artificial flavors or colors, synthetic ingredients, chemical



1 preservatives, or dyes. Food that undergoes any of the following processes
2 shall be deemed to be unprocessed:

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

13 **"§ 115C-270.2. Establishment of the Healthy Schools Fund.**

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

18 (b) The Fund shall be used as follows:

- 19 (1) To provide additional funding for healthy school meals, the State Board of
20 Education shall reimburse public schools as follows:
21 a. Ten cents (10¢) for each breakfast meal served that meets the
22 requirements of G.S. 115C-270.4 and G.S. 115C-270.5.
23 b. Ten cents (10¢) for each lunch meal served that meets the
24 requirements of G.S. 115C-270.4 and G.S. 115C-270.5.
25 (2) To eliminate the reduced price co-payment under G.S. 115C-270.5(b)(1), the
26 State Board of Education shall reimburse public schools forty cents (40¢) for
27 each lunch meal served to students who qualify for reduced price meals.
28 (3) To provide resources to implement the school breakfast program under
29 G.S. 115C-270.5(a)(2), for the 2015-2016 school year, the State Board of
30 Education shall provide seven dollars (\$7.00) per student to public schools in
31 which more than forty percent (40%) of students qualify for free or reduced
32 price meals.
33 (4) To encourage schools to serve local foods, the State Board of Education
34 shall provide an additional five cents (5¢) per lunch meal reimbursement to
35 public schools and public charter schools when at least one component of a
36 reimbursable lunch meal is comprised entirely of locally grown and
37 unprocessed foods; provided, that the schools report the name and address of
38 the farms where the locally grown foods were grown to the Department of
39 Public Instruction.
40 (5) To increase physical activity in schools, the State Board of Education shall
41 make grants available through a competitive process to public schools and
42 public charter schools; provided, that schools shall meet the requirements of
43 G.S. 115C-270.14 and seek to increase the amount of physical activity in
44 which their students engage.
45 (6) To support school gardens, the State Board of Education shall make grants
46 available through a competitive process to public schools and other
47 organizations.

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

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

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

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

6 (6) Participate in federal nutritional and commodity foods programs whenever
7 possible.

8 (c) Public schools are encouraged to make cold, filtered water available free to students,
9 through water fountains or other means, when meals are served to students in school.

10 **"§ 115C-270.6. Central kitchen.**

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

12 (1) Prepare, process, grow, and store healthy and nutritious foods for schools
13 and nonprofit organizations.

14 (2) Support nutrition education programs.

15 (3) Provide job training programs for students and other persons.

16 **"§ 115C-270.7. Public disclosure.**

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

18 (1) The menu for each breakfast and lunch meal served.

19 (2) The nutritional content of each menu item.

20 (3) The ingredients for each menu item.

21 (4) The location where fruits and vegetables served in schools are grown and
22 processed and whether growers are engaged in sustainable agriculture
23 practices.

24 (b) Public schools shall make the following information available to students and
25 parents:

26 (1) Public schools shall post the information provided to them under subsection
27 (a) of this section in the school's office and online if the school has a Web
28 site.

29 (2) Public schools shall inform families that vegetarian food options and milk
30 alternatives are available upon request.

31 **"§ 115C-270.8. Healthy vending, fund-raising, and prizes in public schools.**

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

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

39 (1) Food and drinks available only to faculty and staff members; however,
40 school employees shall be encouraged to model healthy eating.

41 (2) Food provided at no cost by parents.

42 (3) Food sold or provided at official after-school events.

43 (4) Adult education programs.

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

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

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

- 1 (2) For students in grades six through eight:
2 a. School years 2015-2016 to 2018-2019: an average of at least 45
3 minutes per week or the same level of physical education as provided
4 in school year 2014-2015, whichever is greater.
5 b. School year 2019-2020 and after: an average of at least 225 minutes
6 per week.
7 (3) At least fifty percent (50%) of physical education class time shall be devoted
8 to actual physical activity, with as much class time as possible spent in
9 moderate to vigorous physical activity.
10 (b) Public schools and public charter schools shall provide health education to students
11 in grades kindergarten through eight as follows:
12 (1) School years 2015-2016 to 2018-2019: an average of at least 15 minutes per
13 week or the same level of health education as provided in school year
14 2014-2015, whichever is greater.
15 (2) School year 2019-2020 and after: an average of at least 75 minutes per week.
16 (c) The Department of Public Instruction shall consider ways to expand physical
17 education in high schools.
18 (d) The physical education and health education required by this section shall meet the
19 curricular standards adopted by the State Board of Education.

20 **"§ 115C-270.15. Additional requirements.**

- 21 (a) A student with disabilities shall have suitably adapted physical education
22 incorporated as part of the individualized education program developed for the student. With a
23 written note from a physician, public schools and public charter schools may provide suitably
24 adapted physical education for any other student with special needs that preclude the student
25 from participating in regular physical education instruction.
26 (b) Requiring or withholding physical activity shall not be used to punish students;
27 provided, that students who are not wearing appropriate athletic clothing may be prohibited
28 from participating in physical activity until properly dressed.

29 **"§ 115C-270.16. Mandatory reporting.**

30 Beginning in 2015, on or before September 30 of each year, the State Board of Education
31 shall report to the General Assembly annually regarding:

- 32 (1) Compliance of public schools and public charter schools with the physical
33 and health education requirements in this Part.
34 (2) Student achievement with respect to health and physical education standards.
35 "Part 5. Environment.

36 **"§ 115C-270.17. Environmental programs office.**

- 37 (a) (1) An environmental programs office is established in the Department of Public
38 Instruction. The office shall:
39 a. Contract with vendors to recycle all materials required by law at all
40 public schools, including food services, by December 31, 2015, and
41 provide technical assistance to public charter schools about
42 recycling.
43 b. Develop a master recycling plan for public schools on or before
44 December 31, 2015, to reach a systemwide diversion rate of
45 forty-five percent (45%) by August 1, 2020.
46 c. Analyze utility usage at each public school and develop a plan to
47 reduce that amount by twenty percent (20%) on or before August 1,
48 2020.
49 d. Establish an integrated pest management program.
50 e. Test drinking water in public schools for lead and promptly take any
51 remedial action required.

- 1 f. Comply with the Environmental Protection Agency's Lead:
2 Renovation, Repair, and Painting Program.
3 g. Post the results of its environmental testing online.
4 h. Promote the Environmental Protection Agency's Indoor Air Quality
5 Tools for Schools Program to reduce exposure to environmental
6 factors that impact asthma among children and adults in public
7 schools.
- 8 (2) The contracts under sub-subdivision (1)a. of this subsection shall be
9 negotiated to provide a financial incentive to reduce the amount of waste
10 created in public schools and, when possible, to increase diversion rates in
11 public schools.
- 12 (b) Local school administrative units shall:
- 13 (1) Use environmentally friendly cleaning supplies in public schools; provided,
14 that the agency may exhaust its current supply of conventional cleaners.
- 15 (2) Prepare and transmit to the Department of Public Instruction and the Healthy
16 Youth and Schools Commission on or before December 31, 2015, a plan to
17 use sustainable products in serving meals to students.
- 18 (c) On or before December 31, 2015, the State Board of Education shall prepare and
19 transmit to the General Assembly a comprehensive report describing the implementation of
20 recycling, composting, energy reduction, pest management, air quality, and environmentally
21 friendly cleaning supplies programs in public schools. The report shall include:
- 22 (1) A thorough, school-by-school breakdown of the waste stream in public
23 schools, including tonnages, components, and diversion rates.
- 24 (2) Baseline energy usage, an analysis of usage patterns, and savings achieved.
- 25 (3) Recommendations and a time line for further implementing these programs.
- 26 (4) A proposal for recognizing and rewarding schools that significantly improve
27 their environmental portfolio.

28 **"§ 115C-270.18. Environmental literacy plan.**

29 The Department of Public Instruction, in conjunction with the Department of Environment
30 and Natural Resources, shall develop an environmental literacy plan for public schools and
31 public charter schools.

32 **"§ 115C-270.19. School Gardens Program.**

- 33 (a) A School Gardens Program is established within the Department of Public
34 Instruction. The School Gardens Program shall:
- 35 (1) Coordinate the efforts of community organizations, the Department of
36 Environment and Natural Resources, and the public schools to establish
37 gardens as integral components of public schools and public charter schools.
- 38 (2) Establish and convene a Garden Advisory Committee, composed of
39 community organizations and other interested persons.
- 40 (3) Collect data on the location and types of gardens in public schools and
41 public charter schools.
- 42 (4) Provide horticultural guidance and technical assistance to public schools and
43 public charter schools.
- 44 (5) Coordinate curricula for school gardens and related projects.
- 45 (6) Provide training, support, and assistance for gardens established in public
46 schools and public charter schools.
- 47 (b) On or before June 30, 2016, the School Gardens Program shall issue a report to the
48 State Board of Education about the state of school gardens in North Carolina, plans for
49 expanding them, and recommendations for improving the program.
- 50 (c) The University of North Carolina shall assist the School Gardens Program by
51 providing technical expertise, curricula, and soil testing for school gardens.

- 1 a. The average amount of weekly physical education that students
2 receive in each grade.
3 b. The average amount of weekly health education that students receive
4 in each grade.
5 c. How the school promotes physical activity.
6 (4) Wellness policy:
7 a. Whether the school is in compliance with its local wellness policy.
8 b. Where a copy of the school's local wellness policy can be found.
9 (b) The State Board of Education may, by rule, change the information, as set forth in
10 subsection (a) of this section, to be included in the healthy schools profile form.
11 (c) On or before January 15 of each year, each public school and public charter school
12 shall post the information required by subsection (a) of this section online if the school has a
13 Web site and make the form available to parents in its office.
14 (d) The Department of Public Instruction shall post the information required by
15 subsection (a) of this section on its Web site within 14 days of receipt.

16 "**§ 115C-270.22. School health centers.**

17 (a) The Department of Health and Human Services, in conjunction with local school
18 administrative units, charter schools, and the Department of Public Instruction, shall develop a
19 plan to establish and operate school health centers in public schools and public charter schools
20 on or before December 31, 2020.

21 (b) The plan shall include the following:

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

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

26 (c) The plan shall be submitted to the General Assembly on or before December 31,
27 2015.

28 "**§ 115C-270.23. School nurses.**

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

32 "Part 7. Healthy Youth and Schools Commission.

33 "**§ 115C-270.24. Establishment of the Healthy Youth and Schools Commission.**

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

37 (1) School meals.

38 (2) Farm-to-school programs.

39 (3) Physical activity and physical education.

40 (4) Health education.

41 (5) Environmental programs.

42 (6) School gardens.

43 (7) Sexual health programming.

44 (8) Chronic disease prevention.

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

46 (10) Substance abuse.

47 (11) Violence prevention.

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

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

- 1 (2) Reviewing and advising on the best practices in health, wellness, and
2 nutrition programs across the United States.
- 3 (3) Recommending standards, or revisions to existing standards, concerning the
4 health, wellness, and nutrition of youth and schools in the State.
- 5 (4) Advising on the development of an ongoing program of public information
6 and outreach programs on health, wellness, and nutrition.
- 7 (5) Making recommendations on enhancing the collaborative relationship
8 between the State, the federal government, The University of the North
9 Carolina, local nonprofit organizations, private colleges and universities, and
10 the private sector in connection with health, wellness, and nutrition.
- 11 (6) Identifying gaps in funding and services, or methods of expanding services
12 to the public.
- 13 (7) Engaging students in improving health, wellness, and nutrition in schools.
- 14 (c) On or before September 30 of each year, the Commission shall submit to the State
15 Board of Education a comprehensive report on the health, wellness, and nutrition of youth and
16 schools in the State. The report shall:
- 17 (1) Explain the efforts made within the preceding year to improve the health,
18 wellness, and nutrition of youth and schools in the State.
- 19 (2) Discuss the steps that other states have taken to address the health, wellness,
20 and nutrition of youth and schools.
- 21 (3) Make recommendations about how to further improve the health, wellness,
22 and nutrition of youth and schools in the State.

23 **"§ 115C-270.25. Composition and organization of the Commission.**

- 24 (a) The Commission shall be composed of 10 members appointed by the State Board of
25 Education who are experts in health, wellness, or nutrition; parents; teachers; or students.
- 26 (b) Members shall serve three-year staggered terms on the Commission. Of the initial
27 appointees, four shall be appointed to serve three-year terms, three shall be appointed to serve
28 two-year terms, and three shall be appointed to serve one-year terms.
- 29 (c) The State Board of Education shall designate one member of the Commission to
30 serve as its chair.
- 31 (d) A member shall serve for no more than two consecutive full terms.
- 32 (e) Unless excused by the chair, any member who fails to attend three consecutive
33 meetings shall be deemed to be removed from the Commission, creating a vacancy.

34 **"§ 115C-270.26. Rules of procedure.**

- 35 (a) The chair of the Commission, or a designee who shall be a member of the
36 Commission, shall convene all meetings of the Commission. Seven members of the
37 Commission shall constitute a quorum. Voting by proxy shall not be permitted.
- 38 (b) All meetings, reports, and recommendations shall be a matter of public record.
- 39 (c) The Commission shall establish its meeting schedule; provided, that the
40 Commission shall meet at least four times during each calendar year.
- 41 (d) The Commission may establish subcommittees as needed. Subcommittees may
42 include persons who are not members of the Commission; provided, that each subcommittee
43 shall be chaired by a Commission member.

44 **"§ 115C-270.27. Administration.**

45 Subject to appropriations, the Department of Public Instruction shall provide administrative
46 and technical support to the Commission as necessary.

47 "Part 8. Green Cleaning Supplies.

48 **"§ 115C-270.28. Legislative findings.**

49 The General Assembly makes the following findings:

- 50 (1) Children are vulnerable to and may be severely affected by exposure to
51 chemicals, hazardous waste, and other environmental hazards.

1 (2) The United States Environmental Protection Agency estimates that human
2 exposure to indoor air pollutants can be two to five times and up to 100
3 times higher than outdoor levels.

4 (3) Children, teachers, janitors, and other staff members spend a significant
5 amount of time inside school buildings and are continuously exposed to
6 chemicals from cleaners, waxes, deodorizers, and other maintenance
7 products.

8 **"§ 115C-270.29. Use of green cleaning supplies.**

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

13 (b) If adopting a green cleaning policy under this section is not economically feasible,
14 the school must provide, until such time that it is economically feasible, annual written
15 notification to the Healthy Youth and Schools Commission on a form provided by the Healthy
16 Youth and Schools Commission that the development and implementation of a green cleaning
17 policy is not economically feasible.

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

20 **"§ 115C-270.30. Green cleaning supply guidelines and specifications.**

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

33 **"§ 115C-270.31. Dissemination to schools.**

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

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

46 **"§ 115C-270.32. Rules.**

47 The State Board of Education shall adopt rules to implement this Article."

48 **SECTION 3.** Notwithstanding Part 8 of Article 17A of Chapter 115C of the
49 General Statutes, as enacted by Section 2 of this act, a school may deplete its existing cleaning
50 and maintenance supply stocks and implement the new requirements under Part 8 of Article

1 17A of Chapter 115C of the General Statutes in the procurement cycle for the following school
2 year.

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

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