

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 803  
Apr 10, 2013  
HOUSE PRINCIPAL CLERK

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HOUSE DRH30394-MKf-116 (03/28)

Short Title: Healthy and High Performance Schools Act. (Public)

Sponsors: Representatives Harrison, McGrady, Glazier, and Carney (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENACT THE HEALTHY AND HIGH PERFORMANCE SCHOOLS ACT OF  
3 2013.

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 2013."

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



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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 2013-2014 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           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, 2013, a plan to  
17           use sustainable products in serving meals to students.
- 18           (c) On or before December 31, 2013, 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, 2014, 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, 2018.

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         2013.

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 13 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.