

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE PRINCIPAL CLERK

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

4                                   "Part 2. School Nutrition.

5 **"§ 115C-270.3. Goals.**

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

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

11 **"§ 115C-270.4. Nutritional standards for school meals.**

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

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

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

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

18                   b. Trans fat: zero grams.

19                   c. Sodium:

20                           1. For breakfast meals:

21                                   I. Less than 430 milligrams for grades kindergarten  
22 through five.

23                                   II. Less than 470 milligrams for grades six through eight.

24                                   III. Less than 500 milligrams for grades nine through 12.

25                           2. For lunch meals:

26                                   I. Less than 640 milligrams for grades kindergarten  
27 through five.

28                                   II. Less than 710 milligrams for grades six through eight.

29                                   III. Less than 740 milligrams for grades nine through 12.

30                   These requirements shall not apply until August 1, 2024. Schools shall  
31 gradually reduce the amount of sodium served in school meals.

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

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

39 **"§ 115C-270.5. Additional requirements for public school meals.**

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

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

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

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

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

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

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

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

5 (g) After first issuing a warning, the State Board of Education may impose a penalty,  
6 not to exceed five hundred dollars (\$500.00) per day paid to the Healthy Schools Fund, on  
7 public schools that violate this section, subject to the right to a hearing requested within 10  
8 days after the notice of imposition of the penalty is sent.

9 **"§ 115C-270.9. Triennial review.**

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

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

14 **"§ 115C-270.10. Local food sourcing, reimbursement, and education.**

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

18 **"§ 115C-270.11. Programs.**

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

26 **"§ 115C-270.12. Mandatory reporting.**

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

30 "Part 4. Physical and Health Education.

31 **"§ 115C-270.13. Physical activity goals.**

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

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

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

37 (1) Extending the school day.

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

39 (3) Promoting active recess.

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

41 (5) Supporting athletic programs.

42 (6) Integrating movement into classroom instruction.

43 **"§ 115C-270.14. Physical and health education requirements.**

44 (a) Public schools and public charter schools shall provide physical education as  
45 follows:

46 (1) For students in kindergarten through grade five:

47 a. School years 2015-2016 to 2018-2019: an average of at least 30  
48 minutes per week or the same level of physical education as provided  
49 in school year 2014-2015, whichever is greater.

50 b. School year 2019-2020 and after: an average of at least 150 minutes  
51 per week.

- 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 (d) As permitted by federal law, when tests show that the soil is safe and when produce  
2 is handled safely, produce grown in school gardens may be identified and served to students at  
3 the school, including in the cafeteria. Produce grown in school gardens may be sold and the  
4 proceeds from such sales shall be expended for the benefit of the public school where the  
5 produce was grown.

6 (e) School gardens shall include a demonstration compost pile when feasible.  
7 "Part 6. Health and Wellness.

8 **"§ 115C-270.20. Local wellness policies.**

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

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

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

15 (2) Goals for:

16 a. Improving the environmental sustainability of schools.

17 b. Increasing the use of locally grown, locally processed, and  
18 unprocessed foods from growers engaged in sustainable agriculture  
19 practices.

20 c. Increasing physical activity.

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

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

24 (2) Distributed to food service staff members.

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

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

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

30 **"§ 115C-270.21. School health profiles.**

31 (a) On or before January 15 of each year, each public school and public charter school  
32 shall submit the following information to the Department of Public Instruction regarding each  
33 of its schools:

34 (1) Health programs:

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

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

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

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

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

41 (2) Nutrition programs:

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

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

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

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

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

50 (3) Physical and health education:



- 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.