


Government of the District of Columbia  
Office of the Chief Financial Officer



**Natwar M. Gandhi**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Kwame R. Brown  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi  
Chief Financial Officer 

**DATE:** May 13, 2011

**SUBJECT:** Fiscal Impact Statement – “Healthy Schools Amendment Act of 2011”

**REFERENCE:** Bill 19-144, Committee Print shared with the OCFO on May 11, 2011

---

**Conclusion**

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation. While the proposed legislation would make numerous changes to the Healthy Schools Act of 2010, many of these provisions are intended to clarify what currently exists in the legislation or accommodate agencies and other organizations based on their experience as they began to implement the legislation during the 2010 – 2011 school year.

**Background**

The proposed legislation would make many technical or clarifying changes to the Healthy Schools Act of 2010 (HSA).<sup>1</sup> This background summary provides an overview of the changes in the proposed legislation:

- Allow private schools that participate in the National School Lunch Program to be included under most provisions of Title II on School Nutrition of the HSA.
- Allow for at least one component of a lunch or breakfast meal to qualify as locally grown and unprocessed food for the 5 cent reimbursement. In addition, milk would qualify during the months of December, January, and February.
- Add after-school snacks and summer meals to the nutritional standards in the HSA.
- Allow middle and high schools to serve breakfast outside of the classroom as long as breakfast is served in one or more locations with high student traffic other than the cafeteria.

---

<sup>1</sup> Effective August 20, 2010 (D.C. Law 18-209; D.C. Official Code §38-821.01 *et seq.*)

- Exempt schools from the requirement of serving breakfast to all students when the school's current breakfast participation without breakfast-in-the-classroom rate is greater than 75 percent of its average daily attendance.
- Require schools to allow for sufficient time during the lunch period for every student to pass through the food service line.
- Require DCPS and Department of General Services to issue a report to the Mayor, Council, and the Healthy Schools and Youth Commission on the progress of development of the central kitchen by December 31 of each year until the project is completed.
- Require the Environmental Programs Office to develop an electronic recycling policy for public schools by December 31, 2011.
- Establish a due date of June 30, 2012 for the Environmental Literacy Plan and require the following information:
  - Relevant teaching and learning standards adopted by the State Board of Education;
  - Professional development opportunities for teachers;
  - How to measure environmental literacy;
  - Governmental and nongovernmental entities that can assist schools; and
  - Implementation of the Plan.
- Require the School Gardens Program at the Office of the State Superintendent of Education ("OSSE") to assist public schools and public charter schools in receiving certification as U.S. Department of Education Green Ribbon Schools. In addition, the School Gardens Program report about the state of school gardens would be due June 30, 2012.
- Change School Health Profiles due date to February 15 of each year.
- Add additional reporting requirements for public schools and public charter schools regarding each campus's nutritional programs. Additional information required includes:
  - The number of students qualifying for free, reduced-price and paid meals;
  - For the most recent November, the average daily participation in the national school breakfast and school lunch programs with breakdowns for the number of free, reduced-price, and paid students participating in school breakfast and lunch programs on an average daily basis;
  - Whether a school participates in Afterschool Meal Snack and Supper Program and if so, the number of children served snacks and suppers on an average daily basis;
  - For elementary schools, whether the school participates in the Fresh Fruit and Vegetable Snack Program;
  - Whether the school participates in D.C. Free Summer Meals Program and if so, the number of breakfasts, lunches, suppers, and snacks served on an average daily basis the preceding summer;
  - Whether the school has vending machines and if so, how many vending machines, the hours of operation of said vending machines, and what items are sold from the machines; and
  - Whether the school has a school store and if so, what food and beverages are sold and the hours of operation.
- Allow OSSE to change the information to be included in the healthy schools profile form without going through the rulemaking process.
- Prohibit tobacco and tobacco products in public school and public charter school buildings, grounds, parking lots, parking garages, playing fields, school buses and other vehicles, and at off-campus school-sponsored events. For charter schools located in a mixed-use facility, the prohibition of tobacco and tobacco products would only apply to buildings, grounds, parking lots, garages, and fields under control of the public charter school.

## **Financial Plan Impact**

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation. While the proposed legislation would make numerous changes to the HSA, many of these provisions are intended to clarify what currently exists in the legislation or accommodate agencies and other organizations based on their experience as they began to implement the legislation during the 2010 - 2011 school year.

The proposed legislation would increase the total amount reimbursed by OSSE to schools by including private schools for serving healthy meals and serving meals with locally grown products. By including private schools that participate in the National School Lunch Program in most provisions of Title II on School Nutrition of the HSA, these schools would also be eligible for three reimbursements:

- A 10 cent per breakfast and 10 cent per lunch served reimbursement when meals meet the nutritional requirements of the HealthierUS School Challenge Gold Award level and other nutritional standards outlined in the HSA;
- A 5 cent per breakfast or lunch served incentive when at least one serving of fruits or vegetables is locally grown and unprocessed; and
- A 40 cent per lunch reimbursement for no longer charging students for meals if they meet the qualifications for reduced-price meals.

Currently, there are 8 private schools that participate in the National School Lunch Program and approximately 900 students were enrolled in these schools in the 2010 - 2011 school year. Based on the current number of students enrolled and the number of students eligible for reduced price lunch, the total cost of these reimbursements is estimated to be \$6,000 in FY 2011<sup>2</sup> and \$144,000 in the FY 2011 through FY 2014 financial plan period. OSSE intends to reprogram funds from the school gardens grant program to cover the three private school meal reimbursements. Therefore, the total cost of implementing these reimbursements can be absorbed within OSSE's existing resources and the proposed legislation does not have an impact on the District's budget and financial plan.

---

<sup>2</sup> The effective date of the legislation is August 16, 2011.