

Council of the District of Columbia
OFFICE OF WARD 5 COUNCILMEMBER ZACHARY PARKER
1350 PENNSYLVANIA AVENUE, NW, WASHINGTON, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council
FROM: Councilmember Zachary Parker 
RE: Request to Agendize Emergency Measures for the October 6, 2026 Legislative Meeting
DATE: October 1, 2026

I request that the following measures be agendized for the October 6, 2026 Legislative Meeting:

- **Alternative Breakfast Service Model Emergency Declaration Resolution of 2026**
- **Alternative Breakfast Service Model Emergency Amendment Act of 2026**
- **Alternative Breakfast Service Model Temporary Amendment Act of 2026**

These emergency and temporary measures would provide Title I elementary schools and education campuses with more flexible service options to enhance breakfast participation rates. Under current law, Title I elementary schools and education campuses must take specific actions if participation in school breakfast is below 75%. In the first year where participation lags, such a school can receive a waiver from the Office of the State Superintendent of Education to implement alternative breakfast services models to improve participation; however, if a school's participation rate does not demonstrate incremental progress, the law requires breakfast to be served in the classroom.

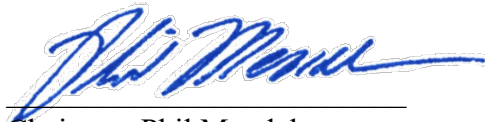
While those requirements are well intentioned, they have led to unintended outcomes as a result of independent changes to teaching schedules. The most recent collective bargaining between District of Columbia Public Schools (DCPS) and the Washington Teacher's Union reserves the thirty-minute block between 8:10 AM and 8:40 AM for teacher-initiated or principal-led planning. Because classroom teachers cannot begin supervising students until 8:40 AM, an elementary school or education that is required by law to serve breakfast in the classroom cannot do so until 8:40 AM. On some campuses, the result is that all arriving students are being held in the auditorium until 8:40 AM; breakfast is then served in the classroom at the start of the instructional day—cutting into instructional time.

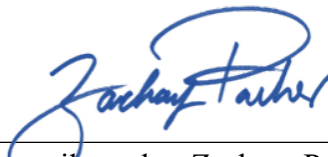
Seventy percent of DCPS's 61 Title I elementary schools and education campuses are impacted. For the 2026-2027 school year, 15 DCPS elementary schools and education campuses have been required to serve breakfast in the classroom for all grades. A further 28 DCPS elementary schools have received a waiver this year but may be subject to the requirement next year.

The emergency and temporary measures would permit elementary schools with breakfast participation rates under 75% to serve breakfast in the classroom, grab-and-go breakfast, a combination of both of those models, or breakfast in the cafeteria for on-time students and grab-and-go breakfast for late arriving students.

Copies of the filed measures are attached. For any questions or concerns, please contact Conor Shaw at cshaw@dccouncil.gov.

cc: Members, Council of the District of Columbia

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3 Chairman Phil Mendelson


Councilmember Zachary Parker

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7 A PROPOSED RESOLUTION
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12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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17 To declare the existence of an emergency with respect to administrative challenges implementing
18 existing requirements for school breakfast at Title I elementary schools and education
19 campuses.
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21 RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
22 resolution may be cited as the “Alternative Breakfast Service Model Emergency Declaration of
23 2026.”

24 Sec. 2. (a) The Healthy Students Amendment Act of 2018, effective March 13, 2019
25 (D.C. Law 22-240; D.C. Official Code § 38-821.01 *et seq.*) was passed to, among other things,
26 increase participation in school breakfast. The law requires elementary schools where 40% or
27 more of the students at a school qualify for free or reduced-price meals (Title I schools) to take
28 specific actions if participation in school breakfast is below 75%. In the first year where
29 participation lags, such a school can receive a waiver from the Office of the State Superintendent
30 of Education to implement alternative breakfast services models to improve participation;
31 however, if a school’s participation rate does not demonstrate incremental progress, the law
32 requires breakfast to be served in the classroom.

(b) After that legislation took effect, the District of Columbia Public Schools (DCPS) and the Washington Teachers' Union negotiated a new collective bargaining agreement (CBA) that covers the period from October 1, 2023 to September 30, 2028. Section 23.8 of CBA reserves the thirty-minute block between 8:10 AM and 8:40 AM for teacher-initiated or principal-led planning. Because classroom teachers cannot begin supervising students until 8:40 AM, an elementary school that is required by law to serve breakfast in the classroom cannot do so until 8:40 AM.

(c) As a result of the classroom breakfast requirement and the requirements of the CBA, some District elementary schools now face logistical challenges that are cutting into instructional time. One school community reports that the morning routine has been profoundly disrupted. Last year, all on-time students proceeded to the school cafeteria for breakfast and late-arriving students would receive grab-and-go breakfast near the front door. This year, all students from kindergarten through fifth grade must gather in the auditorium until 8:40 AM and then grab breakfast to go on their way to their classrooms where they spend the first minutes of their day eating rather than beginning instruction.

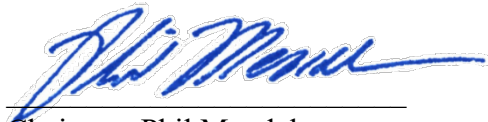
(d) Seventy percent of DCPS's 61 Title I elementary schools and education campuses are impacted. For the 2026-2027 school year, 15 DCPS elementary schools and education campuses have been required to serve breakfast in the classroom for all grades. A further 28 DCPS elementary schools and education campuses have received a waiver this year but may be subject to the requirement next year.

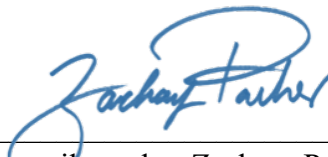
(e) The underlying emergency amends current law to provide Title I elementary schools with breakfast participation rates under 75% with more flexible options to increase participation. The new enhanced breakfast service options will include breakfast in the classroom, grab and go

breakfast, or a combination of both breakfast models. By providing impacted schools with this flexibility, the District can continue improving participation in school breakfast without creating logistical challenges that reduce instructional time at Title I public elementary schools and education campuses.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the Alternative Breakfast Service Model Emergency Amendment Act of 2026 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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3 Chairman Phil Mendelson


Councilmember Zachary Parker

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6 A BILL
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 To modify, on an emergency basis, the requirements for District school breakfast service.
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17 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
18 act may be cited as the “Alternative Breakfast Service Model Emergency Amendment Act of
19 2026”.

20 Sec. 2. The Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209;
21 D.C. Official Code §§ 38-821.01 *et seq.*) is amended as follows:

22 (a) Section 101(1B) (D.C. Official Code § 38–821.01) is amended to read as follows:

23 “(1B) “Breakfast in the classroom” means an alternative breakfast serving model where
24 students are served breakfast in the classroom.”

25 (b) Section 203(a) (D.C. Official Code § 38–822.03(a)) is amended as follows:

26 (1) Subparagraph (2)(A) is amended by striking the phrase “breakfast in the
27 classroom” and inserting the phrase “all students grab-and-go breakfast, breakfast in the
28 classroom, or a combination of both breakfast models” in its place.

29 (2) Subparagraph (2)(C) is amended by striking the phrase “, without breakfast-in-
30 the-classroom”.

31 (3) Subparagraph (3)(A) is amended by striking the phrase “breakfast in the
32 classroom” and inserting the phrase “grab-and-go breakfast, breakfast in the classroom, or a
33 combination of both breakfast models” in its place.

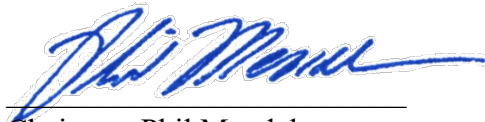
34 (4) Subparagraph (3)(B) is amended by striking the phrase “breakfast in the
35 classroom” and inserting the phrase “grab-and-go breakfast, breakfast in the classroom, or a
36 combination of both breakfast models” in its place.

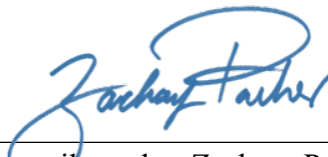
37 Sec. 3. Fiscal impact statement.

38 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
39 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
40 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

41 Sec. 4. Effective date.

42 This act shall take effect following approval by the Mayor (or in the event of veto by the
43 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
44 90 days, as provided for emergency acts of the Council of the District of Columbia in section
45 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
46 D.C. Official Code § 1-204.12(a)).

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3 Chairman Phil Mendelson


Councilmember Zachary Parker

6 A BILL
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 To modify, on a temporary basis, the requirements for District school breakfast service.
16

17 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
18 act may be cited as the “Alternative Breakfast Service Model Temporary Act of 2026”.

19 Sec. 2. The Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209;
20 D.C. Official Code §§ 38-821.01 *et seq.*) is amended as follows:

21 (a) Section 101(1B) (D.C. Official Code § 38–821.01) is amended to read as follows:

22 “(1B) “Breakfast in the classroom” means an alternative breakfast serving model where
23 students are served breakfast in the classroom.”

24 (b) Section 203(a) (D.C. Official Code § 38–822.03(a)) is amended as follows:

25 (1) Subparagraph (2)(A) is amended by striking the phrase “breakfast in the
26 classroom” and inserting the phrase “all students grab-and-go breakfast, breakfast in the
27 classroom, or a combination of both breakfast models” in its place.

28 (2) Subparagraph (2)(C) is amended by striking the phrase “, without breakfast-in-
29 the-classroom”.

(3) Subparagraph (3)(A) is amended by striking the phrase “breakfast in the classroom” and inserting the phrase “grab-and-go breakfast, breakfast in the classroom, or a combination of both breakfast models” in its place.

(4) Subparagraph (3)(B) is amended by striking the phrase “breakfast in the classroom” and inserting the phrase “grab-and-go breakfast, breakfast in the classroom, or a combination of both breakfast models” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.