

BILL ANALYSIS

C.S.H.B. 168
By: Lucio III
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties observe that many licensed before-school and after-school programs throughout Texas aim to advance the physical health and well-being of Texas students. The parties contend that these programs could benefit greatly from state recognition that encourages healthy eating and physical activity beyond what is required by certain minimum standards. C.S.H.B. 168 aims to promote the physical health and well-being of Texas students and their families and demonstrate the state's support for the ability of these families to make informed decisions on the quality of care their children receive by providing for a voluntary program for recognizing licensed before-school and after-school programs that promote healthy eating and physical activity.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 168 amends the Human Resources Code to require the Department of Family and Protective Services (DFPS) to develop a voluntary program for recognizing licensed before-school and after-school programs that promote healthy eating and physical activity. The bill authorizes DFPS to evaluate a before-school or after-school program applying for recognition under the bill's provisions based on the before-school or after-school program's compliance with specified requirements, including requirements relating to staff training, opportunities for program attendees to participate in physical activity, the restricted use of certain entertainment devices, the availability of healthy foods and beverages, and engagement with parents, guardians, and caregivers of program attendees. The bill requires the staff training requirement to comply with the requirements of the National Institute on Out-of-School Time, the Healthy Out-of-School Time Coalition, or other similar programs and authorizes the training to be completed in person or online.

C.S.H.B. 168 requires DFPS to establish bronze, silver, and gold recognition levels for before-school and after-school programs applying for recognition under the bill's provisions, establishes the criteria for achieving those recognition levels, and authorizes DFPS, as it determines appropriate, to provide technical assistance to before-school and after-school programs seeking to advance to a higher recognition level. The bill authorizes a before-school or after-school program meeting the requirements of a recognition level to create a recognition certificate using a certificate template created by DFPS, sets the expiration of such a certificate,

C.S.H.B. 168 requires DFPS to post information about the recognition program on the DFPS website and to maintain and post on the website a list of each before-school or after-school program that qualifies for recognition, including the program's recognition level and the date the program's recognition certificate expires. The bill authorizes the executive commissioner of the Health and Human Services Commission to adopt rules to implement the recognition program.

January 1, 2018.

While C.S.H.B. 168 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0429 to read as follows:

Sec. 42.0429.	DISTINGUISHED
BEFORE-SCHOOL	AND AFTER-
SCHOOL HEALTH	RECOGNITION
PROGRAM.	

(a) Same as introduced version.

(2) "Screen time" means time spent viewing television or videos or working on computers, tablets, and handheld entertainment devices, with or without Internet access.

(b) The department shall develop a voluntary program for recognizing licensed before-school and after-school programs that promote healthy eating and physical activity.

(b) Same as introduced version.

(c) The department shall assess a before-school or after-school program applying for recognition under this section based on the program's compliance with the following requirements:

(c) The department may evaluate a before-school or after-school program applying for recognition under this section based on the program's compliance with the following requirements:

(1) at least one staff member of the before-school or after-school program is trained on the standards of this section and the importance of modeling healthy eating and physical activity in the presence of program attendees;

(1) at least one staff member of the before-school or after-school program is trained on the standards of this section and the importance of modeling healthy eating and physical activity in the presence of program attendees;

(2) the before-school or after-school

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program provides opportunities for program attendees to participate in at least 30 minutes of moderate to vigorous physical activity for a half-day program and at least 60 minutes of moderate to vigorous physical activity for a full-day program;

(3) the before-school or after-school program limits screen time during the operational hours of the program to less than 30 minutes a day for a half-day program and two hours a day for a full-day program, not including use in connection with homework or an activity that engages program attendees in a physical activity or educational experience;

(4) the before-school or after-school program:

(A) makes healthy foods, including fruits and vegetables that are fresh, frozen, dried, or canned in their own juice or water, without added sugar, available to program attendees during meals or snacks; and

(B) encourages program attendees and staff while in the presence of program attendees during the operational hours of the program to not eat fried foods or foods that are primarily sugar-based, are high in calories or sodium, or include trans fat;

(5) the before-school or after-school program complies with the following guidelines relating to the serving and consumption of beverages:

(A) program attendees are served water, low-fat or nonfat milk, nonfat flavored milk, or 100 percent fruit juice;

(B) safe, clean drinking water is available and accessible at all times to program attendees and staff; and

(C) beverages with added sugar are not served to program attendees or consumed by staff in the presence of program attendees during the operational hours of the program; and

(6) the before-school or after-school program engages parents, guardians, and caregivers of program attendees using informational materials and activities focused on healthy eating and physical activity relevant to the health of program attendees at least four times each year.

(d) The staff training described by Subsection (c)(1) must comply with the requirements of the National Institute on Out-of-School Time, the Healthy Out-of-

program provides opportunities for program attendees to participate in at least 30 minutes of moderate to vigorous physical activity for a half-day program and at least 60 minutes of moderate to vigorous physical activity for a full-day program;

(3) the before-school or after-school program limits screen time during the operational hours of the program to less than 30 minutes a day for a half-day program and two hours a day for a full-day program, not including use in connection with homework or an activity that engages program attendees in a physical activity or educational experience;

(4) the before-school or after-school program:

(A) makes healthy foods, including fruits and vegetables that are fresh, frozen, dried, or canned in their own juice or water, without added sugar, available to program attendees during meals or snacks; and

(B) encourages program attendees and staff while in the presence of program attendees during the operational hours of the program to not eat fried foods or foods that are primarily sugar-based, are high in calories or sodium, or include trans fat;

(5) the before-school or after-school program complies with the following guidelines relating to the serving and consumption of beverages:

(A) program attendees are served water, low-fat or nonfat milk, nonfat flavored milk, or 100 percent fruit juice;

(B) safe, clean drinking water is available and accessible at all times to program attendees and staff; and

(C) beverages with added sugar are not served to program attendees or consumed by staff in the presence of program attendees during the operational hours of the program; and

(6) the before-school or after-school program engages parents, guardians, and caregivers of program attendees using informational materials and activities focused on healthy eating and physical activity relevant to the health of program attendees at least four times each year.

(d) Same as introduced version.

School Time Coalition, or other similar programs. The training may be completed in person or online.

(e) The department shall establish the following levels of recognition for before-school and after-school programs applying for recognition under this section:

(1) bronze status for a before-school or after-school program that:

(A) meets the staff training requirements provided by Subsection (c)(1); and

(B) complies with at least one other requirement listed in Subsection (c);

(2) silver status for a before-school or after-school program that:

(A) meets the staff training requirements provided by Subsection (c)(1); and

(B) complies with at least three other requirements listed in Subsection (c); and

(3) gold status for a before-school or after-school program that:

(A) meets the staff training requirements provided by Subsection (c)(1); and

(B) complies with at least four other requirements listed in Subsection (c).

(f) The department, as it determines appropriate, may provide technical assistance to before-school and after-school programs seeking to advance to a higher recognition level under Subsection (e).

(g) A before-school or after-school program that meets the requirements for a recognition level provided by Subsection (e) may create a corresponding recognition certificate using a certificate template created by the department. A recognition certificate expires on December 31 of each odd-numbered year. A program may renew a recognition certificate if the program applies for renewal not later than January 1 of the year after the date a recognition certificate expires.

(h) The department shall post information about the recognition program on the department's Internet website, including:

(1) resources and links that a before-school or after-school program may use to meet the requirements of Subsection (c); and

(2) a template that a before-school or after-school program may use to create a certificate, signed by the director of the

(e) Same as introduced version.

(f) Same as introduced version.

(g) A before-school or after-school program that meets the requirements for a recognition level provided by Subsection (e) may create a corresponding recognition certificate using a certificate template created by the department. A recognition certificate expires on the second anniversary of the date the certificate is issued. A program may renew a recognition certificate if the program applies for renewal not later than the date a recognition certificate expires.

(h) Same as introduced version.

before-school or after-school program, that describes the program's recognition level.

(i) The department shall maintain a list of each before-school or after-school program that qualifies for recognition under this section and shall post the list on the department's Internet website. The list must include the program's recognition level and the date the program's recognition certificate expires.

(j) The requirements of this section are in addition to any other requirement imposed by law that applies to a before-school or after-school program.

(k) The executive commissioner may adopt rules to implement this section.

SECTION 2. This Act takes effect January 1, 2018.

(i) Same as introduced version.

(j) Same as introduced version.

(k) Same as introduced version.

SECTION 2. Same as introduced version.