

By: Lucio III, Rodriguez of Travis

H.B. No. 168

A BILL TO BE ENTITLED

AN ACT

relating to creating a voluntary program to recognize licensed before-school and after-school programs that promote healthy eating and physical activity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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) In this section:

(1) "Program attendee" means a child enrolled in a full-day or half-day before-school or after-school program.

(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. The recognition program must provide for the self-evaluation of a before-school or after-school program to determine the program's compliance with the requirements for recognition under Subsection (c).

(c) A before-school or after-school program seeking recognition under this section shall evaluate the program's compliance with the following requirements:

(1) at least one staff member of the before-school or

1 after-school program is trained on the standards of this section
2 and the importance of modeling healthy eating and physical activity
3 in the presence of program attendees;

4 (2) the before-school or after-school program
5 provides opportunities for program attendees to participate in at
6 least 30 minutes of moderate to vigorous physical activity for a
7 half-day program and at least 60 minutes of moderate to vigorous
8 physical activity for a full-day program;

9 (3) the before-school or after-school program limits
10 screen time during the operational hours of the program to less than
11 30 minutes a day for a half-day program and two hours a day for a
12 full-day program, not including use in connection with homework or
13 an activity that engages program attendees in a physical activity
14 or educational experience;

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

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

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

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

27 (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-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:

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

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

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

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

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

11 (f) If a before-school or after-school program determines
12 that the program meets the requirements for a recognition level
13 provided by Subsection (e), the program:

14 (1) may create a corresponding recognition
15 certificate using a certificate template created by the department;
16 and

17 (2) shall notify the department of the level of
18 recognition for which the program qualifies.

19 (g) A recognition certificate created by a before-school or
20 after-school program does not expire, however the program shall
21 remove the certificate if the program no longer meets the
22 requirements for recognition. A before-school or after-school
23 program shall notify the department of any change in the program's
24 recognition level or if the program no longer qualifies for
25 recognition.

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

1 including:

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

5 (2) a template that a before-school or after-school
6 program may use to create a certificate, signed by the director of
7 the before-school or after-school program, that describes the
8 program's recognition level.

9 (i) The department shall maintain a list of each
10 before-school or after-school program that qualifies for
11 recognition under this section and shall post the list on the
12 department's Internet website. The list must include the program's
13 recognition level. The department shall update the list at least
14 quarterly to reflect any change in a program's recognition level.

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

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

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