

By: Lucio III

H.B. No. 168

Substitute the following for H.B. No. 168:

By: King of Hemphill

C.S.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.

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

6           (3) the before-school or after-school program limits  
7 screen time during the operational hours of the program to less than  
8 30 minutes a day for a half-day program and two hours a day for a  
9 full-day program, not including use in connection with homework or  
10 an activity that engages program attendees in a physical activity  
11 or educational experience;

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

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

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

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

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

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

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

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

9           (d) The staff training described by Subsection (c)(1) must  
10 comply with the requirements of the National Institute on  
11 Out-of-School Time, the Healthy Out-of-School Time Coalition, or  
12 other similar programs. The training may be completed in person or  
13 online.

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

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

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

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

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

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

27                   (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 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) 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

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

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

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

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

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