

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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HOUSE BILL 474

Short Title: Healthy Out-of-School Recognition Program. (Public)

Sponsors: Representatives Dobson, Whitmire, Hardister, and B. Turner (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Education - K-12.

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO INCLUDE IN THE TYPES OF PROGRAMS THAT DO NOT CONSTITUTE THE PROVISION OF CHILD CARE TRACK OUT PROGRAMS FOR CHILDREN WHO ATTEND YEAR-ROUND SCHOOLS AND TO ESTABLISH THE HEALTHY OUT-OF-SCHOOL TIME (HOST) RECOGNITION PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 110-86(2) reads as rewritten:

§ 110-86. Definitions.

Unless the context or subject matter otherwise requires, the terms or phrases used in this Article shall be defined as follows:

(2) Child care. – A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

- i. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
j. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component; and
k. Track out programs provided to school-age children when they are out of school on a year-round school calendar.

SECTION 2.(a) The General Assembly makes the following findings relating to childhood obesity and physical health:

- (1) Childhood obesity poses a serious threat to the children of our State and to their future.
(2) According to the North Carolina State Center for Health Statistics, one out of every three children ages 10 through 17 years is either overweight or obese, and one out of every three children ages two through four years who



1 participate in the Special Supplemental Nutrition Program for Women,
2 Infants and Children (WIC) in North Carolina is overweight or obese.

3 (3) The medical and workforce consequences of childhood obesity also threaten
4 the fiscal viability of our health care system and our economy if not
5 addressed.

6 (4) In 2011, North Carolina costs attributable to individuals who were
7 physically inactive, obese, or overweight were estimated at fifty-four billion
8 dollars (\$54,000,000,000).

9 (5) The Healthy Out-of-School Time (HOST) provider community has the reach
10 and opportunity to provide a healthy out-of-school time experience to nearly
11 235,000 children in the out-of-school time period, with potential to reach
12 more than 500,000 if out-of-school time resources were available to all who
13 desired them.

14 **SECTION 2.(b)** Chapter 110 of the General Statutes is amended by adding a new
15 Article to read:

16 "Article 7A.

17 "Healthy Out-of-School Time (HOST) Recognition Program.

18 **"§ 110-110.1. Short title; program established.**

19 (a) This program shall be known and may be cited as the "Healthy Out-of-School Time
20 (HOST) Recognition Program."

21 (b) The Healthy Out-of-School Time (HOST) Recognition Program is hereby
22 established, to be administered by the Department of Health and Human Services, Division of
23 Child Development and Early Education.

24 **"§ 110-110.2. Definitions.**

25 For purposes of this Article, the following definitions shall apply:

26 (1) Department. – The Department of Health and Human Services, Division of
27 Child Development and Early Education.

28 (2) HEPA Standards. – The National Out-of-School Time Healthy Eating and
29 Physical Activity Standards.

30 (3) Out-of-school program. – Any nonlicensed program provided to children
31 and youth ages 17 and under that is currently exempt from G.S. 110-91 or
32 any other qualified out-of-school time programs that serve school-age
33 children outside of regular school hours, including before school and on
34 weekends.

35 (4) Program attendee. – A person enrolled in an exempt out-of-school time
36 program.

37 (5) Screen time. – Time spent viewing or working on television, videos,
38 computers, or handheld devices, with or without Internet access.

39 **"§ 110-110.3. Department to develop program.**

40 The Department shall develop a process, to be administered on its Internet Web site, for an
41 out-of-school time program to be recognized as a program that meets the HEPA Standards as
42 outlined in this Article. The Web site shall include all resources and links that an out-of-school
43 time program may use to meet the requirements of this Article.

44 **"§ 110-110.4. Certificate.**

45 The process developed under G.S. 110-110.3 shall provide an out-of-school time program
46 with the option to create a certificate, using a template designed by the Department, that
47 includes a document, signed by the out-of-school time program director, demonstrating the
48 manner in which the out-of-school time program meets each of the following:

49 (1) Training. – Ensuring each staff member of the out-of-school time program
50 has received training on the HEPA Standards identified in this Article.
51 Training shall be in accordance with the YMCA of the USA, the Center for

- 1 Collaborative Solutions, A World Fit For Kids!, the National Institute on
2 Out-of-School Time, or other similar programs.
- 3 (2) Parent and caregiver education. – Engaging parents and caregivers using
4 informational materials and activities focused on healthy eating and physical
5 activity a minimum of once every three months at a minimum of three to
6 four times each year.
- 7 (3) Physical activity. – Providing children with opportunities for moderate and
8 vigorous physical activity for at least 60 minutes each day during a full-day
9 program or 30 minutes each day for a half-day morning or afternoon
10 program, which time can be broken into smaller increments. The physical
11 activity shall include a mixture of moderate and vigorous activity. For
12 purposes of this subdivision, vigorous activity means an activity that
13 increases the heart rate and breathing rate, as well as bone- and
14 muscle-strengthening activities. Staff shall take active play outdoors
15 whenever possible and shall model active living by participating in physical
16 activities with children.
- 17 (4) Screen time. – Eliminating screen time for children under two years of age
18 and for children over two years of age, limiting screen time to less than 30
19 minutes each day for children in half-day programs and to less than one hour
20 each day for those in full-day programs. During screen time, the program
21 shall seek to minimize children's exposure to commercials and ads marketing
22 unhealthy foods.
- 23 (5) Food. – Having children serve themselves, family style, all food and
24 beverages from common bowls and pitchers with limited help while staff is
25 sitting with children during snacks and meals; providing fruits or vegetables,
26 whether fresh, frozen, dried, or canned in their own juice, at every meal and
27 snack; preventing the serving of any fried foods or foods containing trans
28 fat; offering only whole grains, as determined by confirming that the first
29 item listed in the ingredients contains the word "whole"; providing foods that
30 do not list sugar as one of the first three ingredients or that contain no more
31 than eight grams of added sugar per serving; and having staff model healthy
32 eating behaviors at all times, including having staff consume the same foods
33 and beverages as children during meals and snacks, if possible, and avoiding
34 consumption of foods or beverages that are inconsistent with the HEPA
35 standards during program time.
- 36 (6) Beverages. – Having water accessible and available to children at all times,
37 including at the table during snacks and meals; providing only water and
38 unflavored low-fat one percent (1%) or nonfat milk for children two or
39 older, served family style.
- 40 (7) Fund-raising. – If the out-of-school time program is conducting a fund-raiser
41 during out-of-school time program hours, having the fund-raiser meet each
42 of the following requirements:
- 43 a. Items sold shall be in compliance with the requirements specified in
44 subdivisions (5) and (6) of this section.
- 45 b. Sales shall not be scheduled during snack or meal service.
- 46 (8) Location. – If the out-of-school time program is located on a school site,
47 having the out-of-school time program communicate with the school
48 regarding nutrition education and physical activity, as appropriate, to
49 provide the program attendees with a complete educational experience. All
50 activities shall also adhere to the school district's wellness policy.

1 (9) Notice. – Having information about the implementation of the requirements
2 listed in subdivisions (1) through (8) of this section available for review by a
3 parent at both the physical location of the out-of-school time program and on
4 the program's Internet Web site, if there is one; and having the out-of-school
5 time program also maintain in its records a document signed by all parents
6 acknowledging that they are aware of the HOST Recognition Program
7 requirements and policies to institute and reinforce these specific healthy
8 behaviors for all children served in the out-of-school time program.

9 "**§ 110-110.5. Length of validity of certificate.**

10 A certificate issued under this Article shall be valid for one calendar year. An out-of-school
11 time program that wishes to create a new certificate for the subsequent year shall, by January 1
12 of the following year and thereafter, verify with the Department that the out-of-school time
13 program continues to follow the HOST Recognition Program criteria established under
14 G.S. 110-110.4.

15 "**§ 110-110.6. Department to maintain a list of programs.**

16 The Department shall maintain and update a list of out-of-school time programs that qualify
17 under the provisions of this Article and shall post that list on its Internet Web site, including the
18 date of qualification for each program."

19 **SECTION 2.(c)** The provisions of the Healthy Out-of-School Time (HOST)
20 Recognition Program, enacted under this section, are subject to the availability of funds for that
21 purpose.

22 **SECTION 3.** This act is effective when it becomes law.