

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE DRS45284-MK-114B (03/11)

Short Title: Out of School Services. (Public)

Sponsors: Senators Daniel and Gunn (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE HEALTHY OUT-OF-SCHOOL TIME (HOST) RECOGNITION PROGRAM; TO REQUIRE THAT THE DEPARTMENT OF PUBLIC INSTRUCTION COMPLIES WITH FEDERAL LAW IN THE ADMINISTRATION OF 21ST CENTURY COMMUNITY LEARNING GRANTS AND DOES NOT EXCEED MINIMUM REQUIREMENTS UNDER FEDERAL LAW IN REGARD TO THE AWARD OF FUNDS TO SUB-GRANTEES; AND TO MODIFY THE AFTER-SCHOOL COMPETITIVE GRANT PROGRAM.

The General Assembly of North Carolina enacts:

PART I. HEALTHY OUT-OF-SCHOOL TIME (HOST) RECOGNITION PROGRAM

SECTION 1.(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 participate in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in North Carolina is overweight or obese.
- (3) The medical and workforce consequences of childhood obesity also threaten the fiscal viability of our health care system and our economy if not addressed.
- (4) In 2011, North Carolina costs attributable to individuals who were physically inactive, obese, or overweight were estimated at fifty-four billion dollars (\$54,000,000,000).
- (5) The Healthy Out-of-School Time (HOST) provider community has the reach and opportunity to provide a healthy out-of-school time experience to nearly 235,000 children in the out-of-school time period, with potential to reach more than 500,000 if out-of-school time resources were available to all who desired them.

SECTION 1.(b) Chapter 110 of the General Statutes is amended by adding a new Article to read:

"Article 7A.

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

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



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

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

6 **"§ 110-110.2. Definitions.**

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

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

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

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

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

19 (5) Screen time. – Time spent viewing or working on television, videos,
20 computers, or hand-held devices, with or without Internet access.

21 **"§ 110-110.3. Department to develop program.**

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

26 **"§ 110-110.4. Certificate.**

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

31 (1) Training. - Ensuring each staff member of the out-of-school time program
32 has received training on the HEPA Standards identified in this Article.
33 Training shall be in accordance with the YMCA of the USA, the Center for
34 Collaborative Solutions, A World Fit For Kids!, the National Institute on
35 Out-of-School Time, or other similar programs.

36 (2) Parent and caregiver education. - Engaging parents and caregivers using
37 informational materials and activities focused on healthy eating and physical
38 activity a minimum of once every three months at a minimum of three to
39 four times each year.

40 (3) Physical activity. - Providing children with opportunities for moderate and
41 vigorous physical activity for at least 60 minutes each day during a full-day
42 program or 30 minutes each day for a half-day morning or afternoon
43 program, which time can be broken into smaller increments. The physical
44 activity shall include a mixture of moderate and vigorous activity. For
45 purposes of this subdivision, vigorous activity means an activity that
46 increases the heart rate and breathing rate, as well as bone- and
47 muscle-strengthening activities. Staff shall take active play outdoors
48 whenever possible and shall model active living by participating in physical
49 activities with children.

50 (4) Screen time. - Eliminating screen time for children under two years of age
51 and for children over two years of age, limiting screen time to less than 30

1 minutes each day for children in half-day programs and to less than one hour
2 each day for those in full-day programs. During screen time, the program
3 shall seek to minimize children's exposure to commercials and ads marketing
4 unhealthy foods.

5 (5) Food. - Having children serve themselves, family style, all food and
6 beverages from common bowls and pitchers with limited help while staff is
7 sitting with children during snacks and meals; providing fruits or vegetables,
8 whether fresh, frozen, dried, or canned in their own juice, at every meal and
9 snack; preventing the serving of any fried foods or foods containing
10 trans-fat; offering only whole grains, as determined by confirming that the
11 first item listed in the ingredients contains the word "whole"; providing
12 foods that do not list sugar as one of the first three ingredients or that contain
13 no more than eight grams of added sugar per serving; and having staff model
14 healthy eating behaviors at all times, including having staff consume the
15 same foods and beverages as children during meals and snacks, if possible,
16 and avoiding consumption of foods or beverages that are inconsistent with
17 the HEPA Standards during program time.

18 (6) Beverages. - Having water accessible and available to children at all times,
19 including at the table during snacks and meals; providing only water and
20 unflavored low-fat one percent (1%) or nonfat milk for children two or
21 older, served family style.

22 (7) Fundraising. - If the out-of-school time program is conducting a fund raiser
23 during out-of-school time program hours, having the fund raiser meet each
24 of the following requirements:

25 a. Items sold shall be in compliance with the requirements specified in
26 subdivisions (5) and (6) of this section.

27 b. Sales shall not be scheduled during snack or meal service.

28 (8) Location. - If the out-of-school time program is located on a school site,
29 having the out-of-school time program communicate with the school
30 regarding nutrition education and physical activity, as appropriate, to
31 provide the program attendees with a complete educational experience. All
32 activities shall also adhere to the school district's wellness policy.

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

41 **"§ 110-110.5. Length of validity of certificate.**

42 A certificate issued under this Article shall be valid for one calendar year. An out-of-school
43 time program that wishes to create a new certificate for the subsequent year shall, by January 1
44 of the following year and thereafter, verify with the Department that the out-of-school time
45 program continues to follow the HOST recognition program criteria established under
46 G.S. 110-110.4.

47 **"§ 110-110.6. Department to maintain a list of programs.**

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

1 **SECTION 1.(c)** The provisions of the Healthy Out-of-School Time (HOST)
2 Recognition program, as enacted under subsection (b) of this section, are subject to the
3 availability of funds for that purpose.
4

5 **PART II. 21ST CENTURY COMMUNITY LEARNING GRANTS**

6 **SECTION 2.** The Department of Public Instruction shall comply with the
7 requirements of Title IV, Part B of the Elementary and Secondary Education Act, 20 U.S.C. §§
8 7171-7176, and any applicable federal regulations, in administering and awarding federal funds
9 to sub-grantees under the 21st Century Community Learning Center Grants federal program.
10 The Department shall also not exceed federal requirements under that program in regard to the
11 regulations and limitations applicable to sub-grantees for receipt of those funds.
12

13 **PART III. MODIFY COMPETITIVE AFTER SCHOOL GRANT PROGRAM**

14 **SECTION 3.(a)** The State Board of Education shall permit existing after-school
15 learning programs for at-risk students to participate and be eligible to receive two-year grants
16 of up to five hundred thousand dollars (\$500,000) a year under the After-School Quality
17 Improvement Grant Program established pursuant to Section 8.19 of S.L. 2014-100.

18 **SECTION 3.(b)** All grant recipients under the After-School Quality Improvement
19 Grant Program established pursuant to Section 8.19 of S.L. 2014-100 shall act as their own
20 fiscal agents in regard to the use and reporting requirements for the funds.

21 **SECTION 3.(c)** This section becomes effective July 1, 2015.
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23 **PART IV. EFFECTIVE DATE**

24 **SECTION 4.** Except as otherwise provided in this act, this act is effective when it
25 becomes law.