

**Introduced by Senator Jackson**

February 6, 2014

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An act to add Article 4 (commencing with Section 104670) to Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, relating to nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 949, as amended, Jackson. Nutrition: Distinguished After School Health Recognition Program.

Existing law, the Child Care and Development Services Act, ~~is enacted for, among other purposes, the purpose of providing~~ *provides, among other things*, a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs.

This bill would establish the Distinguished After School Health (DASH) Recognition Program, to be administered by the State Department of Public Health, in consultation with the State Department of Education. The bill would require the department to ~~provide an application for, and issue a certificate to,~~ *develop a process whereby an after school programs program, as defined, that may self-certify on the department's Internet Web site* that they meet prescribed requirements, including staff training on healthy eating and physical activity, providing healthy food and drinks to participants, and providing participants with physical activity and limited screen time. *The bill would require the department to include in the self-certification process on the Internet Web site an option to create a certificate, using a*

template provided by the department, that includes specified information, including the manner in which the program meets the above requirements. The certificate would be valid for one year and this bill would require the department to post a list of ~~certificate holders~~ after school programs that have self-certified on its Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as the  
2 Distinguished After School Health Recognition Program.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) Childhood obesity poses a serious threat to the children of  
5 our state and to their future.

6 (b) According to the American Heart Association, 23.9 million  
7 children in America who are 2 to 19 years of age, inclusive, are  
8 overweight or obese and, of these children, more than one-half,  
9 12.7 million, are obese.

10 (c) In California one out of three children ~~are~~ is obese or  
11 overweight.

12 (d) The medical and workforce consequences of childhood  
13 obesity also threaten the fiscal viability of our health care system  
14 and our economy if not addressed. California costs attributable to  
15 physical inactivity, obesity, and overweight in 2011 were estimated  
16 at \$52.7 billion.

17 (e) The after school provider community has the reach and  
18 opportunity to provide a healthy after school experience to over  
19 1,500,000 children in the out-of-school time period. These numbers  
20 include 4,400 publicly funded after school programs in California,  
21 including After School Education and Safety Program (ASES) and  
22 21st Century Community Learning Centers (CCLC) programs that  
23 serve over 450,000 low-income students (K-12th grade) statewide,  
24 public and nonprofit after school programs, and 600,000 schoolage  
25 children in licensed childcare settings.

26 SEC. 3. Article 4 (commencing with Section 104670) is added  
27 to Chapter 2 of Part 3 of Division 103 of the Health and Safety  
28 Code, to read:

1 Article 4. Distinguished After School Health Recognition  
2 Program  
3

4 104670. The Distinguished After School Health Recognition  
5 Program is hereby established, to be administered by the State  
6 Department of Public Health, in consultation with the State  
7 Department of Education, as appropriate.

8 104671. For purposes of this article, the following definitions  
9 shall apply:

10 (a) “After school program” means After School Education and  
11 Safety Program (ASES), 21st Century High School After School  
12 Safety and Enrichment for Teens (High School ASSETs) program,  
13 and other qualified out-of-school time and licensed childcare  
14 programs conducted under Chapter 2 (commencing with Section  
15 8200) of Part 6 of Division 1 of Title 1 of the Education Code that  
16 are outside of regular school hours, including before school and  
17 on weekends.

18 (b) “DASH recognition program” means the Distinguished After  
19 School Health Recognition Program enacted pursuant to this article.

20 (c) “Program attendee” means a person enrolled in an after  
21 school program.

22 (d) “Screen time” means *time spent working on* television,  
23 videos, computers, and hand-held devices, with or without Internet  
24 access.

25 ~~104672. (a) An after school program that meets all of the~~  
26 ~~requirements of Section 104673 may apply to the department for~~  
27 ~~certification under the DASH recognition program. The application~~  
28 ~~shall include a description of the manner in which the after school~~  
29 ~~program meets the criteria described in Section 104673. If an after~~  
30 ~~school program consists of multiple sites, each physical site of the~~  
31 ~~program that is seeking certification shall apply to the department.~~

32 ~~(b) The department shall, on its Internet Web site, provide an~~  
33 ~~application form for an after school program to apply for a~~  
34 ~~certificate under this article and include resources and links that~~  
35 ~~an after school program may utilize to meet the requirements of~~  
36 ~~this article.~~

37 *104672. The department shall develop a process, to be*  
38 *administered on its Internet Web site, for an after school program*  
39 *to self-certify that it meets all of the criteria of this article.*

1 104673. The ~~department~~ process required by Section 104672  
2 shall provide *an after school program with the option to create a*  
3 ~~certificate pursuant to this article to an after school program that~~  
4 ~~self-certifies, and provides~~ *certificate, using a template designed*  
5 *by the department, that includes a description demonstrating the*  
6 *manner in which the after school program meets, each of the*  
7 *following:*

8 (a) Each staff member of the after school program has received  
9 training on the standards of this article and the importance of  
10 modeling healthy eating and physical activity. Training shall be  
11 in accordance with the YMCA of the USA, the Center for  
12 Collaborative Solutions, A World Fit For Kids!, the National  
13 Institute on Out-of-School Time, or other similar programs.

14 (b) The after school program provides regular and ongoing  
15 nutrition education to each program attendee to help the program  
16 attendee develop and practice healthy habits.

17 (c) The after school program ensures that each program attendee  
18 participates, on a daily basis, in an average of 30 to 60 minutes of  
19 moderate to vigorous physical activity, consistent with Guidelines  
20 7 and 8 of the California Department of Education's California  
21 After School Physical Activity Guidelines, while the after school  
22 program is in session.

23 (d) Screen time is limited during the operational hours of the  
24 after school program and is only allowed in connection with  
25 homework or an activity that engages program attendees in a  
26 physical activity or educational experience, consistent with the  
27 California After School Physical Activity Guidelines.

28 (e) Healthy foods, including, but not limited to, fruits or  
29 vegetables, without added sugar, shall be served to program  
30 attendees as snacks on a daily basis. Fried foods, candy, or foods  
31 that are primarily sugar-based, high in sodium, or include ~~transfats~~  
32 *trans fat* shall not be served to program attendees or consumed by  
33 staff during the program's hours of operation. Snacks or meals  
34 provided pursuant to the After School Education and Safety  
35 Program (ASES), the 21st Century High School After School  
36 Safety and Enrichment for Teens (High School ASSETs) program,  
37 and the Child and Adult Care Food Program (CACFP) meal  
38 guidelines shall be deemed to meet this standard.

39 (f) Program attendees shall be served water, low-fat or nonfat  
40 milk, or 100 percent fruit juice. A preference shall be given for

1 water. Safe and clean drinking water shall be available and  
2 accessible at all times to program attendees and staff. Milk and  
3 fruit juices shall not be served in quantities exceeding ~~six~~ *eight*  
4 ounces per day. Sugar-sweetened beverages shall not be served to  
5 program attendees and staff of the after school program shall not  
6 consume sugar-sweetened beverages at the program site.

7 *(g) If the after school program is conducting a fundraiser during*  
8 *program hours, all of the following shall apply:*

9 *(1) Items sold shall be in compliance with the requirements*  
10 *specified in subdivisions (e) and (f).*

11 *(2) Sales shall be in compliance with the USDA Competitive*  
12 *Food Sales regulations.*

13 *(3) Sales shall not be scheduled during snack or meal service.*

14 ~~(g)~~

15 *(h) If the after school program is located on a school site, the*  
16 *after school program communicates with the school regarding*  
17 *nutrition education and physical activity, as appropriate, to provide*  
18 *the program attendees with a complete educational experience. All*  
19 *activities shall also adhere to the school district's wellness policy.*

20 ~~(h)~~

21 *(i) The after school program has implemented an educational*  
22 *program for parents of program attendees that provides the parents*  
23 *with nutrition and physical activity information relevant to the*  
24 *program and the health of their children.*

25 ~~(i)~~

26 *(j) Information about the implementation of the requirements*  
27 *listed in subdivisions (a) to ~~(h)~~ (j), inclusive, is available for review*  
28 *by a parent at both the physical location of the after school program*  
29 *and on the after school program's Internet Web site, if there is one.*

30 104674. A certificate issued under this article shall be valid  
31 for one calendar year. An after school program that wishes to ~~renew~~  
32 *its create a new certificate for the subsequent year shall, by January*  
33 *1 of that year, ~~certify with the department~~ self-certify on the*  
34 *department's Internet Web site, pursuant to Section 104672, that*  
35 *the program continues to ~~meet~~ follow the DASH recognition*  
36 *program ~~standards~~ criteria pursuant to Section 104673. A*  
37 *certificate issued pursuant to this article shall state that all*  
38 *information included in the certificate is provided by the after*  
39 *school program and is not verified by the department.*

1 104675. The department shall maintain and update a list of  
 2 after school programs that ~~receive a certificate~~ *self-certify* under  
 3 the provisions of this article and shall post that list on its Internet  
 4 Web site, including the date of self-certification for each after  
 5 school program.

6 ~~104676. In implementing the provisions of this article, the~~  
 7 ~~department may consider developing gold, silver, and bronze levels~~  
 8 ~~of distinction.~~

9  
 10 \_\_\_\_\_  
 11 CORRECTIONS:  
 12 Text—Page 5.  
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