



House of Representatives

File No. 738

General Assembly

February Session, 2016

(Reprint of File No. 111)

Substitute House Bill No. 5303
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 27, 2016

AN ACT CONCERNING CHILDHOOD OBESITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) For the purposes of
2 this section:

3 (1) "Child care center" has the same meaning as provided in section
4 19a-77 of the general statutes.

5 (2) "Group child care home" has the same meaning as provided in
6 section 19a-77 of the general statutes.

7 (b) No child care center or group child care home may provide
8 beverages with added sweeteners, whether artificial or natural, to
9 children under the care of such center or home, except that milk,
10 flavored milk drinks, yogurt drinks and nondairy milk drinks may be
11 provided to children under the care of such center or home.

12 (c) No child care center or group child care home may provide juice
13 to any child under the age of one year in the care of such center or

14 home. A child care center or group child care home may provide juice
15 to children one year of age or older in the care of such center or home,
16 provided the juice is one hundred per cent fruit juice, vegetable juice or
17 combination of such juices, and contains no added sugars, sweeteners
18 or artificial sweeteners.

19 (d) The provisions of subsections (b) and (c) of this section shall not
20 apply to a child care center or group child care home that provides a
21 beverage to a child in the care of such center or home if such center or
22 home has received such beverage from the parent or guardian of such
23 child.

24 (e) Each child care center and group child care home shall make
25 potable drinking water available and easily accessible to children in
26 the care of such center or home throughout the day, including at all
27 meals.

28 Sec. 2. Section 10-203a of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2016*):

30 (a) Not later than January 1, 2007, the Department of Education shall
31 (1) develop guidelines for addressing the physical health needs of
32 students in a comprehensive manner that coordinates services,
33 including services provided by municipal parks and recreation
34 departments, and (2) make available to each local and regional board
35 of education a copy of the guidelines. The department shall develop
36 the guidelines after consultation with (A) the chairpersons and ranking
37 members of [(i)] the joint standing [committee] committees of the
38 General Assembly having cognizance of matters relating to education
39 [, and (ii) the select committee of the General Assembly having
40 cognizance of matters relating to] and children, (B) at least one state-
41 wide nonprofit organization with expertise in child wellness or
42 physical exercise, and (C) the Connecticut Recreation and Parks
43 Association. The guidelines shall not be deemed to be regulations, as
44 defined in section 4-166. Local and regional boards of education may
45 establish and implement plans based on the guidelines in accordance

46 with subsection (c) of this section.

47 (b) The guidelines shall include, but need not be limited to: (1) Plans
48 for engaging students in daily physical exercise during regular school
49 hours and strategies for engaging students in daily physical exercise
50 before and after regular school hours in coordination with municipal
51 parks and recreation departments, (2) strategies for coordinating
52 school-based health education, programs and services, (3) procedures
53 for assessing the need for community-based services such as services
54 provided by school-based health clinics, municipal parks and
55 recreation departments, family resource centers and after-school
56 programs, and (4) procedures for maximizing monetary and other
57 resources from local, state and federal sources to address the physical
58 health needs of students. On and after April 1, 2017, such guidelines
59 shall include optional strategies for engaging students enrolled in
60 after-school programs in a minimum of twenty consecutive minutes of
61 physical activity each day.

62 (c) Not later than April 1, 2007, each local and regional board of
63 education may (1) establish a comprehensive and coordinated plan to
64 address the physical health needs of students, and (2) base its plan on
65 the guidelines developed pursuant to subsection (a) of this section. The
66 board may implement such plan for the 2007-2008 school year and
67 may have a plan in place for each school year thereafter.

68 Sec. 3. Section 10-221o of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective October 1, 2016*):

70 (a) Each local and regional board of education shall require each
71 school under its jurisdiction to (1) offer all full day students a daily
72 lunch period of not less than twenty minutes, and (2) include in the
73 regular school day for each student enrolled in [elementary school]
74 preschool through fifth grade time devoted to physical exercise of not
75 less than twenty consecutive minutes in total, except that a planning
76 and placement team may develop a different schedule for a child
77 requiring special education and related services in accordance with

78 chapter 164 and the Individuals With Disabilities Education Act, 20
79 USC 1400 et seq., as amended from time to time. In the event of a
80 conflict with this section and any provision of chapter 164, such other
81 provision of chapter 164 shall be deemed controlling.

82 (b) (1) Not later than October 1, 2013, each local and regional board
83 of education shall adopt a policy, as the board deems appropriate,
84 concerning the issue regarding any school employee being involved in
85 preventing a student from participating in the entire time devoted to
86 physical exercise in the regular school day, pursuant to subsection (a)
87 of this section, as a form of discipline. For purposes of this section,
88 "school employee" means [(1)] (A) a teacher, substitute teacher, school
89 administrator, school superintendent, guidance counselor,
90 psychologist, social worker, nurse, physician, school paraprofessional
91 or coach employed by a local or regional board of education or
92 working in a public elementary, middle or high school; or [(2)] (B) any
93 other individual who, in the performance of his or her duties, has
94 regular contact with students and who provides services to or on
95 behalf of students enrolled in a public elementary, middle or high
96 school, pursuant to a contract with the local or regional board of
97 education.

98 (2) Not later than January 1, 2017, the governing council of each
99 local and state charter school shall adopt a policy concerning school
100 employees being involved in preventing a student from participating
101 in the entire time devoted to physical exercise in the regular school
102 day, pursuant to subsection (a) of this section, as a form of discipline.
103 The policy adopted pursuant to this subdivision shall only apply to
104 school employees employed by a local or state charter school.

105 Sec. 4. Section 10-221u of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective October 1, 2016*):

107 (a) Not later than October 1, 2013, each local and regional board of
108 education shall adopt a policy, as the board deems appropriate,
109 concerning the issue regarding any school employee being involved in

110 requiring any student enrolled in grades kindergarten to twelve,
 111 inclusive, to engage in physical activity as a form of discipline during
 112 the regular school day. For purposes of this section, "school employee"
 113 means (1) a teacher, substitute teacher, school administrator, school
 114 superintendent, guidance counselor, psychologist, social worker,
 115 nurse, physician, school paraprofessional or coach employed by a local
 116 or regional board of education or working in a public elementary,
 117 middle or high school; or (2) any other individual who, in the
 118 performance of his or her duties, has regular contact with students and
 119 who provides services to or on behalf of students enrolled in a public
 120 elementary, middle or high school, pursuant to a contract with the
 121 local or regional board of education.

122 (b) Not later than January 1, 2017, the governing council of each
 123 local and state charter school shall adopt a policy concerning school
 124 employees being involved in requiring any student enrolled in
 125 kindergarten through twelfth grade to engage in physical activity as a
 126 form of discipline during the regular school day. The policy adopted
 127 pursuant to this subsection shall only apply to school employees
 128 employed by a local or state charter school.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	New section
Sec. 2	October 1, 2016	10-203a
Sec. 3	October 1, 2016	10-221o
Sec. 4	October 1, 2016	10-221u

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes a number of procedural changes, which have no fiscal impact, including: (1) the types of beverages that certain child care facilities may serve to children, (2) guidelines on minimum levels of physical activity in after-school programs and physical activity in preschool programs, and (3) requirements on the use of exercise in charter schools.

House "A" made various clarifying and technical changes that did not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5303 (as amended by House "A")******AN ACT CONCERNING CHILDHOOD OBESITY.*****SUMMARY:**

This bill:

1. restricts the types of beverages that certain child care facilities may serve to children in their care;
2. requires state Department of Education (SDE) physical health guidelines to include optional strategies to engage students in after-school programs in minimum levels of physical activity;
3. requires students in preschool through grade 5 to devote 20 consecutive minutes daily to physical activity; and
4. extends to local and state charter schools, certain requirements regarding the use of exercise as discipline that now apply to public schools.

It also makes technical changes.

* House Amendment "A" eliminates references to "early childhood centers" from the underlying bill, thus applying the bill's beverage provisions only to child care centers and group child care homes. It specifies that the strategies included in the SDE guidelines for after-school exercise are optional.

EFFECTIVE DATE: October 1, 2016

BEVERAGES SERVED IN CHILD CARE FACILITIES

The bill bars child care centers and group child care homes from

providing children in their care with beverages containing added artificial or natural sweeteners. The prohibition does not apply to milk, flavored milk drinks, yogurt drinks, or non-dairy milk drinks.

It prohibits these centers and homes from providing juice to children younger than age one. It allows them to provide juice to children age one and older, provided it (1) is 100% fruit juice, vegetable juice, or a combination of these and (2) does not contain any added sugars, sweeteners, or artificial sweeteners.

The bill's restrictions do not apply to a center or home that provides a child with an otherwise prohibited beverage that it received from the child's parent or guardian.

The bill also requires children in these facilities to have easy access to potable drinking water throughout the day, including at all meals.

By law, a child care center provides supplementary care on a regular basis to at least 12 children outside their own homes. A group child care home provides a program of supplementary care (1) to between seven and 12 unrelated children on a regular basis or (2) that meets the definition of a family day care home but does not operate in a private family home.

PHYSICAL EXERCISE IN AFTER-SCHOOL PROGRAMS

By law, SDE must develop guidelines for, among other things, engaging students in daily physical exercise (1) during regular school hours and (2) before and after regular school hours in coordination with municipal parks and recreation departments. Starting April 1, 2017, the bill requires these guidelines to include optional strategies for engaging students in after-school programs in at least 20 consecutive minutes of daily physical activity.

TWENTY MINUTES OF CONSECUTIVE PHYSICAL EXERCISE

Current law requires school boards to include at least 20 minutes of physical exercise in the regular school day for each elementary school student. The bill specifies that the time devoted to exercise be 20

consecutive minutes and applies this requirement to students in preschool through grade 5 instead of in elementary school. The bill thus (1) expands the exercise requirement to preschool students in those schools that serve preschoolers and (2) eliminates this exercise requirement for students in grade 6 in elementary schools that include that grade.

CHARTER SCHOOLS

The law requires school boards to adopt policies that prohibit school employees from using the following as forms of student discipline: (1) preventing a student from participating for the entire physical exercise period or (2) requiring a K-12 grade student to engage in physical activity.

The bill requires charter school governing councils, by January 1, 2017, to adopt similar policies for local and state charter school employees.

BACKGROUND

Nutrition Guidelines for Child Care Facilities

State agency regulations require child care centers and group day care homes to provide nutritionally adequate meals to children who are at the facilities for at least five hours and nutritious snacks for children who stay less than five hours (Conn. Agencies Regs. § 19a-79-6a).

The U.S. Department of Agriculture's Child and Adult Care Food Program provides cash assistance for nutritious meals and snacks provided to infants and children in nonresidential licensed child care centers, including emergency shelters and at-risk afterschool care programs. The program serves children ages 12 and younger, children (ages 15 and younger) of migrant workers, and children of any age with disabilities. Cash assistance is available for up to two meals and one snack, or one meal and two snacks daily for each child. All meals and snacks must meet the requirements of the program's meal patterns for children and infants (7 CFR 226.20).

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 10 Nay 3 (03/08/2016)

Education Committee

Joint Favorable

Yea 27 Nay 1 (04/04/2016)